

By the Committee on Appropriations; the Appropriations Committee on Education; and Senators Simon, Perry, and Collins

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1 A bill to be entitled
2 An act relating to education; amending ss. 11.45,
3 212.099, and 327.371, F.S.; conforming cross-
4 references; amending s. 1002.01, F.S.; defining the
5 term "personalized education program"; amending s.
6 1002.394, F.S.; providing and revising definitions;
7 revising student eligibility and ineligibility
8 requirements for the Family Empowerment Scholarship
9 Program; revising the approved uses of scholarship
10 funds; providing that certain scholarships remain in
11 force until certain criteria are met; requiring the
12 closure of a scholarship account and the reversion of
13 funds to the state under certain circumstances;
14 authorizing reimbursements for certain expenditures
15 until certain criteria are met; revising obligations
16 of school districts, the Department of Education,
17 private schools, and eligible nonprofit scholarship-
18 funding organizations; revising responsibilities of
19 parents; requiring scholarship funds to be deposited
20 by funds transfers rather than through warrant
21 endorsement; requiring certain criteria to be met
22 before the funding of certain scholarships; revising
23 provisions for the calculation of an award amount for
24 certain students; prohibiting the transfer of funds to
25 an eligible student's account under certain
26 conditions; deleting obsolete language; conforming
27 provisions and cross-references to changes made by the
28 act; amending s. 1002.395, F.S.; providing and
29 revising definitions; revising student eligibility and

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30 ineligibility requirements for the Florida Tax Credit
31 Scholarship Program; revising obligations of eligible
32 nonprofit scholarship-funding organizations and the
33 department; establishing certain limitations on the
34 number of scholarships funded through the program;
35 revising the approved uses of scholarship funds;
36 revising requirements for the use of certain
37 contributions for administrative expenses; revising
38 the amount of funds that must be awarded through
39 scholarships; requiring the development of specified
40 guidelines; authorizing organizations to require the
41 use of an online platform for specified purchases so
42 long as such use does not limit specified choices;
43 requiring an organization to provide reimbursement in
44 specified circumstances; requiring organizations to
45 submit specified quarterly reports; revising
46 responsibilities of parents; requiring scholarship
47 funds to be deposited by funds transfers rather than
48 through warrant endorsement; requiring the department
49 to annually publish a list of specified tests;
50 revising the requirements of a specified annual
51 report; requiring the department to notify school
52 districts of specified estimates; prohibiting the
53 transfer of funds to an eligible student's account
54 under certain conditions; providing that certain
55 scholarships remain in force until certain criteria
56 are met; authorizing reimbursements for certain
57 expenditures until certain criteria are met; requiring
58 the closure of a scholarship account and the reversion

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59 of funds to the state under certain circumstances;
60 requiring the Office of Independent Education and
61 Parental Choice to provide a specified number of
62 application periods for specified purposes; deleting
63 obsolete language; conforming provisions and cross-
64 references to changes made by the act; amending s.
65 1002.40, F.S.; conforming cross-references; amending
66 s. 1002.421, F.S.; revising the eligibility criteria
67 and obligations of private schools participating in
68 certain educational scholarship programs; revising the
69 criteria for the Commissioner of Education to
70 permanently deny or revoke the authority of certain
71 individuals to establish or operate a private school
72 in this state; authorizing the commissioner to include
73 specified individuals on a specified disqualification
74 list; authorizing that such individuals be removed
75 from such list if they provide specified
76 reimbursements; making technical changes; conforming
77 cross-references; creating s. 1002.44, F.S.;
78 authorizing public schools, including charter schools,
79 to enroll certain students on a part-time basis;
80 providing funding for such students; prohibiting
81 certain students from being reported for funding;
82 providing that such students are not considered to be
83 in regular attendance at such schools; amending s.
84 1003.01, F.S.; conforming provisions and cross-
85 references to changes made by the act; requiring the
86 State Board of Education to develop and recommend to
87 the Governor and the Legislature for adoption during

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88 the 2024 legislative session repeals and revisions to
89 the Florida Early Learning-20 Education Code by a
90 specified date; providing requirements for the state
91 board relating to such recommendations; amending s.
92 1001.10, F.S.; requiring the Commissioner of Education
93 to develop an online portal for specified purpose;
94 providing requirements for such portal; amending s.
95 1002.20, F.S.; conforming a cross-reference; amending
96 s. 1003.25, F.S.; revising the timeframe in which
97 student records must be transferred; amending s.
98 1003.4282, F.S.; deleting the online course
99 requirement for a standard high school diploma;
100 amending s. 1006.21, F.S.; authorizing a district
101 school board to use other vehicles to transport
102 students; amending s. 1006.22, F.S.; deleting a
103 requirement that district school boards use school
104 buses for all regular transportation; deleting
105 provisions relating to circumstances in which students
106 may be transported in privately owned motor vehicles;
107 conforming a provision to changes made by the act;
108 amending s. 1006.25, F.S.; conforming a cross-
109 reference; amending s. 1006.27, F.S.; conforming
110 provisions to changes made by the act; amending s.
111 1011.71, F.S.; authorizing that a specified district
112 school board levy be used to pay salaries and benefits
113 for specified employees; amending s. 1012.56, F.S.;
114 exempting specified individuals from certain mastery
115 of general knowledge requirements; revising the
116 acceptable means of demonstrating mastery of subject

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117 area knowledge and mastery of professional preparation
 118 and education competence, respectively; revising
 119 requirements for the department to issue temporary
 120 certificates; revising the validity period for certain
 121 temporary certificates; amending s. 1013.64, F.S.;

122 providing that certain construction projects are
 123 exempt from the total cost per student station
 124 requirements; amending ss. 1002.321, 1003.5716,
 125 1003.499, 1003.27, 1003.485, and 1009.30, F.S.;

126 conforming cross-references and provisions to changes
 127 made by the act; providing effective dates.

128
 129 Be It Enacted by the Legislature of the State of Florida:

130
 131 Section 1. Paragraph (1) of subsection (2) of section
 132 11.45, Florida Statutes, is amended to read:

133 11.45 Definitions; duties; authorities; reports; rules.—

134 (2) DUTIES.—The Auditor General shall:

135 (1) At least once every 3 years, conduct operational audits
 136 of the accounts and records of eligible nonprofit scholarship-
 137 funding organizations receiving eligible contributions under s.
 138 1002.395, including any contracts for services with related
 139 entities, to determine compliance with the provisions of that
 140 section. Such audits shall include, but not be limited to, a
 141 determination of the eligible nonprofit scholarship-funding
 142 organization's compliance with s. 1002.395(6)(1) ~~s.~~
 143 ~~1002.395(6)(j)~~. The Auditor General shall provide its report on
 144 the results of the audits to the Governor, the President of the
 145 Senate, the Speaker of the House of Representatives, the Chief

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146 Financial Officer, and the Legislative Auditing Committee,
147 within 30 days of completion of the audit.

148
149 The Auditor General shall perform his or her duties
150 independently but under the general policies established by the
151 Legislative Auditing Committee. This subsection does not limit
152 the Auditor General's discretionary authority to conduct other
153 audits or engagements of governmental entities as authorized in
154 subsection (3).

155 Section 2. Paragraph (c) of subsection (1) and paragraph
156 (c) of subsection (7) of section 212.099, Florida Statutes, are
157 amended to read:

158 212.099 Credit for contributions to eligible nonprofit
159 scholarship-funding organizations.—

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

161 (c) "Eligible nonprofit scholarship-funding organization"
162 or "organization" has the same meaning as provided in s.
163 1002.395(2) ~~s. 1002.395(2)(f)~~.

164 (7)

165 (c) The organization may, subject to the limitations of s.
166 1002.395(6)(1)1. ~~s. 1002.395(6)(j)1.~~, use eligible contributions
167 received during the state fiscal year in which such
168 contributions are collected for administrative expenses.

169 Section 3. Paragraph (c) of subsection (1) of section
170 327.371, Florida Statutes, is amended to read:

171 327.371 Human-powered vessels regulated.—

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

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175 (c) When participating in practices or competitions for
176 interscholastic, intercollegiate, intramural, or club rowing
177 teams affiliated with an educational institution identified in
178 s. 1000.21, s. 1002.01(3) ~~s. 1002.01(2)~~, s. 1003.01(2), s.
179 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of
180 the marked channel is not suitable for such practice or
181 competition. The teams must use their best efforts to make use
182 of the adjacent area outside of the marked channel. The
183 commission must be notified in writing of the details of any
184 such competition, and the notification must include, but need
185 not be limited to, the date, time, and location of the
186 competition.

187 Section 4. Section 1002.01, Florida Statutes, is amended to
188 read:

189 1002.01 Definitions.—

190 (1) A "home education program" means the sequentially
191 progressive instruction of a student directed by his or her
192 parent ~~in order~~ to satisfy the attendance requirements of ss.
193 1002.41, 1003.01(13), and 1003.21(1).

194 (2) A "personalized education program" means the
195 sequentially progressive instruction of a student directed by
196 his or her parent to satisfy the attendance requirements of ss.
197 1003.01(13) and 1003.21(1) while registered with an eligible
198 nonprofit scholarship-funding organization pursuant to s.
199 1002.395. A personalized education student shall be provided the
200 same flexibility and opportunities as provided in s. 1002.41(3)-
201 (12).

202 (3)~~(2)~~ A "private school" is a nonpublic school defined as
203 an individual, association, copartnership, or corporation, or

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204 department, division, or section of such organizations, that
205 designates itself as an educational center that includes
206 kindergarten or a higher grade or as an elementary, secondary,
207 business, technical, or trade school below college level or any
208 organization that provides instructional services that meet the
209 intent of s. 1003.01(13) or that gives preemployment or
210 supplementary training in technology or in fields of trade or
211 industry or that offers academic, literary, or career training
212 below college level, or any combination of the above, including
213 an institution that performs the functions of the above schools
214 through correspondence or extension, except those licensed under
215 the provisions of chapter 1005. A private school may be a
216 parochial, religious, denominational, for-profit, or nonprofit
217 school. This definition does not include home education programs
218 conducted in accordance with s. 1002.41.

219 Section 5. Present paragraphs (b) through (m) of subsection
220 (2) of section 1002.394, Florida Statutes, are redesignated as
221 paragraphs (c) through (n), respectively, a new paragraph (b) is
222 added to subsection (2), paragraph (c) is added to subsection
223 (8), and paragraph (d) is added to subsection (9) of that
224 section, and present paragraphs (e), (f), and (g) of subsection
225 (2), paragraph (a) of subsection (3), subsection (4), paragraph
226 (a) of subsection (5), paragraph (f) of subsection (6),
227 paragraphs (b), (d), (f), and (g) of subsection (7), paragraph
228 (a) of subsection (8), paragraphs (a) and (b) of subsection
229 (10), paragraph (a) of subsection (11), and subsection (12) are
230 amended, to read:

231 1002.394 The Family Empowerment Scholarship Program.—

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

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233 (b) "Choice navigator" has the same meaning as in s.
 234 1002.395(2).

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

238 (g)(f) "Eligible postsecondary educational institution"
 239 means a Florida College System institution; a state university;
 240 a school district technical center; a school district adult
 241 general education center; an independent college or university
 242 that is eligible to participate in the William L. Boyd, IV,
 243 Effective Access to Student Education Grant Program under s.
 244 1009.89; or an accredited independent postsecondary educational
 245 institution, as defined in s. 1005.02, which is licensed to
 246 operate in this state under part III of chapter 1005 or is
 247 approved to participate in a reciprocity agreement as defined in
 248 s. 1000.35(2).

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

251 (3) SCHOLARSHIP ELIGIBILITY.—

252 (a) 1. A parent of a student may request and receive from
 253 the state a scholarship for the purposes specified in paragraph
 254 (4) (a) if the student is a resident of this state and is
 255 eligible to enroll in kindergarten through grade 12 in a public
 256 school in this state.†

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

260 ~~2. The student is currently placed, or during the previous~~
 261 ~~state fiscal year was placed, in foster care or in out-of-home~~

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262 ~~care as defined in s. 39.01;~~

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

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

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

274 ~~6. The student is a dependent child of a law enforcement~~
275 ~~officer.~~

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

277 a. A student whose household income level does not exceed
278 185 percent of the federal poverty level or who is in foster
279 care or out-of-home care.

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

283 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

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

287 2. Transportation to a Florida public school in which a
288 student is enrolled and that is different from the school to
289 which the student was assigned or to a lab school as defined in
290 s. 1002.32.

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291 3. Instructional materials, including digital materials and
292 Internet resources.

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

294 5. Tuition and fees associated with full-time or part-time
295 enrollment in an eligible postsecondary educational institution
296 or a program offered by the postsecondary educational
297 institution, unless the program is subject to s. 1009.25 or
298 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
299 program as defined in s. 446.021(5) which is not subject to s.
300 1009.25 and complies with all applicable requirements of the
301 department pursuant to chapter 1005; a private tutoring program
302 authorized under s. 1002.43; a virtual program offered by a
303 department-approved private online provider that meets the
304 provider qualifications specified in s. 1002.45(2) (a); the
305 Florida Virtual School as a private paying student; or an
306 approved online course offered pursuant to s. 1003.499 or s.
307 1004.0961.

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

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

318 8. Tuition and fees for part-time tutoring services or fees
319 for services provided by a choice navigator. Such services must

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320 be provided by a person who holds a valid Florida educator's
321 certificate pursuant to s. 1012.56, a person who holds an
322 adjunct teaching certificate pursuant to s. 1012.57, a person
323 who has a bachelor's degree or a graduate degree in the subject
324 area in which instruction is given, a person who has
325 demonstrated a mastery of subject area knowledge pursuant to s.
326 1012.56(5), or a person certified by a nationally or
327 internationally recognized research-based training program as
328 approved by the department. As used in this subparagraph, the
329 term "part-time tutoring services" does not qualify as regular
330 school attendance as defined in s. 1003.01(13)(e) ~~if the student~~
331 ~~is determined eligible pursuant to subparagraph (3)(a)1. or~~
332 ~~subparagraph (3)(a)2.~~

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

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

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

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

345 a. Applied behavior analysis services as provided in ss.
346 627.6686 and 641.31098.

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

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- 349 c. Occupational therapy as defined in s. 468.203.
- 350 d. Services provided by physical therapists as defined in
351 s. 486.021(8).
- 352 e. Services provided by listening and spoken language
353 specialists and an appropriate acoustical environment for a
354 child who has a hearing impairment, including deafness, and who
355 has received an implant or assistive hearing device.
- 356 4. Tuition and ~~or~~ fees associated with full-time or part-
357 time enrollment in a home education program;; an eligible
358 private school;; an eligible postsecondary educational
359 institution or a program offered by the postsecondary
360 educational institution, unless the program is subject to s.
361 1009.25 or reimbursed pursuant to s. 1009.30; an approved
362 preapprenticeship program as defined in s. 446.021(5) which is
363 not subject to s. 1009.25 and complies with all applicable
364 requirements of the department pursuant to chapter 1005; a
365 private tutoring program authorized under s. 1002.43;; a virtual
366 program offered by a department-approved private online provider
367 that meets the provider qualifications specified in s.
368 1002.45(2) (a);; the Florida Virtual School as a private paying
369 student;; or an approved online course offered pursuant to s.
370 1003.499 or s. 1004.0961.
- 371 5. Fees for nationally standardized, norm-referenced
372 achievement tests, Advanced Placement Examinations, industry
373 certification examinations, assessments related to postsecondary
374 education, or other assessments.
- 375 6. Contributions to the Stanley G. Tate Florida Prepaid
376 College Program pursuant to s. 1009.98 or the Florida College
377 Savings Program pursuant to s. 1009.981 for the benefit of the

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378 eligible student.

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

385 8. Tuition and fees for part-time tutoring services or fees
386 for services provided by a choice navigator. Such services must
387 be provided by a person who holds a valid Florida educator's
388 certificate pursuant to s. 1012.56, a person who holds an
389 adjunct teaching certificate pursuant to s. 1012.57, a person
390 who has a bachelor's degree or a graduate degree in the subject
391 area in which instruction is given, a person who has
392 demonstrated a mastery of subject area knowledge pursuant to s.
393 1012.56(5), or a person certified by a nationally or
394 internationally recognized research-based training program as
395 approved by the department. As used in this subparagraph
396 ~~paragraph~~, the term "part-time tutoring services" does not
397 qualify as regular school attendance as defined in s.
398 1003.01(13)(e).

399 9. Fees for specialized summer education programs.

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

401 11. Transition services provided by job coaches.

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

405 13. Tuition and fees associated with programs offered by
406 Voluntary Prekindergarten Education Program providers approved

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407 pursuant to s. 1002.55 and school readiness providers approved
408 pursuant to s. 1002.88.

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

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

415 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of
416 educational choice:

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

419 a. The organization determines that the student is not
420 eligible for program renewal;

421 b. The Commissioner of Education suspends or revokes
422 program participation or use of funds;

423 c. The student's parent has forfeited participation in the
424 program for failure to comply with subsection (10);

425 d. The student enrolls in a public school. However, if a
426 student enters a Department of Juvenile Justice detention center
427 for a period of no more than 21 days, the student is not
428 considered to have returned to a public school on a full-time
429 basis for that purpose; or

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

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

434 (I) Denial or revocation of program eligibility by the
435 commissioner for fraud or abuse, including, but not limited to,

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436 the student or student's parent accepting any payment, refund,
437 or rebate, in any manner, from a provider of any services
438 received pursuant to paragraph (4) (a); or

439 (II) Two consecutive fiscal years in which an account has
440 been inactive.

441 b. Reimbursements for program expenditures may continue
442 until the account balance is expended or remaining funds have
443 reverted to the state ~~student returns to a public school,~~
444 ~~graduates from high school, or reaches the age of 21, whichever~~
445 ~~occurs first. A scholarship student who enrolls in a public~~
446 ~~school or public school program is considered to have returned~~
447 ~~to a public school for the purpose of determining the end of the~~
448 ~~scholarship's term. However, if a student enters a Department of~~
449 ~~Juvenile Justice detention center for a period of no more than~~
450 ~~21 days, the student is not considered to have returned to a~~
451 ~~public school for that purpose.~~

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

454 (f) Participating in virtual instruction pursuant to s.
455 1002.455 that receives state funding pursuant to the student's
456 participation.

457 (7) SCHOOL DISTRICT OBLIGATIONS.—

458 (b)1. The parent of a student with a disability who does
459 not have an IEP in accordance with subparagraph (3) (b)4. or who
460 seeks a reevaluation of an existing IEP may request an IEP
461 meeting and evaluation from the school district in order to
462 obtain or revise a matrix of services. The school district shall
463 notify a parent who has made a request for an IEP that the
464 district is required to complete the IEP and matrix of services

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465 within 30 days after receiving notice of the parent's request.
466 The school district shall conduct a meeting and develop an IEP
467 and a matrix of services within 30 days after receipt of the
468 parent's request in accordance with State Board of Education
469 rules. The district must accept the diagnosis and consider the
470 service plan of the licensed professional providing the
471 diagnosis pursuant to subparagraph (3)(b)4. The school district
472 must complete a matrix that assigns the student to one of the
473 levels of service as they existed before the 2000-2001 school
474 year. For a nonpublic school student without an IEP, the school
475 district is authorized to use evaluation reports and plans of
476 care developed by the licensed professionals under subparagraph
477 (4)(b)3. to complete the matrix of services.

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

481 b. The department shall notify the parent and the
482 organization of the amount of the funds awarded within 10 days
483 after receiving the school district's notification of the
484 student's matrix level.

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

488 ~~(d) The school district in which a participating student~~
489 ~~resides must notify the student and his or her parent about the~~
490 ~~locations and times to take all statewide assessments under s.~~
491 ~~1008.22 if the student chooses to participate in such~~
492 ~~assessments.~~ Upon the request of the department, a school
493 district shall coordinate with the department to provide to a

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494 participating private school the statewide assessments
 495 administered under s. 1008.22 and any related materials for
 496 administering the assessments. For a student who participates in
 497 the Family Empowerment Scholarship Program whose parent requests
 498 that the student take the statewide assessments under s.
 499 1008.22, the district in which the student attends a private
 500 school shall provide locations and times to take all statewide
 501 assessments. A school district is responsible for implementing
 502 test administrations at a participating private school,
 503 including the:

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

513 ~~(f) A school district shall report all students who are~~
 514 ~~receiving a scholarship under this program. Students receiving a~~
 515 ~~scholarship shall be reported separately from other students~~
 516 ~~reported for purposes of the Florida Education Finance Program.~~

517 ~~(g) A school district shall be held harmless for students~~
 518 ~~who are receiving a scholarship under this program from the~~
 519 ~~weighted enrollment ceiling for group 2 programs in s.~~
 520 ~~1011.62(1)(d)3.b. during the first school year in which the~~
 521 ~~students are reported.~~

522 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

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523 (a) The department shall:

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

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

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

539 4. Notify eligible nonprofit scholarship-funding
540 organizations of the deadlines for submitting the verified list
541 of students determined to be eligible for a scholarship. An
542 eligible nonprofit scholarship-funding organization may not
543 submit a student for funding after February 1.

544 ~~5. Notify each school district of a parent's participation~~
545 ~~in the scholarship program for purposes of paragraph (7)(f).~~

546 ~~5.6.~~ Deny or terminate program participation upon a
547 parent's failure to comply with subsection (10).

548 ~~6.7.~~ Notify the parent and the organization when a
549 scholarship account is closed and program funds revert to the
550 state.

551 ~~7.8.~~ Notify an eligible nonprofit scholarship-funding

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552 organization of any of the organization's or other
553 organization's identified students who are receiving
554 scholarships under this chapter.

555 ~~8.9.~~ Maintain on its website a list of approved providers
556 as required by s. 1002.66, eligible postsecondary educational
557 institutions, eligible private schools, and eligible
558 organizations and may identify or provide links to lists of
559 other approved providers.

560 ~~9.10.~~ Require each organization to verify eligible
561 expenditures before the distribution of funds for any
562 expenditures made pursuant to subparagraphs (4) (b)1. and 2.
563 Review of expenditures made for services specified in
564 subparagraphs (4) (b)3.-15. may be completed after the purchase
565 is made.

566 ~~10.11.~~ Investigate any written complaint of a violation of
567 this section by a parent, a student, a private school, a public
568 school, a school district, an organization, a provider, or
569 another appropriate party in accordance with the process
570 established under s. 1002.421.

571 ~~11.12.~~ Require quarterly reports by an organization, which
572 must include, at a minimum, the number of students participating
573 in the program; the demographics of program participants; the
574 disability category of program participants; the matrix level of
575 services, if known; the program award amount per student; the
576 total expenditures for the purposes specified in paragraph
577 (4) (b); the types of providers of services to students; and any
578 other information deemed necessary by the department.

579 ~~12.13.~~ Notify eligible nonprofit scholarship-funding
580 organizations that scholarships may not be awarded in a school

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581 district in which the award will exceed 99 percent of the school
582 district's share of state funding through the Florida Education
583 Finance Program as calculated by the department.

584 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-
585 funding organizations and, when the Florida Education Finance
586 Program is recalculated, adjust the amount of state funds
587 allocated to school districts through the Florida Education
588 Finance Program based upon the results of the cross-check
589 completed pursuant to subparagraph 2.

590 (c) The department shall notify each school district of the
591 full-time equivalent student consensus estimate of students
592 participating in the program developed pursuant to s.
593 216.136(4) (a).

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

598 (d) For a student determined eligible pursuant to paragraph
599 (3) (b), discuss the school's academic programs and policies,
600 specialized services, code of conduct, and attendance policies
601 before enrollment with the parent to determine which programs
602 and services may meet the student's individual needs.

603
604 If a private school fails to meet the requirements of this
605 subsection or s. 1002.421, the commissioner may determine that
606 the private school is ineligible to participate in the
607 scholarship program.

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

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

614 1. Select the private school and apply for the admission of
615 his or her student.

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

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

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

625 5. Meet with the private school's principal or the
626 principal's designee to review the school's academic programs
627 and policies, specialized services ~~customized educational~~
628 ~~programs~~, code of student conduct, and attendance policies
629 before ~~prior to~~ enrollment.

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

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639 7. Approve each payment before the scholarship funds may be
640 deposited by funds transfer ~~Restrictively endorse the warrant,~~
641 ~~issued in the name of the parent~~ pursuant to subparagraph
642 (12) (a) 4. ~~(12) (a) 6., to the private school for deposit into the~~
643 ~~private school's account.~~ The parent may not designate any
644 entity or individual associated with the participating private
645 school as the parent's attorney in fact to approve a funds
646 transfer. A participant who fails to comply with this paragraph
647 forfeits the ~~endorse a scholarship warrant.~~

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

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

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

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

667 a. Affirming that the student is enrolled in a program that

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668 meets regular school attendance requirements as provided in s.
669 1003.01(13) (b), (c), or (d).

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

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

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

683 (II) Providing an annual evaluation in accordance with s.
684 1002.41(1) (f); or

685 (III) Requiring the child to take any preassessments and
686 postassessments selected by the provider if the child is 4 years
687 of age and is enrolled in a program provided by an eligible
688 Voluntary Prekindergarten Education Program provider. A student
689 with disabilities for whom the physician or psychologist who
690 issued the diagnosis or the IEP team determines that a
691 preassessment and postassessment is not appropriate is exempt
692 from this requirement. A participating provider shall report a
693 student's scores to the parent.

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

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697 e. Enrolling his or her child in a program from a Voluntary
698 Prekindergarten Education Program provider authorized under s.
699 1002.55, a school readiness provider authorized under s.
700 1002.88, or an eligible private school if either option is
701 selected by the parent.

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

715 g. Procuring the services necessary to educate the student.
716 If such services include enrollment in an eligible private
717 school, the parent must meet with the private school's principal
718 or the principal's designee to review the school's academic
719 programs and policies, specialized services, code of student
720 conduct, and attendance policies before his or her student is
721 enrolled ~~If a parent does not procure the necessary educational~~
722 ~~services for the student and the student's account has been~~
723 ~~inactive for 2 consecutive fiscal years, the student is~~
724 ~~ineligible for additional scholarship payments until the~~
725 ~~scholarship funding organization verifies that expenditures from~~

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726 ~~the account have occurred.~~ When the student receives a
727 scholarship, the district school board is not obligated to
728 provide the student with a free appropriate public education.
729 For purposes of s. 1003.57 and the Individuals with Disabilities
730 in Education Act, a participating student has only those rights
731 that apply to all other unilaterally parentally placed students,
732 except that, when requested by the parent, school district
733 personnel must develop an IEP or matrix level of services.

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

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

739 1. Must receive applications, determine student
740 eligibility, notify parents in accordance with the requirements
741 of this section, and provide the department with information on
742 the student to enable the department to determine student
743 funding in accordance with paragraph (12) (a).

744 2. Shall verify the household income level of students
745 ~~pursuant to subparagraph (3) (a)1.~~ and submit the verified list
746 of students and related documentation to the department when
747 necessary.

748 3. Shall award scholarships in priority order pursuant to
749 paragraph (3) (a).

750 4. Shall establish and maintain separate empowerment
751 accounts for each eligible student. For each account, the
752 organization must maintain a record of accrued interest that is
753 retained in the student's account and available only for
754 authorized program expenditures.

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755 5. May permit eligible students to use program funds for
756 the purposes specified in paragraph (4) (a) by paying for the
757 authorized use directly, then submitting a reimbursement request
758 to the eligible nonprofit scholarship-funding organization.
759 However, an eligible nonprofit scholarship-funding organization
760 may require the use of an online platform for direct purchases
761 of products so long as such use does not limit a parent's choice
762 of curriculum or academic programs. If a parent purchases a
763 product identical to one offered by an organization's online
764 platform for a lower price, the organization shall reimburse the
765 parent the cost of the product.

766 6. May, from eligible contributions received pursuant to s.
767 1002.395(6)(l)1. ~~s. 1002.395(6)(j)1.~~, use an amount not to
768 exceed 2.5 percent of the total amount of all scholarships
769 funded under this section for administrative expenses associated
770 with performing functions under this section. An eligible
771 nonprofit scholarship-funding organization that has, for the
772 prior fiscal year, complied with the expenditure requirements of
773 s. 1002.395(6)(l)2., may use an amount not to exceed 3 percent.
774 Such administrative expense amount is considered within the 3
775 percent limit on the total amount an organization may use to
776 administer scholarships under this chapter.

777 ~~7.5.~~ Must, in a timely manner, submit any information
778 requested by the department relating to the scholarship under
779 this section.

780 ~~8.6.~~ Must notify the department about any violation of this
781 section ~~by a parent or a private school.~~

782 9. Must document each student's eligibility for a fiscal
783 year before granting a scholarship for that fiscal year. A

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784 student is ineligible for a scholarship if the student's account
785 has been inactive for 2 consecutive fiscal years.

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

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

792 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

793 (a)1. Scholarships for students determined eligible
794 pursuant to paragraph (3) (a) may be funded once all scholarships
795 have been funded in accordance with s. 1002.395(6)(1)2. are
796 established for up to 18,000 students annually beginning in the
797 2019-2020 school year. Beginning in the 2020-2021 school year,
798 the maximum number of students participating in the scholarship
799 program under this section shall annually increase by 1.0
800 percent of the state's total full-time equivalent student
801 membership. An eligible student who meets any of the following
802 requirements shall be excluded from the maximum number of
803 students if the student:

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

807 b. Is determined eligible pursuant to subparagraph (3) (a)1.
808 or subparagraph (3) (a)2. and either spent the prior school year
809 in attendance at a Florida public school; or, beginning in the
810 2022-2023 school year, is eligible to enroll in kindergarten.
811 For purposes of this subparagraph, the term "prior school year
812 in attendance" means that the student was enrolled and reported

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813 ~~by a school district for funding during either the preceding~~
814 ~~October or February full-time equivalent student membership~~
815 ~~surveys in kindergarten through grade 12, which includes time~~
816 ~~spent in a Department of Juvenile Justice commitment program if~~
817 ~~funded under the Florida Education Finance Program.~~

818 ~~2. The scholarship amount provided to a student for any~~
819 ~~single school year shall be for tuition and fees for an eligible~~
820 ~~private school, not to exceed annual limits, which shall be~~
821 ~~determined in accordance with this subparagraph. The calculated~~
822 ~~scholarship amount for a participating student determined~~
823 ~~eligible pursuant to paragraph (3) (a) shall be based upon the~~
824 ~~grade level and school district in which the student was~~
825 ~~assigned as 100 percent of the funds per unweighted full-time~~
826 ~~equivalent in the Florida Education Finance Program for a~~
827 ~~student in the basic program established pursuant to s.~~
828 ~~1011.62(1)(c)1., plus a per-full-time equivalent share of funds~~
829 ~~for all categorical programs, except for the exceptional student~~
830 ~~education guaranteed allocation established pursuant to s.~~
831 ~~1011.62(1)(e).~~

832 ~~3. The amount of the scholarship shall be the calculated~~
833 ~~amount or the amount of the private school's tuition and fees,~~
834 ~~whichever is less. The amount of any assessment fee required by~~
835 ~~the participating private school and any costs to provide a~~
836 ~~digital device, including Internet access, if necessary, to the~~
837 ~~student may be paid from the total amount of the scholarship.~~

838 ~~2.4.~~ A scholarship of \$750 or an amount equal to the school
839 district expenditure per student riding a school bus, as
840 determined by the department, whichever is greater, may be
841 awarded to an eligible a student who is ~~determined eligible~~

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842 ~~pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and~~
843 enrolled in a Florida public school that is different from the
844 school to which the student was assigned or in a lab school as
845 defined in s. 1002.32 if the school district does not provide
846 the student with transportation to the school.

847 ~~3.5.~~ The organization must provide the department with the
848 documentation necessary to verify the student's participation.
849 Upon receiving the documentation, the department shall transfer,
850 beginning August 1, from state funds only, the amount calculated
851 pursuant to subparagraph 2. to the organization for quarterly
852 disbursement to parents of participating students each school
853 year in which the scholarship is in force. For a student exiting
854 a Department of Juvenile Justice commitment program who chooses
855 to participate in the scholarship program, the amount of the
856 Family Empowerment Scholarship calculated pursuant to
857 subparagraph 2. must be transferred from the school district in
858 which the student last attended a public school before
859 commitment to the Department of Juvenile Justice. When a student
860 enters the scholarship program, the organization must receive
861 all documentation required for the student's participation,
862 including the private school's and the student's fee schedules,
863 at least 30 days before the first quarterly scholarship payment
864 is made for the student.

865 ~~4.6.~~ The initial payment shall be made after the
866 organization's verification of admission acceptance, and
867 subsequent payments shall be made upon verification of continued
868 enrollment and attendance at the private school. Payment must be
869 ~~by individual warrant made payable to the student's parent or by~~
870 funds transfer or any other means of payment that the department

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871 deems to be commercially viable or cost-effective. ~~If the~~
872 ~~payment is made by warrant, the warrant must be delivered by the~~
873 ~~organization to the private school of the parent's choice, and~~
874 ~~the parent shall restrictively endorse the warrant to the~~
875 ~~private school.~~ An organization shall ensure that the parent ~~to~~
876 ~~whom the warrant is made has restrictively endorsed the warrant~~
877 ~~to the private school for deposit into the account of the~~
878 ~~private school or that the parent has approved a funds transfer~~
879 before any scholarship funds are deposited.

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

883 (b)1. Scholarships for students determined eligible
884 pursuant to paragraph (3) (b) are established for up to 26,500
885 students annually beginning in the 2022-2023 school year.
886 Beginning in the 2023-2024 school year, the maximum number of
887 students participating in the scholarship program under this
888 section shall annually increase by 3.0 ~~1.0~~ percent of the
889 state's total exceptional student education full-time equivalent
890 student membership, not including gifted students. An eligible
891 student who meets any of the following requirements shall be
892 excluded from the maximum number of students if the student:

893 a. Received specialized instructional services under the
894 Voluntary Prekindergarten Education Program pursuant to s.
895 1002.66 during the previous school year and the student has a
896 current IEP developed by the district school board in accordance
897 with rules of the State Board of Education;

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

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900 adopted child; or

901 c. Spent the prior school year in attendance at a Florida
902 public school or the Florida School for the Deaf and the Blind.
903 For purposes of this subparagraph, the term "prior school year
904 in attendance" means that the student was enrolled and reported
905 by:

906 (I) A school district for funding during either the
907 preceding October or February full-time equivalent student
908 membership surveys in kindergarten through grade 12, which
909 includes time spent in a Department of Juvenile Justice
910 commitment program if funded under the Florida Education Finance
911 Program;

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

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

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

921 2. For a student who has a Level I to Level III matrix of
922 services or a diagnosis by a physician or psychologist, the
923 calculated scholarship amount for a student participating in the
924 program must be based upon the grade level and school district
925 in which the student would have been enrolled as the total funds
926 per unweighted full-time equivalent in the Florida Education
927 Finance Program for a student in the basic exceptional student
928 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,

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929 plus a per full-time equivalent share of funds for all
930 categorical programs, as funded in the General Appropriations
931 Act, except that for the exceptional student education
932 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
933 2., the funds must be allocated based on the school district's
934 average exceptional student education guaranteed allocation
935 funds per exceptional student education full-time equivalent
936 student.

937 3. For a student with a Level IV or Level V matrix of
938 services, the calculated scholarship amount must be based upon
939 the school district to which the student would have been
940 assigned as the total funds per full-time equivalent for the
941 Level IV or Level V exceptional student education program
942 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
943 equivalent share of funds for all categorical programs, as
944 funded in the General Appropriations Act.

945 4. For a student who received a Gardiner Scholarship
946 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
947 shall be the greater of the amount calculated pursuant to
948 subparagraph 2. or the amount the student received for the 2020-
949 2021 school year.

950 5. For a student who received a John M. McKay Scholarship
951 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
952 shall be the greater of the amount calculated pursuant to
953 subparagraph 2. or the amount the student received for the 2020-
954 2021 school year.

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

957 7. Upon receiving the documentation, the department shall

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958 release, from state funds only, the student's scholarship funds
959 to the organization, to be deposited into the student's account
960 in four equal amounts no later than September 1, November 1,
961 February 1, and April 1 of each school year in which the
962 scholarship is in force.

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

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

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

978 ~~11.10.~~ Moneys received pursuant to this section do not
979 constitute taxable income to the qualified student or the parent
980 of the qualified student.

981 Section 6. Present paragraphs (b) through (f), (g) through
982 (i), and (j) and (k) of subsection (2) of section 1002.395,
983 Florida Statutes, are redesignated as paragraphs (c) through
984 (g), (i) through (k), and (o) and (p), respectively, paragraphs
985 (e) through (f) and (g) through (q) of subsection (6) are
986 redesignated as paragraphs (f) through (g) and (i) through (s),

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987 respectively, new paragraphs (b), (h), (l), (m), and (n) are
988 added to subsection (2), new paragraphs (e) and (h) and
989 paragraphs (t) (u), (v), (w), and (x) are added to subsection
990 (6), paragraph (k) is added to subsection (9), and paragraphs
991 (e) through (h) are added to subsection (11) of that section,
992 and present paragraphs (e) and (g) of subsection (2), paragraph
993 (b) of subsection (3), subsection (4), paragraphs (b) and (d)
994 and present paragraphs (f), (j), and (o) of subsection (6),
995 subsection (7), paragraphs (a), (b), (c), (e), (f), and (j) of
996 subsection (9), paragraph (b) of subsection (11), and subsection
997 (15) are amended, to read:

998 1002.395 Florida Tax Credit Scholarship Program.—

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

1000 (b) “Choice navigator” means an individual who meets the
1001 requirements of sub-subparagraph (6)(d)2.h. and who provides
1002 consultations, at a mutually agreed upon location, on the
1003 selection of, application for, and enrollment in educational
1004 options addressing the academic needs of a student; curriculum
1005 selection; and advice on career and postsecondary education
1006 opportunities. However, nothing in this section authorizes a
1007 choice navigator to oversee or exercise control over the
1008 curricula or academic programs of a personalized education
1009 program.

1010 (f)~~(e)~~ “Eligible contribution” means a monetary
1011 contribution from a taxpayer, subject to the restrictions
1012 provided in this section, to an eligible nonprofit scholarship-
1013 funding organization pursuant to ss. 212.099, 212.1832,
1014 1002.395, and 1002.40. The taxpayer making the contribution may
1015 not designate a specific child as the beneficiary of the

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1016 contribution.

1017 (h) "Eligible postsecondary educational institution" means
1018 a Florida College System institution; a state university; a
1019 school district technical center; a school district adult
1020 general education center; an independent college or university
1021 eligible to participate in the William L. Boyd, IV, Effective
1022 Access to Student Education Grant Program under s. 1009.89; or
1023 an accredited independent postsecondary educational institution,
1024 as defined in s. 1005.02, which is licensed to operate in this
1025 state under part III of chapter 1005 or is approved to
1026 participate in a reciprocity agreement as defined in s.
1027 1000.35(2).

1028 (i)~~(g)~~ "Eligible private school" means a private school, as
1029 defined in s. 1002.01 ~~s. 1002.01(2)~~, located in Florida which
1030 offers an education to students in any grades K-12 and that
1031 meets the requirements in subsection (8).

1032 (l) "Personalized education program" has the same meaning
1033 as in s. 1002.01.

1034 (m) "Personalized education student" means a student whose
1035 parent applies to an eligible nonprofit scholarship-funding
1036 organization for participation in a personalized education
1037 program.

1038 (n) "Student learning plan" means a customized learning
1039 plan developed by a parent, at least annually, to guide
1040 instruction for his or her student and to identify the goods and
1041 services needed to address the academic needs of his or her
1042 student.

1043 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

1044 (b)1. A student is eligible for a Florida tax credit

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1045 scholarship under this section if the student is a resident of
1046 this state and is eligible to enroll in kindergarten through
1047 grade 12 in a public school in this state ~~meets one or more of~~
1048 ~~the following criteria:~~

1049 ~~1. The student is on the direct certification list or the~~
1050 ~~student's household income level does not exceed 375 percent of~~
1051 ~~the federal poverty level or an adjusted maximum percent of the~~
1052 ~~federal poverty level authorized under s. 1002.394(3)(a)3.; or~~

1053 ~~2. The student is currently placed, or during the previous~~
1054 ~~state fiscal year was placed, in foster care or in out-of-home~~
1055 ~~care as defined in s. 39.01.~~

1056 2. Priority must be given in the following order: to

1057 a. A student whose household income level does not exceed
1058 185 percent of the federal poverty level or who is in foster
1059 care or out-of-home care.

1060 b. A student whose household income level exceeds 185
1061 percent of the federal poverty level, but does not exceed 400
1062 percent of the federal poverty level. ~~who initially receives a~~
1063 ~~scholarship based on eligibility under this paragraph remains~~
1064 ~~eligible to participate until he or she graduates from high~~
1065 ~~school or attains the age of 21 years, whichever occurs first,~~
1066 ~~regardless of the student's household income level. A sibling of~~
1067 ~~a student who is participating in the scholarship program under~~
1068 ~~this subsection is eligible for a scholarship if the student~~
1069 ~~resides in the same household as the sibling.~~

1070 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
1071 a scholarship while he or she is:

1072 (a) Enrolled in a public school, including, but not limited
1073 to, the Florida School for the Deaf and the Blind, the College-

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1074 Preparatory Boarding Academy, a developmental research school
1075 authorized under s. 1002.32, or a charter school authorized
1076 under this chapter. For purposes of this paragraph, a 3- or 4-
1077 year-old child who receives services funded through the Florida
1078 Education Finance Program is considered a student enrolled in a
1079 public school;

1080 (b)~~(a)~~ Enrolled in a school operating for the purpose of
1081 providing educational services to youth in a Department of
1082 Juvenile Justice commitment program ~~programs;~~

1083 ~~(b) Receiving a scholarship from another eligible nonprofit~~
1084 ~~scholarship funding organization under this section;~~

1085 (c) Receiving any other ~~an~~ educational scholarship pursuant
1086 to this chapter;

1087 (d) Not having regular and direct contact with his or her
1088 private school teachers pursuant to s. 1002.421(1)(i) unless he
1089 or she is enrolled in a personalized education program;

1090 (e)~~(d)~~ Participating in a home education program as defined
1091 in s. 1002.01(1);

1092 (f)~~(e)~~ Participating in a private tutoring program pursuant
1093 to s. 1002.43 unless he or she is enrolled in a personalized
1094 education program; or

1095 (g)~~(f)~~ Participating in a virtual instruction pursuant to
1096 s. 1002.455 school, correspondence school, or distance learning
1097 ~~program~~ that receives state funding pursuant to the student's
1098 participation ~~unless the participation is limited to no more~~
1099 ~~than two courses per school year; or~~

1100 ~~(g) Enrolled in the Florida School for the Deaf and the~~
1101 ~~Blind.~~

1102 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING

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1103 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
1104 organization:

1105 (b) Must comply with the following background check
1106 requirements:

1107 1. All owners and operators as defined in subparagraph
1108 (2) (k) 1. ~~(2) (i) 1.~~ are, before employment or engagement to
1109 provide services, subject to level 2 background screening as
1110 provided under chapter 435. The fingerprints for the background
1111 screening must be electronically submitted to the Department of
1112 Law Enforcement and can be taken by an authorized law
1113 enforcement agency or by an employee of the eligible nonprofit
1114 scholarship-funding organization or a private company who is
1115 trained to take fingerprints. However, the complete set of
1116 fingerprints of an owner or operator may not be taken by the
1117 owner or operator. The results of the state and national
1118 criminal history check shall be provided to the Department of
1119 Education for screening under chapter 435. The cost of the
1120 background screening may be borne by the eligible nonprofit
1121 scholarship-funding organization or the owner or operator.

1122 2. Every 5 years following employment or engagement to
1123 provide services or association with an eligible nonprofit
1124 scholarship-funding organization, each owner or operator must
1125 meet level 2 screening standards as described in s. 435.04, at
1126 which time the nonprofit scholarship-funding organization shall
1127 request the Department of Law Enforcement to forward the
1128 fingerprints to the Federal Bureau of Investigation for level 2
1129 screening. If the fingerprints of an owner or operator are not
1130 retained by the Department of Law Enforcement under subparagraph
1131 3., the owner or operator must electronically file a complete

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1132 set of fingerprints with the Department of Law Enforcement. Upon
1133 submission of fingerprints for this purpose, the eligible
1134 nonprofit scholarship-funding organization shall request that
1135 the Department of Law Enforcement forward the fingerprints to
1136 the Federal Bureau of Investigation for level 2 screening, and
1137 the fingerprints shall be retained by the Department of Law
1138 Enforcement under subparagraph 3.

1139 3. Fingerprints submitted to the Department of Law
1140 Enforcement as required by this paragraph must be retained by
1141 the Department of Law Enforcement in a manner approved by rule
1142 and entered in the statewide automated biometric identification
1143 system authorized by s. 943.05(2)(b). The fingerprints must
1144 thereafter be available for all purposes and uses authorized for
1145 arrest fingerprints entered in the statewide automated biometric
1146 identification system pursuant to s. 943.051.

1147 4. The Department of Law Enforcement shall search all
1148 arrest fingerprints received under s. 943.051 against the
1149 fingerprints retained in the statewide automated biometric
1150 identification system under subparagraph 3. Any arrest record
1151 that is identified with an owner's or operator's fingerprints
1152 must be reported to the Department of Education. The Department
1153 of Education shall participate in this search process by paying
1154 an annual fee to the Department of Law Enforcement and by
1155 informing the Department of Law Enforcement of any change in the
1156 employment, engagement, or association status of the owners or
1157 operators whose fingerprints are retained under subparagraph 3.
1158 The Department of Law Enforcement shall adopt a rule setting the
1159 amount of the annual fee to be imposed upon the Department of
1160 Education for performing these services and establishing the

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1161 procedures for the retention of owner and operator fingerprints
1162 and the dissemination of search results. The fee may be borne by
1163 the owner or operator of the nonprofit scholarship-funding
1164 organization.

1165 5. A nonprofit scholarship-funding organization whose owner
1166 or operator fails the level 2 background screening is not
1167 eligible to provide scholarships under this section.

1168 6. A nonprofit scholarship-funding organization whose owner
1169 or operator in the last 7 years has filed for personal
1170 bankruptcy or corporate bankruptcy in a corporation of which he
1171 or she owned more than 20 percent is ~~shall~~ not ~~be~~ eligible to
1172 provide scholarships under this section.

1173 7. In addition to the offenses listed in s. 435.04, a
1174 person required to undergo background screening pursuant to this
1175 part or authorizing statutes must not have an arrest awaiting
1176 final disposition for, must not have been found guilty of, or
1177 entered a plea of nolo contendere to, regardless of
1178 adjudication, and must not have been adjudicated delinquent, and
1179 the record must not have been sealed or expunged for, any of the
1180 following offenses or any similar offense of another
1181 jurisdiction:

- 1182 a. Any authorizing statutes, if the offense was a felony.
- 1183 b. This chapter, if the offense was a felony.
- 1184 c. Section 409.920, relating to Medicaid provider fraud.
- 1185 d. Section 409.9201, relating to Medicaid fraud.
- 1186 e. Section 741.28, relating to domestic violence.
- 1187 f. Section 817.034, relating to fraudulent acts through
1188 mail, wire, radio, electromagnetic, photoelectronic, or
1189 photooptical systems.

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- 1190 g. Section 817.234, relating to false and fraudulent
1191 insurance claims.
- 1192 h. Section 817.505, relating to patient brokering.
- 1193 i. Section 817.568, relating to criminal use of personal
1194 identification information.
- 1195 j. Section 817.60, relating to obtaining a credit card
1196 through fraudulent means.
- 1197 k. Section 817.61, relating to fraudulent use of credit
1198 cards, if the offense was a felony.
- 1199 l. Section 831.01, relating to forgery.
- 1200 m. Section 831.02, relating to uttering forged instruments.
- 1201 n. Section 831.07, relating to forging bank bills, checks,
1202 drafts, or promissory notes.
- 1203 o. Section 831.09, relating to uttering forged bank bills,
1204 checks, drafts, or promissory notes.
- 1205 p. Section 831.30, relating to fraud in obtaining medicinal
1206 drugs.
- 1207 q. Section 831.31, relating to the sale, manufacture,
1208 delivery, or possession with the intent to sell, manufacture, or
1209 deliver any counterfeit controlled substance, if the offense was
1210 a felony.
- 1211 (d) 1. For the 2023-2024 school year, may fund no more than
1212 20,000 scholarships for students who are enrolled pursuant to
1213 paragraph (7) (b). The number of scholarships funded for such
1214 students may increase by 40,000 in each subsequent school year.
1215 This subparagraph is repealed July 1, 2027.
- 1216 2. Must establish and maintain separate empowerment
1217 accounts from eligible contributions for each eligible student.
1218 For each account, the organization must maintain a record of

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1219 accrued interest retained in the student's account. The
1220 organization must verify that scholarship funds are used for
1221 provide scholarships, from eligible contributions, to eligible
1222 students for the cost of:

1223 a.1. Tuition and fees for full-time or part-time enrollment
1224 in an eligible private school.; or

1225 b.2. Transportation to a Florida public school in which a
1226 student is enrolled and that is different from the school to
1227 which the student was assigned or to a lab school as defined in
1228 s. 1002.32.

1229 c. Instructional materials, including digital materials and
1230 Internet resources.

1231 d. Curriculum as defined in s. 1002.394(2).

1232 e. Tuition and fees associated with full-time or part-time
1233 enrollment in a home education instructional program; an
1234 eligible postsecondary educational institution or a program
1235 offered by the postsecondary educational institution, unless the
1236 program is subject to s. 1009.25 or reimbursed pursuant to s.
1237 1009.30; an approved preapprenticeship program as defined in s.
1238 446.021(5) which is not subject to s. 1009.25 and complies with
1239 all applicable requirements of the Department of Education
1240 pursuant to chapter 1005; a private tutoring program authorized
1241 under s. 1002.43; a virtual program offered by a department-
1242 approved private online provider that meets the provider
1243 qualifications specified in s. 1002.45(2)(a); the Florida
1244 Virtual School as a private paying student; or an approved
1245 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1246 f. Fees for nationally standardized, norm-referenced
1247 achievement tests, Advanced Placement Examinations, industry

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1248 certification examinations, assessments related to postsecondary
1249 education, or other assessments.

1250 g. Contracted services provided by a public school or
1251 school district, including classes. A student who receives
1252 contracted services under this sub-subparagraph is not
1253 considered enrolled in a public school for eligibility purposes
1254 as specified in subsection (11) but rather attending a public
1255 school on a part-time basis as authorized under s. 1002.44.

1256 h. Tuition and fees for part-time tutoring services or fees
1257 for services provided by a choice navigator. Such services must
1258 be provided by a person who holds a valid Florida educator's
1259 certificate pursuant to s. 1012.56, a person who holds an
1260 adjunct teaching certificate pursuant to s. 1012.57, a person
1261 who has a bachelor's degree or a graduate degree in the subject
1262 area in which instruction is given, a person who has
1263 demonstrated a mastery of subject area knowledge pursuant to s.
1264 1012.56(5), or a person certified by a nationally or
1265 internationally recognized research-based training program as
1266 approved by the Department of Education. As used in this
1267 paragraph, the term "part-time tutoring services" does not
1268 qualify as regular school attendance as defined in s.
1269 1003.01(13)(e).

1270 (e) For students determined eligible pursuant to paragraph
1271 (7)(b), must:

1272 1. Maintain a signed agreement from the parent which
1273 constitutes compliance with the attendance requirements under
1274 ss. 1003.01(13) and 1003.21(1).

1275 2. Receive eligible student test scores and, beginning with
1276 the 2027-2028 school year, by August 15, annually report test

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1277 scores for students pursuant to paragraph (7) (b) to a state
1278 university pursuant to paragraph (9) (f).

1279 3. Provide parents with information, guidance, and support
1280 to create and annually update a student learning plan for their
1281 student. The organization must maintain the plan and allow
1282 parents to electronically submit, access, and revise the plan
1283 continuously.

1284 4. Upon submission by the parent of an annual student
1285 learning plan, fund a scholarship for a student determined
1286 eligible.

1287 (g) ~~(f)~~ Must provide a renewal or initial scholarship to an
1288 eligible student on a first-come, first-served basis unless the
1289 student qualifies for priority pursuant to paragraph (f) ~~(e)~~.

1290 (h) ~~Each eligible nonprofit scholarship-funding~~
1291 organization Must refer any student eligible for a scholarship
1292 pursuant to this section who did not receive a renewal or
1293 initial scholarship based solely on the lack of available funds
1294 under this section and s. 1002.40(11) (i) to another eligible
1295 nonprofit scholarship-funding organization that may have funds
1296 available.

1297 (l) ~~(j)~~1. May use eligible contributions received pursuant
1298 to this section and ss. 212.099, 212.1832, and 1002.40 during
1299 the state fiscal year in which such contributions are collected
1300 for administrative expenses if the organization has operated as
1301 an eligible nonprofit scholarship-funding organization for at
1302 least the preceding 3 fiscal years and did not have any findings
1303 of material weakness or material noncompliance in its most
1304 recent audit under paragraph (o) or is in good standing in each
1305 state in which it administers a scholarship program and the

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1306 audited financial statements for the preceding 3 fiscal years
1307 are free of material misstatements and going concern issues ~~(m)~~.
1308 Administrative expenses from eligible contributions may not
1309 exceed 3 percent of the total amount of all scholarships funded
1310 by an eligible scholarship-funding organization under this
1311 chapter. Such administrative expenses must be reasonable and
1312 necessary for the organization's management and distribution of
1313 scholarships funded under this chapter. Administrative expenses
1314 may include developing or contracting with rideshare programs or
1315 facilitating carpool strategies for recipients of a
1316 transportation scholarship. No funds authorized under this
1317 subparagraph shall be used for lobbying or political activity or
1318 expenses related to lobbying or political activity. Up to one-
1319 third of the funds authorized for administrative expenses under
1320 this subparagraph may be used for expenses related to the
1321 recruitment of contributions from taxpayers. An eligible
1322 nonprofit scholarship-funding organization may not charge an
1323 application fee.

1324 2. Must award ~~expend~~ for annual or partial-year
1325 scholarships an amount equal to or greater than 75 percent of
1326 all estimated ~~the~~ net eligible contributions, as defined in
1327 subsection (2), and all funds carried forward from the prior
1328 state fiscal year remaining after administrative expenses before
1329 funding any scholarships to students determined eligible
1330 pursuant to s. 1002.394(3)(a) during the state fiscal year in
1331 ~~which such contributions are collected~~. No more than 25 percent
1332 of such net eligible contributions may be carried forward to the
1333 following state fiscal year. All amounts carried forward, for
1334 audit purposes, must be specifically identified for particular

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1335 students, by student name and the name of the school to which
1336 the student is admitted, subject to the requirements of ss.
1337 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable
1338 rules and regulations issued pursuant thereto. Any amounts
1339 carried forward shall be expended for annual or partial-year
1340 scholarships in the following state fiscal year. No later than
1341 September 30 of each year, net eligible contributions remaining
1342 on June 30 of each year that are in excess of the 25 percent
1343 that may be carried forward shall be used to provide
1344 scholarships to eligible students or transferred to other
1345 eligible nonprofit scholarship-funding organizations to provide
1346 scholarships for eligible students. All transferred funds must
1347 be deposited by each eligible nonprofit scholarship-funding
1348 organization receiving such funds into its scholarship account.
1349 All transferred amounts received by any eligible nonprofit
1350 scholarship-funding organization must be separately disclosed in
1351 the annual financial audit required under paragraph (o) ~~(m)~~.

1352 3. Must, before granting a scholarship for an academic
1353 year, document each scholarship student's eligibility for that
1354 academic year. A scholarship-funding organization may not grant
1355 multiyear scholarships in one approval process.

1356 (q) ~~(e)~~ 1.a. Must participate in the joint development of
1357 agreed-upon procedures during the 2009-2010 state fiscal year.
1358 The agreed-upon procedures must uniformly apply to all private
1359 schools and must determine, at a minimum, whether the private
1360 school has been verified as eligible by the Department of
1361 Education under s. 1002.421; has an adequate accounting system,
1362 system of financial controls, and process for deposit and
1363 classification of scholarship funds; and has properly expended

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1364 scholarship funds for education-related expenses. During the
1365 development of the procedures, the participating scholarship-
1366 funding organizations shall specify guidelines governing the
1367 materiality of exceptions that may be found during the
1368 accountant's performance of the procedures. The procedures and
1369 guidelines shall be provided to private schools and the
1370 Commissioner of Education by March 15, 2011.

1371 b. Must participate in a joint review of the agreed-upon
1372 procedures and guidelines developed under sub-subparagraph a.,
1373 by February of each biennium, if the scholarship-funding
1374 organization provided more than \$250,000 in scholarship funds ~~to~~
1375 ~~an eligible private school~~ under this chapter during the state
1376 fiscal year preceding the biennial review. If the procedures and
1377 guidelines are revised, the revisions must be provided to
1378 private schools and the Commissioner of Education by March 15 of
1379 the year in which the revisions were completed. The revised
1380 agreed-upon procedures and guidelines shall take effect the
1381 subsequent school year. ~~For the 2018-2019 school year only, the~~
1382 ~~joint review of the agreed-upon procedures must be completed and~~
1383 ~~the revisions submitted to the commissioner no later than~~
1384 ~~September 15, 2018. The revised procedures are applicable to the~~
1385 ~~2018-2019 school year.~~

1386 c. Must monitor the compliance of a private school with s.
1387 1002.421(1)(q) if the scholarship-funding organization provided
1388 the majority of the scholarship funding to the school. For each
1389 private school subject to s. 1002.421(1)(q), the appropriate
1390 scholarship-funding organization shall annually notify the
1391 Commissioner of Education by October 30 of:

1392 (I) A private school's failure to submit a report required

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1393 under s. 1002.421(1)(q); or

1394 (II) Any material exceptions set forth in the report
1395 required under s. 1002.421(1)(q).

1396 2. Must seek input from the accrediting associations that
1397 are members of the Florida Association of Academic Nonpublic
1398 Schools and the Department of Education when jointly developing
1399 the agreed-upon procedures and guidelines under sub-subparagraph
1400 1.a. and conducting a review of those procedures and guidelines
1401 under sub-subparagraph 1.b.

1402 (t) Must participate in the joint development of agreed-
1403 upon purchasing guidelines for authorized uses of scholarship
1404 funds under this chapter. By December 31, 2023, and by each
1405 December 31 thereafter, the purchasing guidelines must be
1406 provided to the Commissioner of Education and published on the
1407 eligible nonprofit scholarship-funding organization's website.
1408 Published purchasing guidelines shall remain in effect until
1409 there is unanimous agreement to revise the guidelines and the
1410 revisions must be provided to the commissioner and published on
1411 the organization's website within 30 days after such revisions.

1412 (u) May permit eligible students to use program funds for
1413 the purposes specified in paragraph (d) by paying for the
1414 authorized use directly, then submitting a reimbursement request
1415 to the eligible nonprofit scholarship-funding organization.
1416 However, an eligible nonprofit scholarship-funding organization
1417 may require the use of an online platform for direct purchases
1418 of products so long as such use does not limit a parent's choice
1419 of curriculum or academic programs. If a parent purchases a
1420 product identical to one offered by an organization's online
1421 platform for a lower price, the organization shall reimburse the

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1422 parent the cost of the product.

1423 (v) Must notify each parent that participation in the
1424 scholarship program does not guarantee enrollment.

1425 (w) Shall commit scholarship funds on behalf of the student
1426 for tuition and fees for which the parent is responsible for
1427 payment at the private school before using empowerment account
1428 funds for additional authorized uses under paragraph (d).

1429 (x) Beginning September 30, 2023, must submit to the
1430 department quarterly reports that provide the estimated and
1431 actual amounts of the net eligible contributions, as defined in
1432 subsection (2), and all funds carried forward from the prior
1433 state fiscal year.

1434
1435 Information and documentation provided to the Department of
1436 Education and the Auditor General relating to the identity of a
1437 taxpayer that provides an eligible contribution under this
1438 section shall remain confidential at all times in accordance
1439 with s. 213.053.

1440 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1441 PARTICIPATION.—

1442 (a) A parent whose student will be enrolled full time in a
1443 private school must:

1444 1. The parent must Select an eligible private school and
1445 apply for the admission of his or her child.

1446 2. (b) The parent must Inform the child's school district
1447 when the parent withdraws his or her child to attend an eligible
1448 private school.

1449 3. (c) Require his or her any student participating in the
1450 scholarship program to ~~must~~ remain in attendance throughout the

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1451 school year unless excused by the school for illness or other
1452 good cause and.

1453 ~~(d) Each parent and each student has an obligation to the~~
1454 ~~private school to~~ comply with the private school's published
1455 policies.

1456 4. Meet with the private school's principal or the
1457 principal's designee to review the school's academic programs
1458 and policies, specialized services, code of student conduct, and
1459 attendance policies before enrollment in the private school.

1460 5.(e) Require his or her ~~The parent shall ensure that the~~
1461 student participating in the ~~scholarship~~ program to take ~~takes~~
1462 the norm-referenced assessment offered by the private school.
1463 The parent may also choose to have the student participate in
1464 the statewide assessments pursuant to s. 1008.22. If the parent
1465 requests that the student participating in the scholarship
1466 program take statewide assessments pursuant to s. 1008.22 and
1467 the private school has not chosen to offer and administer the
1468 statewide assessments, the parent is responsible for
1469 transporting the student to the assessment site designated by
1470 the school district.

1471 6.(f) Upon receipt of a scholarship warrant from the
1472 ~~eligible nonprofit scholarship funding organization, the parent~~
1473 ~~to whom the warrant is made must restrictively endorse the~~
1474 ~~warrant to the private school for deposit into the account of~~
1475 ~~the private school. If payments are made by funds transfer, the~~
1476 ~~parent must~~ Approve each payment before the scholarship funds
1477 may be deposited by funds transfer. The parent may not designate
1478 any entity or individual associated with the participating
1479 private school as the parent's attorney in fact to ~~endorse a~~

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1480 ~~scholarship warrant or~~ approve a funds transfer. A participant
1481 who fails to comply with this paragraph forfeits the
1482 scholarship.

1483 7.(g) The parent shall Authorize the nonprofit scholarship-
1484 funding organization to access information needed for income
1485 eligibility determination and verification held by other state
1486 or federal agencies, including the Department of Revenue, the
1487 Department of Children and Families, the Department of
1488 Education, the Department of Economic Opportunity, and the
1489 Agency for Health Care Administration.

1490 8. Agree to have the organization commit scholarship funds
1491 on behalf of his or her student for tuition and fees for which
1492 the parent is responsible for payment at the private school
1493 before using empowerment account funds for additional authorized
1494 uses under paragraph (6) (d). A parent is responsible for all
1495 eligible expenses in excess of the amount of the scholarship.

1496 (b) A parent whose student will not be enrolled full time
1497 in a public or private school must:

1498 1. Apply to an eligible nonprofit scholarship-funding
1499 organization to participate in the program as a personalized
1500 education student by a date set by the organization. The request
1501 must be communicated directly to the organization in a manner
1502 that creates a written or electronic record of the request and
1503 the date of receipt of the request.

1504 2. Sign an agreement with the organization and annually
1505 submit a sworn compliance statement to the organization to
1506 satisfy or maintain program eligibility, including eligibility
1507 to receive and spend program payments, by:

1508 a. Affirming that the program funds are used only for

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1509 authorized purposes serving the student's educational needs, as
1510 described in paragraph (6) (d), and that they will not receive a
1511 payment, refund, or rebate of any funds provided under this
1512 section.

1513 b. Affirming that the parent is responsible for all
1514 eligible expenses in excess of the amount of the scholarship and
1515 for the education of his or her student.

1516 c. Submitting a student learning plan to the organization
1517 and revising the plan at least annually before program renewal.

1518 d. Requiring his or her student to take a nationally norm-
1519 referenced test identified by the Department of Education, or a
1520 statewide assessment under s. 1008.22, and provide assessment
1521 results to the organization before the student's program
1522 renewal.

1523 e. Renewing participation in the program each year. A
1524 student whose participation in the program is not renewed may
1525 continue to spend scholarship funds that are in his or her
1526 account from prior years unless the account must be closed
1527 pursuant to s. 1002.394(5) (a)2.

1528 f. Procuring the services necessary to educate the student.
1529 When the student receives a scholarship, the district school
1530 board is not obligated to provide the student with a free
1531 appropriate public education.

1532
1533 An eligible nonprofit scholarship-funding organization may not
1534 further regulate, exercise control over, or require
1535 documentation beyond the requirements of this subsection unless
1536 the regulation, control, or documentation is necessary for
1537 participation in the program.

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1538 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1539 Education shall:

1540 (a) Annually submit to the department and division, by
1541 March 15, a list of eligible nonprofit scholarship-funding
1542 organizations that meet the requirements of paragraph (2) (g)
1543 ~~(2) (f)~~.

1544 (b) Annually verify the eligibility of nonprofit
1545 scholarship-funding organizations that meet the requirements of
1546 paragraph (2) (g) ~~(2) (f)~~.

1547 (c) Annually verify the eligibility of expenditures as
1548 provided in paragraph (6) (d) using the audit required by
1549 paragraph (6) (o) ~~(6) (m)~~.

1550 (e) Maintain and annually publish a list of nationally
1551 norm-referenced tests identified for purposes of satisfying the
1552 testing requirement in subparagraph (8) (b)1. The tests must meet
1553 industry standards of quality in accordance with State Board of
1554 Education rule.

1555 (f) Issue a project grant award to a state university, to
1556 which participating private schools and eligible nonprofit
1557 scholarship-funding organizations must report the scores of
1558 participating students on the nationally norm-referenced tests
1559 or the statewide assessments administered ~~by the private school~~
1560 in grades 3 through 10. The project term is 2 years, and the
1561 amount of the project is up to \$250,000 per year. The project
1562 grant award must be reissued in 2-year intervals in accordance
1563 with this paragraph.

1564 1. The state university must annually report to the
1565 Department of Education on the student performance of
1566 participating students and, beginning with the 2027-2028 school

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1567 year, on the performance of personalized education students:

1568 a. On a statewide basis. The report shall also include, to
1569 the extent possible, a comparison of scholarship students'
1570 performance to the statewide student performance of public
1571 school students with socioeconomic backgrounds similar to those
1572 of students participating in the scholarship program. To
1573 minimize costs and reduce time required for the state
1574 university's analysis and evaluation, the Department of
1575 Education shall coordinate with the state university to provide
1576 data to the state university in order to conduct analyses of
1577 matched students from public school assessment data and
1578 calculate control group student performance using an agreed-upon
1579 methodology with the state university; and

1580 b. On an individual school basis for students enrolled full
1581 time in a private school. The annual report must include student
1582 performance for each participating private school in which ~~at~~
1583 ~~least 51 percent of the total~~ enrolled students in the private
1584 school participated in a scholarship program under this section,
1585 s. 1002.394(12) (a), or s. 1002.40 ~~the Florida Tax Credit~~
1586 ~~Scholarship Program~~ in the prior school year. The report shall
1587 be according to each participating private school, and for
1588 participating students, in which there are at least 30
1589 participating students who have scores for tests administered.
1590 If the state university determines that the 30-participating-
1591 student cell size may be reduced without disclosing personally
1592 identifiable information, as described in 34 C.F.R. s. 99.12, of
1593 a participating student, the state university may reduce the
1594 participating-student cell size, but the cell size must not be
1595 reduced to less than 10 participating students. The department

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1596 shall provide each private school's prior school year's student
1597 enrollment information to the state university no later than
1598 June 15 of each year, or as requested by the state university.

1599 2. The sharing and reporting of student performance data
1600 under this paragraph must be in accordance with requirements of
1601 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
1602 Educational Rights and Privacy Act, and the applicable rules and
1603 regulations issued pursuant thereto, and shall be for the sole
1604 purpose of creating the annual report required by subparagraph
1605 1. All parties must preserve the confidentiality of such
1606 information as required by law. The annual report must not
1607 disaggregate data to a level that will identify individual
1608 participating schools, except as required under sub-subparagraph
1609 1.b., or disclose the academic level of individual students.

1610 3. The annual report required by subparagraph 1. shall be
1611 published by the Department of Education on its website.

1612 (j) Provide a process to match the direct certification
1613 list with the scholarship application data submitted by any
1614 nonprofit scholarship-funding organization eligible to receive
1615 the 3-percent administrative allowance under paragraph (6)(1)
1616 ~~(6)(j)~~.

1617 (k) Notify each school district of the full-time equivalent
1618 student consensus estimate of scholarship students developed
1619 pursuant to s. 216.136(4)(a).

1620 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1621 (b) Payment of the scholarship by the eligible nonprofit
1622 scholarship-funding organization shall be ~~by individual warrant~~
1623 ~~made payable to the student's parent or~~ by funds transfer,
1624 including, but not limited to, debit cards, electronic payment

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1625 cards, or any other means of payment that the department deems
1626 to be commercially viable or cost-effective. ~~If the payment is~~
1627 ~~made by warrant, the warrant must be delivered by the eligible~~
1628 ~~nonprofit scholarship funding organization to the private school~~
1629 ~~of the parent's choice, and the parent shall restrictively~~
1630 ~~endorse the warrant to the private school.~~ An eligible nonprofit
1631 scholarship-funding organization shall ensure ~~that the parent to~~
1632 ~~whom the warrant is made restrictively endorsed the warrant to~~
1633 ~~the private school for deposit into the account of the private~~
1634 ~~school or~~ that the parent has approved a funds transfer before
1635 any scholarship funds are deposited.

1636 (e) An eligible nonprofit scholarship-funding organization
1637 may not transfer any funds to an account of a student determined
1638 eligible under this section which has a balance in excess of
1639 \$24,000.

1640 (f) A scholarship awarded to an eligible student shall
1641 remain in force until:

1642 1. The organization determines that the student is not
1643 eligible for program renewal;

1644 2. The Commissioner of Education suspends or revokes
1645 program participation or use of funds;

1646 3. The student's parent has forfeited participation in the
1647 program for failure to comply with subsection (7);

1648 4. The student enrolls in a public school. However, if a
1649 student enters a Department of Juvenile Justice detention center
1650 for a period of no more than 21 days, the student is not
1651 considered to have returned to a public school on a full-time
1652 basis for that purpose; or

1653 5. The student graduates from high school or attains 21

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1654 years of age, whichever occurs first.

1655 (g) Reimbursements for program expenditures may continue
1656 until the account balance is expended or remaining funds have
1657 reverted to the state.

1658 (h) A student's scholarship account must be closed and any
1659 remaining funds shall revert to the state after:

1660 1. Denial or revocation of program eligibility by the
1661 commissioner for fraud or abuse, including, but not limited to,
1662 the student or student's parent accepting any payment, refund,
1663 or rebate, in any manner, from a provider of any services
1664 received pursuant to paragraph (6) (d); or

1665 2. Two consecutive fiscal years in which an account has
1666 been inactive.

1667 (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
1668 APPLICATION.—In order to participate in the scholarship program
1669 created under this section, a charitable organization that seeks
1670 to be a nonprofit scholarship-funding organization must submit
1671 an application for initial approval or renewal to the Office of
1672 Independent Education and Parental Choice. The office shall
1673 provide at least two application periods in which charitable
1674 organizations may apply to participate in the program ~~no later~~
1675 ~~than September 1 of each year before the school year for which~~
1676 ~~the organization intends to offer scholarships.~~

1677 (a) An application for initial approval must include:

1678 1. A copy of the organization's incorporation documents and
1679 registration with the Division of Corporations of the Department
1680 of State.

1681 2. A copy of the organization's Internal Revenue Service
1682 determination letter as a s. 501(c) (3) not-for-profit

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1683 organization.

1684 3. A description of the organization's financial plan that
1685 demonstrates sufficient funds to operate throughout the school
1686 year.

1687 4. A description of the geographic region that the
1688 organization intends to serve and an analysis of the demand and
1689 unmet need for eligible students in that area.

1690 5. The organization's organizational chart.

1691 6. A description of the criteria and methodology that the
1692 organization will use to evaluate scholarship eligibility.

1693 7. A description of the application process, including
1694 deadlines and any associated fees.

1695 8. A description of the deadlines for attendance
1696 verification and scholarship payments.

1697 9. A copy of the organization's policies on conflict of
1698 interest and whistleblowers.

1699 10. A copy of a surety bond or letter of credit to secure
1700 the faithful performance of the obligations of the eligible
1701 nonprofit scholarship-funding organization in accordance with
1702 this section in an amount equal to 25 percent of the scholarship
1703 funds anticipated for each school year or \$100,000, whichever is
1704 greater. The surety bond or letter of credit must specify that
1705 any claim against the bond or letter of credit may be made only
1706 by an eligible nonprofit scholarship-funding organization to
1707 provide scholarships to and on behalf of students who would have
1708 had scholarships funded if it were not for the diversion of
1709 funds giving rise to the claim against the bond or letter of
1710 credit.

1711 (b) In addition to the information required by

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1712 subparagraphs (a)1.-9., an application for renewal must include:

1713 1. A surety bond or letter of credit to secure the faithful
 1714 performance of the obligations of the eligible nonprofit
 1715 scholarship-funding organization in accordance with this section
 1716 equal to the amount of undisbursed donations held by the
 1717 organization based on the annual report submitted pursuant to
 1718 paragraph (6) (o) ~~(6) (m)~~. The amount of the surety bond or letter
 1719 of credit must be at least \$100,000, but not more than \$25
 1720 million. The surety bond or letter of credit must specify that
 1721 any claim against the bond or letter of credit may be made only
 1722 by an eligible nonprofit scholarship-funding organization to
 1723 provide scholarships to and on behalf of students who would have
 1724 had scholarships funded if it were not for the diversion of
 1725 funds giving rise to the claim against the bond or letter of
 1726 credit.

1727 2. The organization's completed Internal Revenue Service
 1728 Form 990 submitted no later than November 30 of the year before
 1729 the school year that the organization intends to offer the
 1730 scholarships, notwithstanding the department's ~~September 1~~
 1731 application deadline.

1732 3. A copy of the statutorily required audit to the
 1733 Department of Education and Auditor General.

1734 4. An annual report that includes:

1735 a. The number of students who completed applications, by
 1736 county and by grade.

1737 b. The number of students who were approved for
 1738 scholarships, by county and by grade.

1739 c. The number of students who received funding for
 1740 scholarships within each funding category, by county and by

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1741 grade.

1742 d. The amount of funds received, the amount of funds
1743 distributed in scholarships, and an accounting of remaining
1744 funds and the obligation of those funds.

1745 e. A detailed accounting of how the organization spent the
1746 administrative funds allowable under paragraph (6) (1) ~~(6) (j)~~.

1747 (c) In consultation with the Department of Revenue and the
1748 Chief Financial Officer, the Office of Independent Education and
1749 Parental Choice shall review the application. The Department of
1750 Education shall notify the organization in writing of any
1751 deficiencies within 30 days after receipt of the application and
1752 allow the organization 30 days to correct any deficiencies.

1753 (d) Within 30 days after receipt of the finalized
1754 application by the Office of Independent Education and Parental
1755 Choice, the Commissioner of Education shall recommend approval
1756 or disapproval of the application to the State Board of
1757 Education. The State Board of Education shall consider the
1758 application and recommendation at the next scheduled meeting,
1759 adhering to appropriate meeting notice requirements. If the
1760 State Board of Education disapproves the organization's
1761 application, it shall provide the organization with a written
1762 explanation of that determination. The State Board of
1763 Education's action is not subject to chapter 120.

1764 (e) If the State Board of Education disapproves the renewal
1765 of a nonprofit scholarship-funding organization, the
1766 organization must notify the affected eligible students and
1767 parents of the decision within 15 days after disapproval. An
1768 eligible student affected by the disapproval of an
1769 organization's participation remains eligible under this section

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1770 until the end of the school year in which the organization was
1771 disapproved. The student must apply and be accepted by another
1772 eligible nonprofit scholarship-funding organization for the
1773 upcoming school year. The student shall be given priority in
1774 accordance with paragraph (6) (g) ~~(6) (f)~~.

1775 (f) All remaining funds held by a nonprofit scholarship-
1776 funding organization that is disapproved for participation must
1777 be transferred to other eligible nonprofit scholarship-funding
1778 organizations to provide scholarships for eligible students. All
1779 transferred funds must be deposited by each eligible nonprofit
1780 scholarship-funding organization receiving such funds into its
1781 scholarship account. All transferred amounts received by any
1782 eligible nonprofit scholarship-funding organization must be
1783 separately disclosed in the annual financial audit required
1784 under subsection (6).

1785 (g) A nonprofit scholarship-funding organization is a
1786 renewing organization if it maintains continuous approval and
1787 participation in the program. An organization that chooses not
1788 to participate for 1 year or more or is disapproved to
1789 participate for 1 year or more must submit an application for
1790 initial approval in order to participate in the program again.

1791 (h) The State Board of Education shall adopt rules
1792 providing guidelines for receiving, reviewing, and approving
1793 applications for new and renewing nonprofit scholarship-funding
1794 organizations. The rules must include a process for compiling
1795 input and recommendations from the Chief Financial Officer, the
1796 Department of Revenue, and the Department of Education. The
1797 rules must also require that the nonprofit scholarship-funding
1798 organization make a brief presentation to assist the State Board

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1799 of Education in its decision.

1800 (i) A state university; or an independent college or
1801 university which is eligible to participate in the William L.
1802 Boyd, IV, Effective Access to Student Education Grant Program,
1803 located and chartered in this state, is not for profit, and is
1804 accredited by the Commission on Colleges of the Southern
1805 Association of Colleges and Schools, is exempt from the initial
1806 or renewal application process, but must file a registration
1807 notice with the Department of Education to be an eligible
1808 nonprofit scholarship-funding organization. The State Board of
1809 Education shall adopt rules that identify the procedure for
1810 filing the registration notice with the department. The rules
1811 must identify appropriate reporting requirements for fiscal,
1812 programmatic, and performance accountability purposes consistent
1813 with this section, but may ~~shall~~ not exceed the requirements for
1814 eligible nonprofit scholarship-funding organizations for
1815 charitable organizations.

1816 Section 7. Paragraphs (e) and (f) of subsection (2) and
1817 paragraphs (g) and (i) of subsection (11) of section 1002.40,
1818 Florida Statutes, are amended to read:

1819 1002.40 The Hope Scholarship Program.—

1820 (2) DEFINITIONS.—As used in this section, the term:

1821 (e) "Eligible nonprofit scholarship-funding organization"
1822 or "organization" has the same meaning as provided in s.
1823 1002.395(2) ~~s. 1002.395(2)(f)~~.

1824 (f) "Eligible private school" has the same meaning as
1825 provided in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.

1826 (11) FUNDING AND PAYMENT.—

1827 (g) An eligible nonprofit scholarship-funding organization,

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1828 subject to the limitations of s. 1002.395(6)(l)1. ~~s.~~
1829 ~~1002.395(6)(j)1.~~, may use eligible contributions received during
1830 the state fiscal year in which such contributions are collected
1831 for administrative expenses.

1832 (i) Notwithstanding s. 1002.395(6)(l)2. ~~s. 1002.395(6)~~
1833 ~~(j)2.~~, no more than 5 percent of net eligible contributions may
1834 be carried forward to the following state fiscal year by an
1835 eligible scholarship-funding organization. For audit purposes,
1836 all amounts carried forward must be specifically identified for
1837 individual students by student name and by the name of the
1838 school to which the student is admitted, subject to the
1839 requirements of ss. 1002.21 and 1002.22 and 20 U.S.C. s. 1232g,
1840 and the applicable rules and regulations issued pursuant to such
1841 requirements. Any amounts carried forward shall be expended for
1842 annual scholarships or partial-year scholarships in the
1843 following state fiscal year. Net eligible contributions
1844 remaining on June 30 of each year which are in excess of the 5
1845 percent that may be carried forward shall be transferred to
1846 other eligible nonprofit scholarship-funding organizations
1847 participating in the Hope Scholarship Program to provide
1848 scholarships for eligible students. All transferred funds must
1849 be deposited by each eligible nonprofit scholarship-funding
1850 organization receiving such funds into the scholarship account
1851 of eligible students. All transferred amounts received by an
1852 eligible nonprofit scholarship-funding organization must be
1853 separately disclosed in the annual financial audit requirement
1854 under s. 1002.395(6)(o) ~~s. 1002.395(6)(m)~~. If no other eligible
1855 nonprofit scholarship-funding organization participates in the
1856 Hope Scholarship Program, net eligible contributions in excess

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1857 of the 5 percent may be used to fund scholarships for students
1858 eligible under s. 1002.395 only after fully exhausting all
1859 contributions made in support of scholarships under that section
1860 in accordance with the priority established in s. 1002.395(6)(f)
1861 before s. 1002.395(6)(e) prior to awarding any initial
1862 scholarships.

1863 Section 8. Subsection (1) and paragraph (c) of subsection
1864 (3) of section 1002.421, Florida Statutes, are amended to read:
1865 1002.421 State school choice scholarship program
1866 accountability and oversight.—

1867 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
1868 school participating in an educational scholarship program
1869 established pursuant to this chapter must be a private school as
1870 defined in s. 1002.01 ~~s. 1002.01(2)~~ in this state, be
1871 registered, and be in compliance with all requirements of this
1872 section in addition to private school requirements outlined in
1873 s. 1002.42, specific requirements identified within respective
1874 scholarship program laws, and other provisions of Florida law
1875 that apply to private schools, and must:

1876 (a) Comply with the antidiscrimination provisions of 42
1877 U.S.C. s. 2000d.

1878 (b) Notify the department of its intent to participate in a
1879 scholarship program.

1880 (c) Notify the department of any change in the school's
1881 name, school director, mailing address, or physical location
1882 within 15 days after the change.

1883 (d) Provide to the department or scholarship-funding
1884 organization all documentation required for a student's
1885 participation, including the private school's and student's

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1886 individual fee schedule, and attendance verification as required
1887 by the department or scholarship-funding organization, prior to
1888 scholarship payment.

1889 (e) Annually complete and submit to the department a
1890 notarized scholarship compliance statement certifying that all
1891 school employees and contracted personnel with direct student
1892 contact have undergone background screening pursuant to s.
1893 435.12 and have met the screening standards as provided in s.
1894 435.04.

1895 (f) Demonstrate fiscal soundness and accountability by:

1896 1. Being in operation for at least 3 school years or
1897 obtaining a surety bond or letter of credit for the amount equal
1898 to the scholarship funds for any quarter and filing the surety
1899 bond or letter of credit with the department.

1900 2. Requiring the parent of each scholarship student to
1901 personally restrictively endorse the scholarship warrant to the
1902 school or to approve a funds transfer before any funds are
1903 deposited for a student. The school may not act as attorney in
1904 fact for the parent of a scholarship student under the authority
1905 of a power of attorney executed by such parent, or under any
1906 other authority, to endorse a scholarship warrant or approve a
1907 funds transfer on behalf of such parent.

1908 (g) Meet applicable state and local health, safety, and
1909 welfare laws, codes, and rules, including:

1910 1. Firesafety.

1911 2. Building safety.

1912 (h) Employ or contract with teachers who hold baccalaureate
1913 or higher degrees, have at least 3 years of teaching experience
1914 in public or private schools, or have special skills, knowledge,

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1915 or expertise that qualifies them to provide instruction in
1916 subjects taught.

1917 (i) Maintain a physical location in this ~~the~~ state at which
1918 each student has regular and direct contact with teachers.

1919 (j) Publish on the school's website, or provide in a
1920 written format, information for parents regarding the school,
1921 including, but not limited to, programs, services, ~~and~~ the
1922 qualifications of classroom teachers, and a statement that a
1923 parentally placed private school student with a disability does
1924 not have an individual right to receive some or all of the
1925 special education and related services that the student would
1926 receive if enrolled in a public school under the Individuals
1927 with Disabilities Education Act (IDEA), as amended.

1928 (k) At a minimum, provide the parent of each scholarship
1929 student with a written explanation of the student's progress on
1930 a quarterly basis.

1931 (l) Cooperate with a student whose parent chooses to
1932 participate in the statewide assessments pursuant to s. 1008.22.

1933 (m) Require each employee and contracted personnel with
1934 direct student contact, upon employment or engagement to provide
1935 services, to undergo a state and national background screening,
1936 pursuant to s. 943.0542, by electronically filing with the
1937 Department of Law Enforcement a complete set of fingerprints
1938 taken by an authorized law enforcement agency or an employee of
1939 the private school, a school district, or a private company who
1940 is trained to take fingerprints and deny employment to or
1941 terminate an employee if he or she fails to meet the screening
1942 standards under s. 435.04. Results of the screening shall be
1943 provided to the participating private school. For purposes of

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1944 this paragraph:

1945 1. An "employee or contracted personnel with direct student
1946 contact" means any employee or contracted personnel who has
1947 unsupervised access to a scholarship student for whom the
1948 private school is responsible.

1949 2. The costs of fingerprinting and the background check may
1950 ~~shall~~ not be borne by the state.

1951 3. Continued employment of an employee or contracted
1952 personnel after notification that he or she has failed the
1953 background screening under this paragraph shall cause a private
1954 school to be ineligible for participation in a scholarship
1955 program.

1956 4. An employee or contracted personnel holding a valid
1957 Florida teaching certificate who has been fingerprinted pursuant
1958 to s. 1012.32 is not required to ~~comply with the provisions of~~
1959 this paragraph.

1960 5. All fingerprints submitted to the Department of Law
1961 Enforcement as required by this section shall be retained by the
1962 Department of Law Enforcement in a manner provided by rule and
1963 entered in the statewide automated biometric identification
1964 system authorized by s. 943.05(2)(b). Such fingerprints shall
1965 thereafter be available for all purposes and uses authorized for
1966 arrest fingerprints entered in the statewide automated biometric
1967 identification system pursuant to s. 943.051.

1968 6. The Department of Law Enforcement shall search all
1969 arrest fingerprints received under s. 943.051 against the
1970 fingerprints retained in the statewide automated biometric
1971 identification system under subparagraph 5. Any arrest record
1972 that is identified with the retained fingerprints of a person

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1973 subject to the background screening under this section shall be
1974 reported to the employing school with which the person is
1975 affiliated. Each private school participating in a scholarship
1976 program is required to participate in this search process by
1977 informing the Department of Law Enforcement of any change in the
1978 employment or contractual status of its personnel whose
1979 fingerprints are retained under subparagraph 5. The Department
1980 of Law Enforcement shall adopt a rule setting the amount of the
1981 annual fee to be imposed upon each private school for performing
1982 these searches and establishing the procedures for the retention
1983 of private school employee and contracted personnel fingerprints
1984 and the dissemination of search results. The fee may be borne by
1985 the private school or the person fingerprinted.

1986 7. Employees and contracted personnel whose fingerprints
1987 are not retained by the Department of Law Enforcement under
1988 subparagraphs 5. and 6. are required to be refingerprinted and
1989 must meet state and national background screening requirements
1990 upon reemployment or reengagement to provide services in order
1991 to comply with the requirements of this section.

1992 8. Every 5 years following employment or engagement to
1993 provide services with a private school, employees or contracted
1994 personnel required to be screened under this section must meet
1995 screening standards under s. 435.04, at which time the private
1996 school shall request the Department of Law Enforcement to
1997 forward the fingerprints to the Federal Bureau of Investigation
1998 for national processing. If the fingerprints of employees or
1999 contracted personnel are not retained by the Department of Law
2000 Enforcement under subparagraph 5., employees and contracted
2001 personnel must electronically file a complete set of

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2002 fingerprints with the Department of Law Enforcement. Upon
2003 submission of fingerprints for this purpose, the private school
2004 shall request that the Department of Law Enforcement forward the
2005 fingerprints to the Federal Bureau of Investigation for national
2006 processing, and the fingerprints shall be retained by the
2007 Department of Law Enforcement under subparagraph 5.

2008 (n) Adopt policies establishing standards of ethical
2009 conduct for educational support employees, instructional
2010 personnel, and school administrators. The policies must require
2011 all educational support employees, instructional personnel, and
2012 school administrators, as defined in s. 1012.01, to complete
2013 training on the standards; establish the duty of educational
2014 support employees, instructional personnel, and school
2015 administrators to report, and procedures for reporting, alleged
2016 misconduct by other educational support employees, instructional
2017 personnel, and school administrators which affects the health,
2018 safety, or welfare of a student; and include an explanation of
2019 the liability protections provided under ss. 39.203 and 768.095.
2020 A private school, or any of its employees, may not enter into a
2021 confidentiality agreement regarding terminated or dismissed
2022 educational support employees, instructional personnel, or
2023 school administrators, or employees, personnel, or
2024 administrators who resign in lieu of termination, based in whole
2025 or in part on misconduct that affects the health, safety, or
2026 welfare of a student, and may not provide the employees,
2027 personnel, or administrators with employment references or
2028 discuss the employees', personnel's, or administrators'
2029 performance with prospective employers in another educational
2030 setting, without disclosing the employees', personnel's, or

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2031 administrators' misconduct. Any part of an agreement or a
2032 contract that has the purpose or effect of concealing misconduct
2033 by educational support employees, instructional personnel, or
2034 school administrators which affects the health, safety, or
2035 welfare of a student is void, is contrary to public policy, and
2036 may not be enforced.

2037 (o) Before employing a person in any position that requires
2038 direct contact with students, conduct employment history checks
2039 of previous employers, screen the person through use of the
2040 screening tools described in s. 1001.10(5), and document the
2041 findings. If unable to contact a previous employer, the private
2042 school must document efforts to contact the employer. The
2043 private school may not employ a person whose educator
2044 certificate is revoked, who is barred from reapplying for an
2045 educator certificate, or who is on the disqualification list
2046 maintained by the department pursuant to s. 1001.10(4)(b).

2047 (p) Require each owner or operator of the private school,
2048 prior to employment or engagement to provide services, to
2049 undergo level 2 background screening as provided under chapter
2050 435. For purposes of this paragraph, the term "owner or
2051 operator" means an owner, operator, superintendent, or principal
2052 of, or a person with equivalent decisionmaking authority over, a
2053 private school participating in a scholarship program
2054 established pursuant to this chapter. The fingerprints for the
2055 background screening must be electronically submitted to the
2056 Department of Law Enforcement and may be taken by an authorized
2057 law enforcement agency or a private company who is trained to
2058 take fingerprints. However, the complete set of fingerprints of
2059 an owner or operator may not be taken by the owner or operator.

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2060 The owner or operator shall provide a copy of the results of the
2061 state and national criminal history check to the Department of
2062 Education. The cost of the background screening may be borne by
2063 the owner or operator.

2064 1. Every 5 years following employment or engagement to
2065 provide services, each owner or operator must meet level 2
2066 screening standards as described in s. 435.04, at which time the
2067 owner or operator shall request the Department of Law
2068 Enforcement to forward the fingerprints to the Federal Bureau of
2069 Investigation for level 2 screening. If the fingerprints of an
2070 owner or operator are not retained by the Department of Law
2071 Enforcement under subparagraph 2., the owner or operator must
2072 electronically file a complete set of fingerprints with the
2073 Department of Law Enforcement. Upon submission of fingerprints
2074 for this purpose, the owner or operator shall request that the
2075 Department of Law Enforcement forward the fingerprints to the
2076 Federal Bureau of Investigation for level 2 screening, and the
2077 fingerprints shall be retained by the Department of Law
2078 Enforcement under subparagraph 2.

2079 2. Fingerprints submitted to the Department of Law
2080 Enforcement as required by this paragraph must be retained by
2081 the Department of Law Enforcement in a manner approved by rule
2082 and entered in the statewide automated biometric identification
2083 system authorized by s. 943.05(2)(b). The fingerprints must
2084 thereafter be available for all purposes and uses authorized for
2085 arrest fingerprints entered in the statewide automated biometric
2086 identification system pursuant to s. 943.051.

2087 3. The Department of Law Enforcement shall search all
2088 arrest fingerprints received under s. 943.051 against the

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2089 fingerprints retained in the statewide automated biometric
2090 identification system under subparagraph 2. Any arrest record
2091 that is identified with an owner's or operator's fingerprints
2092 must be reported to the owner or operator, who must report to
2093 the Department of Education. Any costs associated with the
2094 search shall be borne by the owner or operator.

2095 4. An owner or operator who fails the level 2 background
2096 screening is not eligible to participate in a scholarship
2097 program under this chapter.

2098 5. In addition to the offenses listed in s. 435.04, a
2099 person required to undergo background screening pursuant to this
2100 part or authorizing statutes may not have an arrest awaiting
2101 final disposition for, must not have been found guilty of, or
2102 entered a plea of nolo contendere to, regardless of
2103 adjudication, and must not have been adjudicated delinquent for,
2104 and the record must not have been sealed or expunged for, any of
2105 the following offenses or any similar offense of another
2106 jurisdiction:

2107 a. Any authorizing statutes, if the offense was a felony.

2108 b. This chapter, if the offense was a felony.

2109 c. Section 409.920, relating to Medicaid provider fraud.

2110 d. Section 409.9201, relating to Medicaid fraud.

2111 e. Section 741.28, relating to domestic violence.

2112 f. Section 817.034, relating to fraudulent acts through
2113 mail, wire, radio, electromagnetic, photoelectronic, or
2114 photooptical systems.

2115 g. Section 817.234, relating to false and fraudulent
2116 insurance claims.

2117 h. Section 817.505, relating to patient brokering.

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- 2118 i. Section 817.568, relating to criminal use of personal
2119 identification information.
- 2120 j. Section 817.60, relating to obtaining a credit card
2121 through fraudulent means.
- 2122 k. Section 817.61, relating to fraudulent use of credit
2123 cards, if the offense was a felony.
- 2124 l. Section 831.01, relating to forgery.
- 2125 m. Section 831.02, relating to uttering forged instruments.
- 2126 n. Section 831.07, relating to forging bank bills, checks,
2127 drafts, or promissory notes.
- 2128 o. Section 831.09, relating to uttering forged bank bills,
2129 checks, drafts, or promissory notes.
- 2130 p. Section 831.30, relating to fraud in obtaining medicinal
2131 drugs.
- 2132 q. Section 831.31, relating to the sale, manufacture,
2133 delivery, or possession with the intent to sell, manufacture, or
2134 deliver any counterfeit controlled substance, if the offense was
2135 a felony.
- 2136 6. At least 30 calendar days before a transfer of ownership
2137 of a private school, the owner or operator shall notify the
2138 parent of each scholarship student.
- 2139 7. The owner or operator of a private school that has been
2140 deemed ineligible to participate in a scholarship program
2141 pursuant to this chapter may not transfer ownership or
2142 management authority of the school to a relative in order to
2143 participate in a scholarship program as the same school or a new
2144 school. For purposes of this subparagraph, the term "relative"
2145 means father, mother, son, daughter, grandfather, grandmother,
2146 brother, sister, uncle, aunt, cousin, nephew, niece, husband,

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2147 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
2148 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
2149 stepdaughter, stepbrother, stepsister, half-brother, or half-
2150 sister.

2151 (q) Provide a report from an independent certified public
2152 accountant who performs the agreed-upon procedures developed
2153 pursuant to s. 1002.395(6)(q) ~~s. 1002.395(6)(e)~~ if the private
2154 school receives more than \$250,000 in funds from scholarships
2155 awarded under this chapter in a state fiscal year. A private
2156 school subject to this subsection must annually submit the
2157 report by September 15 to the scholarship-funding organization
2158 that awarded the majority of the school's scholarship funds.
2159 However, a school that receives more than \$250,000 in
2160 scholarship funds only through the John M. McKay Scholarship for
2161 Students with Disabilities Program pursuant to s. 1002.39 must
2162 submit the annual report by September 15 to the department. The
2163 agreed-upon procedures must be conducted in accordance with
2164 attestation standards established by the American Institute of
2165 Certified Public Accountants.

2166 (r) Prohibit education support employees, instructional
2167 personnel, and school administrators from employment in any
2168 position that requires direct contact with students if the
2169 personnel or administrators are ineligible for such employment
2170 pursuant to this section or s. 1012.315, or have been terminated
2171 or have resigned in lieu of termination for sexual misconduct
2172 with a student. If the prohibited conduct occurs subsequent to
2173 employment, the private school must report the person and the
2174 disqualifying circumstances to the department for inclusion on
2175 the disqualification list maintained pursuant to s.

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2176 1001.10(4)(b).

2177

2178 The department shall suspend the payment of funds to a private
 2179 school that knowingly fails to comply with this subsection, and
 2180 shall prohibit the school from enrolling new scholarship
 2181 students, for 1 fiscal year and until the school complies. If a
 2182 private school fails to meet the requirements of this subsection
 2183 or has consecutive years of material exceptions listed in the
 2184 report required under paragraph (q), the commissioner may
 2185 determine that the private school is ineligible to participate
 2186 in a scholarship program.

2187 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

2188 The Commissioner of Education:

2189 (c) May permanently deny or revoke the authority of an
 2190 owner, an officer, or a director ~~or operator~~ to establish or
 2191 operate a private school in this the state and include such
 2192 individual on the disqualification list maintained by the
 2193 department pursuant to s. 1001.10(4)(b) if the commissioner
 2194 decides that the owner, officer, or director: ~~or operator~~

2195 1. Is operating or has operated an educational institution
 2196 in this the state or another state or jurisdiction in a manner
 2197 contrary to the health, safety, or welfare of the public; or

2198 2. Has operated an educational institution that closed
 2199 during the school year. An individual may be removed from the
 2200 disqualification list if the individual reimburses the
 2201 department or eligible nonprofit scholarship-funding
 2202 organization the amount of scholarship funds received by the
 2203 educational institution during the school year in which it
 2204 closed, ~~and shall include such individuals on the~~

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2205 ~~disqualification list maintained by the department pursuant to~~
2206 ~~s. 1001.10(4)(b).~~

2207 Section 9. Section 1002.44, Florida Statutes, is created to
2208 read:

2209 1002.44 Part-time public school enrollment.—

2210 (1) Any public school in this state, including a charter
2211 school, may enroll a student who meets the regular school
2212 attendance criteria in s. 1003.01(13)(b)-(f) on a part-time
2213 basis, subject to space and availability according to the
2214 school's capacity determined pursuant to s. 1002.31(2)(b).

2215 (2) A student attending a public school on a part-time
2216 basis pursuant to this section shall generate full-time
2217 equivalent student membership as described in s. 1011.61(1)(b).
2218 A student receiving a scholarship under this chapter who attends
2219 a public school on a part-time basis through contracted services
2220 provided by the public school or school district may not be
2221 reported for funding.

2222 (3) A student attending a public school on a part-time
2223 basis pursuant to this section is not considered to be in
2224 regular attendance at a public school as defined in s.
2225 1003.01(13)(a).

2226 Section 10. Paragraphs (d) and (e) of subsection (13) and
2227 subsection (14) of section 1003.01, Florida Statutes, are
2228 amended, and paragraph (f) is added to subsection (13) of that
2229 section, to read:

2230 1003.01 Definitions.—As used in this chapter, the term:

2231 (13) "Regular school attendance" means the actual
2232 attendance of a student during the school day as defined by law
2233 and rules of the State Board of Education. Regular attendance

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2234 within the intent of s. 1003.21 may be achieved by attendance
2235 in:

2236 (d) A home education program that meets the requirements of
2237 chapter 1002; ~~or~~

2238 (e) A private tutoring program that meets the requirements
2239 of chapter 1002; or.

2240 (f) A personalized education program that meets the
2241 requirements of s. 1002.395.

2242 (14) "Core-curricula courses" means:

2243 (a) Courses in language arts/reading, mathematics, social
2244 studies, and science in prekindergarten through grade 3,
2245 excluding extracurricular courses pursuant to subsection (15);

2246 (b) Courses in grades 4 through 8 in subjects that are
2247 measured by state assessment at any grade level and courses
2248 required for middle school promotion, excluding extracurricular
2249 courses pursuant to subsection (15);

2250 (c) Courses in grades 9 through 12 in subjects that are
2251 measured by state assessment at any grade level and courses that
2252 are specifically identified by name in statute as required for
2253 high school graduation and that are not measured by state
2254 assessment, excluding extracurricular courses pursuant to
2255 subsection (15);

2256 (d) Exceptional student education courses; and

2257 (e) English for Speakers of Other Languages courses.

2258

2259 The term is limited in meaning and used for the sole purpose of
2260 designating classes that are subject to the maximum class size
2261 requirements established in s. 1, Art. IX of the State
2262 Constitution. This term does not include courses offered under

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2263 ss. 1002.321(3)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
2264 1003.499 ~~ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37,~~
2265 ~~1002.45, and 1003.499.~~

2266 Section 11. No later than November 1, 2023, the State Board
2267 of Education shall develop and recommend to the Governor and
2268 Legislature for adoption during the 2024 legislative session
2269 repeals and revisions to the Florida Early Learning-20 Education
2270 Code, chapters 1000-1013, Florida Statutes, to reduce regulation
2271 of public schools. The state board shall review the entirety of
2272 the Florida Early Learning-20 Education Code for potential
2273 repeals and revisions. The state board must make recommendations
2274 addressing repeals and revisions to the statutes governing the
2275 transportation of students. The state board shall consider input
2276 from teachers, superintendents, administrators, school boards,
2277 public and private postsecondary institutions, home educators,
2278 and other entities identified by the state board.

2279 Section 12. Subsection (10) is added to section 1001.10,
2280 Florida Statutes, to read:

2281 1001.10 Commissioner of Education; general powers and
2282 duties.-

2283 (10) Due to the range of school choice options and the
2284 variety of ways students learn, the commissioner shall develop
2285 an online portal that enables parents to choose the best
2286 educational options for their student. The portal, at a minimum,
2287 must:

2288 (a) Recommend educational options based on questions about
2289 the student, including the needs and interests of the student.

2290 (b) Advise parents on the recommended educational options
2291 for their student.

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2292 (c) Enable schools to develop a school profile and connect
2293 directly with families who express interest in the school.

2294 (d) Allow parents to complete the school enrollment
2295 process.

2296 Section 13. Paragraph (c) of subsection (22) of section
2297 1002.20, Florida Statutes, is amended to read:

2298 1002.20 K-12 student and parent rights.—Parents of public
2299 school students must receive accurate and timely information
2300 regarding their child's academic progress and must be informed
2301 of ways they can help their child to succeed in school. K-12
2302 students and their parents are afforded numerous statutory
2303 rights including, but not limited to, the following:

2304 (22) TRANSPORTATION.—

2305 (c) *Parental consent.*—Each parent of a public school
2306 student must be notified in writing and give written consent
2307 before the student may be transported in a privately owned motor
2308 vehicle to a school function, ~~in accordance with the provisions~~
2309 ~~of s. 1006.22(2)(b).~~

2310 Section 14. Subsection (2) of section 1003.25, Florida
2311 Statutes, is amended to read:

2312 1003.25 Procedures for maintenance and transfer of student
2313 records.—

2314 (2) The procedure for transferring and maintaining records
2315 of students who transfer from school to school shall be
2316 prescribed by rules of the State Board of Education. The
2317 transfer of records shall occur within 5 ~~3~~ school days. The
2318 records shall include:

2319 (a) Verified reports of serious or recurrent behavior
2320 patterns, including threat assessment evaluations and

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2321 intervention services.

2322 (b) Psychological evaluations, including therapeutic
2323 treatment plans and therapy or progress notes created or
2324 maintained by school district or charter school staff, as
2325 appropriate.

2326 Section 15. Subsection (4) of section 1003.4282, Florida
2327 Statutes, is amended to read:

2328 1003.4282 Requirements for a standard high school diploma.—

2329 ~~(4) ONLINE COURSE REQUIREMENT. At least one course within~~
2330 ~~the 24 credits required under this section must be completed~~
2331 ~~through online learning.~~

2332 ~~(a) An online course taken in grade 6, grade 7, or grade 8~~
2333 ~~fulfills the requirements of this subsection. The requirement is~~
2334 ~~met through an online course offered by the Florida Virtual~~
2335 ~~School, a virtual education provider approved by the State Board~~
2336 ~~of Education, a high school, or an online dual enrollment~~
2337 ~~course. A student who is enrolled in a full-time or part-time~~
2338 ~~virtual instruction program under s. 1002.45 meets the~~
2339 ~~requirement.~~

2340 ~~(b) A district school board or a charter school governing~~
2341 ~~board, as applicable, may allow a student to satisfy the online~~
2342 ~~course requirements of this subsection by completing a blended~~
2343 ~~learning course or a course in which the student earns a~~
2344 ~~nationally recognized industry certification in information~~
2345 ~~technology that is identified on the CAPE Industry Certification~~
2346 ~~Funding List pursuant to s. 1008.44 or passing the information~~
2347 ~~technology certification examination without enrolling in or~~
2348 ~~completing the corresponding course or courses, as applicable.~~

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2350 ~~For purposes of this subsection, a school district may not~~
2351 ~~require a student to take the online or blended learning course~~
2352 ~~outside the school day or in addition to a student's courses for~~
2353 ~~a given semester. This subsection does not apply to a student~~
2354 ~~who has an individual education plan under s. 1003.57 which~~
2355 ~~indicates that an online or blended learning course would be~~
2356 ~~inappropriate or to an out-of-state transfer student who is~~
2357 ~~enrolled in a Florida high school and has 1 academic year or~~
2358 ~~less remaining in high school.~~

2359 Section 16. Subsection (2) of section 1006.21, Florida
2360 Statutes, is amended to read:

2361 1006.21 Duties of district school superintendent and
2362 district school board regarding transportation.—

2363 (2) After considering recommendations of the district
2364 school superintendent, the district school board shall make
2365 provision for the transportation of students to the public
2366 schools or school activities they are required or expected to
2367 attend; authorize transportation routes arranged efficiently and
2368 economically; provide the necessary transportation facilities,
2369 and, when authorized under rules of the State Board of Education
2370 and if more economical to do so, provide limited subsistence in
2371 lieu thereof; and adopt the necessary rules to ensure safety,
2372 economy, and efficiency in the operation of all buses and other
2373 vehicles used to transport students, as prescribed in this
2374 chapter.

2375 Section 17. Subsections (1), (2), (11), and (13) of section
2376 1006.22, Florida Statutes, are amended to read:

2377 1006.22 Safety and health of students being transported.—
2378 Maximum regard for safety and adequate protection of health are

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2379 primary requirements that must be observed by district school
2380 boards in routing buses, appointing drivers, and providing and
2381 operating equipment, in accordance with all requirements of law
2382 and rules of the State Board of Education in providing
2383 transportation pursuant to s. 1006.21:

2384 ~~(1)(a) District school boards shall use school buses, as~~
2385 ~~defined in s. 1006.25, for all regular transportation. Regular~~
2386 ~~transportation or regular use means transportation of students~~
2387 ~~to and from school or school-related activities that are part of~~
2388 ~~a scheduled series or sequence of events to the same location.~~
2389 ~~"Students" means, for the purposes of this section, students~~
2390 ~~enrolled in the public schools in prekindergarten disability~~
2391 ~~programs and in kindergarten through grade 12. District school~~
2392 ~~boards may regularly use motor vehicles other than school buses~~
2393 ~~only under the following conditions:~~

2394 ~~1. When the transportation is for physically handicapped or~~
2395 ~~isolated students and the district school board has elected to~~
2396 ~~provide for the transportation of the student through written or~~
2397 ~~oral contracts or agreements.~~

2398 ~~2. When the transportation is a part of a comprehensive~~
2399 ~~contract for a specialized educational program between a~~
2400 ~~district school board and a service provider who provides~~
2401 ~~instruction, transportation, and other services.~~

2402 ~~3. When the transportation is provided through a public~~
2403 ~~transit system.~~

2404 ~~4. When the transportation is for trips to and from school~~
2405 ~~sites or agricultural education sites or for trips to and from~~
2406 ~~agricultural education-related events or competitions, but is~~
2407 ~~not for customary transportation between a student's residence~~

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2408 ~~and such sites.~~

2409 ~~5. When the transportation is for trips to and from school~~
2410 ~~sites but is not for customary transportation between a~~
2411 ~~student's residence and such sites.~~

2412 ~~(b) When the transportation of students is provided, as~~
2413 ~~authorized in this subsection, in a vehicle other than a school~~
2414 ~~bus that is owned, operated, rented, contracted, or leased by a~~
2415 ~~school district or charter school, the following provisions~~
2416 ~~shall apply:~~

2417 ~~1. The vehicle must be designed to transport fewer than 10~~
2418 ~~students or be a multifunction school activity bus, as defined~~
2419 ~~in 49 C.F.R. s. 571.3, if it is designed to transport more than~~
2420 ~~10 persons. Students must be transported in designated seating~~
2421 ~~positions and must use the occupant crash protection system~~
2422 ~~provided by the manufacturer unless the student's physical~~
2423 ~~condition prohibits such use.~~

2424 ~~2. An authorized vehicle may not be driven by a student on~~
2425 ~~a public right of way. An authorized vehicle may be driven by a~~
2426 ~~student on school or private property as part of the student's~~
2427 ~~educational curriculum if no other student is in the vehicle.~~

2428 ~~3. The driver of an authorized vehicle transporting~~
2429 ~~students must maintain a valid driver license and must comply~~
2430 ~~with the requirements of the school district's locally adopted~~
2431 ~~safe driver plan, which includes review of driving records for~~
2432 ~~disqualifying violations.~~

2433 ~~4. The district school board or charter school must adopt a~~
2434 ~~policy that addresses procedures and liability for trips under~~
2435 ~~this paragraph, including a provision that school buses are to~~
2436 ~~be used whenever practical and specifying consequences for~~

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2437 ~~violation of the policy.~~

2438 ~~(1)(2) Except as provided in subsection (1), District~~
2439 ~~school boards may authorize the transportation of students in~~
2440 ~~privately owned motor vehicles on a case-by-case basis only in~~
2441 ~~the following circumstances:~~

2442 ~~(a) When a student is ill or injured and must be taken home~~
2443 ~~or to a medical treatment facility under nonemergency~~
2444 ~~circumstances; and~~

2445 ~~1. The school has been unable to contact the student's~~
2446 ~~parent or the parent or responsible adult designated by the~~
2447 ~~parent is not available to provide the transportation;~~

2448 ~~2. Proper adult supervision of the student is available at~~
2449 ~~the location to which the student is being transported;~~

2450 ~~3. The transportation is approved by the school principal,~~
2451 ~~or a school administrator designated by the principal to grant~~
2452 ~~or deny such approval, or in the absence of the principal and~~
2453 ~~designee, by the highest ranking school administrator or teacher~~
2454 ~~available under the circumstances; and~~

2455 ~~4. If the school has been unable to contact the parent~~
2456 ~~prior to the transportation, the school shall continue to seek~~
2457 ~~to contact the parent until the school is able to notify the~~
2458 ~~parent of the transportation and the pertinent circumstances.~~

2459 ~~(b) When the transportation is in connection with a school~~
2460 ~~function or event regarding which the district school board or~~
2461 ~~school has undertaken to participate or to sponsor or provide~~
2462 ~~the participation of students; and~~

2463 ~~1. The function or event is a single event that is not part~~
2464 ~~of a scheduled series or sequence of events to the same~~
2465 ~~location, such as, but not limited to, a field trip, a~~

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2466 ~~recreational outing, an interscholastic competition or~~
2467 ~~cooperative event, an event connected with an extracurricular~~
2468 ~~activity offered by the school, or an event connected to an~~
2469 ~~educational program, such as, but not limited to, a job~~
2470 ~~interview as part of a cooperative education program;~~

2471 ~~2. Transportation is not available, as a practical matter,~~
2472 ~~using a school bus or school district passenger car; and~~

2473 ~~3. Each student's parent is notified, in writing, regarding~~
2474 ~~the transportation arrangement and gives written consent before~~
2475 ~~a student is transported in a privately owned motor vehicle.~~

2476 ~~(c) When a district school board requires employees such as~~
2477 ~~school social workers and attendance officers to use their own~~
2478 ~~motor vehicles to perform duties of employment, and such duties~~
2479 ~~include the occasional transportation of students.~~

2480 ~~(10)(11)~~ The district school superintendent shall notify
2481 the district school board of any school bus or other vehicle
2482 used to transport students that does not meet all requirements
2483 of law and rules of the State Board of Education, and the
2484 district school board shall, if the school bus is in an unsafe
2485 condition, withdraw it from use as a school bus until the bus
2486 meets the requirements. The department may inspect or have
2487 inspected any school bus to determine whether the bus meets
2488 requirements of law and rules of the State Board of Education.
2489 The department may, after due notice to a district school board
2490 that any school bus does not meet certain requirements of law
2491 and rules of the State Board of Education, rule that the bus
2492 must be withdrawn from use as a school bus, this ruling to be
2493 effective immediately or upon a date specified in the ruling,
2494 whereupon the district school board shall withdraw the school

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2495 bus from use as a school bus until it meets requirements of law
 2496 and rules of the State Board of Education and until the
 2497 department has officially revoked the pertinent ruling.

2498 Notwithstanding any other provisions of this chapter, general
 2499 purpose urban transit systems are declared qualified to
 2500 transport students to and from school.

2501 (12)~~(13)~~ The State Board of Education may adopt rules to
 2502 implement this section as are necessary to protect ~~or desirable~~
 2503 ~~in the interest of~~ student health and safety.

2504 Section 18. Subsection (4) of section 1006.25, Florida
 2505 Statutes, is amended to read:

2506 1006.25 School buses.—School buses shall be defined and
 2507 meet specifications as follows:

2508 (4) OCCUPANT PROTECTION SYSTEMS.—Students may be
 2509 transported only in designated seating positions, except as
 2510 provided in s. 1006.22(11) ~~s. 1006.22(12)~~, and must use the
 2511 occupant crash protection system provided by the manufacturer,
 2512 which system must comply with the requirements of 49 C.F.R. part
 2513 571 or with specifications of the State Board of Education.

2514 Section 19. Subsection (1) of section 1006.27, Florida
 2515 Statutes, is amended to read:

2516 1006.27 Pooling of school buses and other vehicles and
 2517 related purchases by district school boards; transportation
 2518 services contracts.—

2519 (1) The department shall assist district school boards in
 2520 securing school buses and other vehicles for transporting
 2521 students, contractual needs, equipment, and supplies at as
 2522 reasonable prices as possible by providing a plan under which
 2523 district school boards may voluntarily pool their bids for such

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2524 purchases. The department shall prepare bid forms and
2525 specifications, obtain quotations of prices and make such
2526 information available to district school boards in order to
2527 facilitate this service. District school boards from time to
2528 time, as prescribed by State Board of Education rule, shall
2529 furnish the department with information concerning the prices
2530 paid for such items and the department shall furnish to district
2531 school boards periodic information concerning the lowest prices
2532 at which school buses and other vehicles, equipment, and related
2533 supplies are available based upon comparable specifications.

2534 Section 20. Paragraph (k) is added to subsection (2) of
2535 section 1011.71, Florida Statutes, to read:

2536 1011.71 District school tax.—

2537 (2) In addition to the maximum millage levy as provided in
2538 subsection (1), each school board may levy not more than 1.5
2539 mills against the taxable value for school purposes for charter
2540 schools pursuant to s. 1013.62(1) and (3) and for district
2541 schools to fund:

2542 (k) Payment of salaries and benefits for employees whose
2543 job duties support activities funded by this subsection.

2544 Section 21. Effective upon this act becoming a law,
2545 subsection (3), paragraphs (d), (g), and (h) of subsection (5),
2546 paragraph (f) of subsection (6), and paragraphs (d) and (e) of
2547 subsection (7) of section 1012.56, Florida Statutes, are
2548 amended, and paragraph (i) is added to subsection (5) of that
2549 section, to read:

2550 1012.56 Educator certification requirements.—

2551 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of
2552 demonstrating mastery of general knowledge are:

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2553 (a) Achievement of passing scores on the general knowledge
2554 examination required by state board rule;

2555 (b) Documentation of a valid professional standard teaching
2556 certificate issued by another state;

2557 (c) Documentation of a valid certificate issued by the
2558 National Board for Professional Teaching Standards or a national
2559 educator credentialing board approved by the State Board of
2560 Education;

2561 (d) Documentation of two semesters of successful, full-time
2562 or part-time teaching in a Florida College System institution,
2563 state university, or private college or university that awards
2564 an associate or higher degree and is an accredited institution
2565 or an institution of higher education identified by the
2566 Department of Education as having a quality program;

2567 (e) Achievement of passing scores, identified in state
2568 board rule, on national or international examinations that test
2569 comparable content and relevant standards in verbal, analytical
2570 writing, and quantitative reasoning skills, including, but not
2571 limited to, the verbal, analytical writing, and quantitative
2572 reasoning portions of the Graduate Record Examination. Passing
2573 scores identified in state board rule must be at approximately
2574 the same level of rigor as is required to pass the general
2575 knowledge examinations; or

2576 (f) Documentation of receipt of a master's or higher degree
2577 from an accredited postsecondary educational institution that
2578 the Department of Education has identified as having a quality
2579 program resulting in a baccalaureate degree or higher.

2580

2581 A school district that employs an individual who does not

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2582 achieve passing scores on any subtest of the general knowledge
2583 examination must provide information regarding the availability
2584 of state-level and district-level supports and instruction to
2585 assist him or her in achieving a passing score. Such information
2586 must include, but need not be limited to, state-level test
2587 information guides, school district test preparation resources,
2588 and preparation courses offered by state universities and
2589 Florida College System institutions. The requirement of mastery
2590 of general knowledge must be waived for an individual who has
2591 been provided 3 years of supports and instruction and who has
2592 been rated effective or highly effective under s. 1012.34 for
2593 each of the last 3 years.

2594 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
2595 demonstrating mastery of subject area knowledge are:

2596 (d) For a subject requiring a master's or higher degree,
2597 completion of the subject area specialization requirements
2598 specified in state board rule and achievement of a passing score
2599 on the Florida-developed subject area examination or a
2600 standardized examination that is directly related to the subject
2601 specified in state board rule;

2602 (g) Documentation of successful completion of a United
2603 States Defense Language Institute Foreign Language Center
2604 program; ~~or~~

2605 (h) Documentation of a passing score on the Defense
2606 Language Proficiency Test (DLPT); or

2607 (i) For a subject requiring only a baccalaureate degree for
2608 which a Florida subject area examination has been developed,
2609 documentation of receipt of a master's or higher degree from an
2610 accredited postsecondary educational institution that the

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2611 Department of Education has identified as having a quality
2612 program resulting in a baccalaureate degree or higher in the
2613 certificate subject area as identified by state board rule.
2614

2615 School districts are encouraged to provide mechanisms for middle
2616 grades teachers holding only a K-6 teaching certificate to
2617 obtain a subject area coverage for middle grades through
2618 postsecondary coursework or district add-on certification.

2619 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
2620 COMPETENCE.—Acceptable means of demonstrating mastery of
2621 professional preparation and education competence are:

2622 (f) Successful completion of professional preparation
2623 courses as specified in state board rule, successful completion
2624 of a professional preparation and education competence program
2625 pursuant to paragraph (8) (b), and documentation of 3 years of
2626 being rated effective or highly effective under s. 1012.34 while
2627 holding a temporary certificate ~~achievement of a passing score~~
2628 ~~on the professional education competency examination required by~~
2629 ~~state board rule;~~
2630

2631 The State Board of Education shall adopt rules to implement this
2632 subsection by December 31, 2014, including rules to approve
2633 specific teacher preparation programs that are not identified in
2634 this subsection which may be used to meet requirements for
2635 mastery of professional preparation and education competence.

2636 (7) TYPES AND TERMS OF CERTIFICATION.—

2637 (d) A person who is issued a temporary certificate under
2638 paragraph (b) ~~subparagraph (b)2.~~ must be assigned a teacher
2639 mentor for a minimum of 2 school years after commencing

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2640 employment. Each teacher mentor selected by the school district,
2641 charter school, or charter management organization must:

2642 1. Hold a valid professional certificate issued pursuant to
2643 this section;

2644 2. Have earned at least 3 years of teaching experience in
2645 prekindergarten through grade 12; and

2646 3. Have earned an effective or highly effective rating on
2647 the prior year's performance evaluation under s. 1012.34.

2648 ~~(e)1.~~ A temporary certificate issued under paragraph (b)
2649 ~~subparagraph (b)1.~~ is valid for 5 ~~3~~ school fiscal years and is
2650 nonrenewable.

2651 ~~2. A temporary certificate issued under subparagraph (b)2.~~
2652 ~~is valid for 5 school fiscal years, is limited to a one-time~~
2653 ~~issuance, and is nonrenewable.~~

2654

2655 At least 1 year before an individual's temporary certificate is
2656 set to expire, the department shall electronically notify the
2657 individual of the date on which his or her certificate will
2658 expire and provide a list of each method by which the
2659 qualifications for a professional certificate can be completed.
2660 The State Board of Education shall adopt rules to allow the
2661 department to extend the validity period of a temporary
2662 certificate for 2 years when the requirements for the
2663 professional certificate were not completed due to the serious
2664 illness or injury of the applicant, the military service of an
2665 applicant's spouse, other extraordinary extenuating
2666 circumstances, or if the certificateholder is rated highly
2667 effective in the immediate prior year's performance evaluation
2668 pursuant to s. 1012.34 or has completed a 2-year mentorship

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2669 program pursuant to subsection (8). The department shall extend
2670 the temporary certificate upon approval by the Commissioner of
2671 Education. A written request for extension of the certificate
2672 shall be submitted by the district school superintendent, the
2673 governing authority of a university lab school, the governing
2674 authority of a state-supported school, or the governing
2675 authority of a private school.

2676 Section 22. Paragraph (e) is added to subsection (6) of
2677 section 1013.64, Florida Statutes, to read:

2678 1013.64 Funds for comprehensive educational plant needs;
2679 construction cost maximums for school district capital
2680 projects.—Allocations from the Public Education Capital Outlay
2681 and Debt Service Trust Fund to the various boards for capital
2682 outlay projects shall be determined as follows:

2683 (6)

2684 (e) Notwithstanding the requirements of this subsection, an
2685 unfinished construction project for new construction of
2686 educational plant space that was started on or before July 1,
2687 2026, is exempt from the total cost per student station
2688 requirements established in paragraph (b).

2689 Section 23. Subsection (3) of section 1002.321, Florida
2690 Statutes, is amended to read:

2691 1002.321 Digital learning.—

2692 ~~(3) DIGITAL PREPARATION. As required under s. 1003.4282, A~~
2693 ~~student entering grade 9 in the 2011-2012 school year and~~
2694 ~~thereafter who seeks a high school diploma must take at least~~
2695 ~~one online course.~~

2696 Section 24. Paragraphs (a) and (b) of subsection (2) of
2697 section 1003.5716, Florida Statutes, are amended to read:

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2698 1003.5716 Transition to postsecondary education and career
2699 opportunities.—All students with disabilities who are 3 years of
2700 age to 21 years of age have the right to a free, appropriate
2701 public education. As used in this section, the term “IEP” means
2702 individual education plan.

2703 (2) Beginning not later than the first IEP to be in effect
2704 when the student enters high school, attains the age of 14, or
2705 when determined appropriate by the parent and the IEP team,
2706 whichever occurs first, the IEP must include the following
2707 statements that must be updated annually:

2708 (a) A statement of intent to pursue a standard high school
2709 diploma and a Scholar or Merit designation, pursuant to s.
2710 1003.4285, as determined by the parent.

2711 1. The statement must document discussion of the process
2712 for a student with a disability who meets the requirements for a
2713 standard high school diploma to defer the receipt of such
2714 diploma pursuant to s. 1003.4282(8)(c) ~~s. 1003.4282(9)(e)~~.

2715 2. For the IEP in effect at the beginning of the school
2716 year the student is expected to graduate, the statement must
2717 include a signed statement by the parent, the guardian, or the
2718 student, if the student has reached the age of majority and
2719 rights have transferred to the student, that he or she
2720 understands the process for deferment and identifying if the
2721 student will defer the receipt of his or her standard high
2722 school diploma.

2723 (b) A statement of intent to receive a standard high school
2724 diploma before the student attains the age of 22 and a
2725 description of how the student will fully meet the requirements
2726 in s. 1003.4282, including, but not limited to, a portfolio

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2727 pursuant to s. 1003.4282(8)(b) ~~s. 1003.4282(9)(b)~~ which meets
2728 the criteria specified in State Board of Education rule. The IEP
2729 must also specify the outcomes and additional benefits expected
2730 by the parent and the IEP team at the time of the student's
2731 graduation.

2732 Section 25. Subsection (2) of section 1003.499, Florida
2733 Statutes, is amended to read:

2734 1003.499 Florida Approved Courses and Tests (FACT)
2735 Initiative.—

2736 (2) FLORIDA APPROVED COURSES.—The Department of Education
2737 shall annually publish online a list of providers approved to
2738 offer Florida approved courses which shall be listed in the
2739 online catalog pursuant to s. 1002.321(5) ~~s. 1002.321(6)~~.

2740 (a) As used in this section, the term "Florida approved
2741 courses" means online courses provided by individuals which
2742 include, but are not limited to, massive open online courses or
2743 remedial education associated with the courses that are measured
2744 pursuant to s. 1008.22. Massive open online courses may be
2745 authorized in the following subject areas: Algebra I, biology,
2746 geometry, and civics. Courses may be applied toward requirements
2747 for promotion or graduation in whole, in subparts, or in a
2748 combination of whole and subparts. A student may not be required
2749 to repeat subparts that are satisfactorily completed.

2750 (b) A Florida approved course must be annually identified,
2751 approved, published, and shared for consideration by interested
2752 students and school districts. The Commissioner of Education
2753 shall approve each Florida approved course for application in K-
2754 12 public schools in accordance with rules of the State Board of
2755 Education.

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2756 Section 26. Paragraph (c) of subsection (2) of section
2757 1003.27, Florida Statutes, is amended to read:

2758 1003.27 Court procedure and penalties.—The court procedure
2759 and penalties for the enforcement of the provisions of this
2760 part, relating to compulsory school attendance, shall be as
2761 follows:

2762 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2763 (c) Each designee of the governing body of each private
2764 school and each parent whose child is enrolled in a home
2765 education program or personalized education program may provide
2766 the Department of Highway Safety and Motor Vehicles with the
2767 legal name, sex, date of birth, and social security number of
2768 each minor student under his or her jurisdiction who fails to
2769 satisfy relevant attendance requirements and who fails to
2770 otherwise satisfy the requirements of s. 322.091. The Department
2771 of Highway Safety and Motor Vehicles may not issue a driver
2772 license or learner's driver license to, and shall suspend any
2773 previously issued driver license or learner's driver license of,
2774 any such minor student pursuant to s. 322.091.

2775 Section 27. Paragraph (k) of subsection (4) of section
2776 1003.485, Florida Statutes, is amended to read:

2777 1003.485 The New Worlds Reading Initiative.—

2778 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
2779 shall:

2780 (k) Expend eligible contributions received only for the
2781 purchase and delivery of books and to implement the requirements
2782 of this section, as well as for administrative expenses not to
2783 exceed 2 percent of total eligible contributions.

2784 Notwithstanding s. 1002.395(6)(l)2. ~~s. 1002.395(6)(j)2.~~, the

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2785 administrator may carry forward up to 25 percent of eligible
2786 contributions made before January 1 of each state fiscal year
2787 and 100 percent of eligible contributions made on or after
2788 January 1 of each state fiscal year to the following state
2789 fiscal year for purposes authorized by this subsection. Any
2790 eligible contributions in excess of the allowable carry forward
2791 not used to provide additional books throughout the year to
2792 eligible students shall revert to the state treasury.

2793 Section 28. Subsections (3) and (5) of section 1009.30,
2794 Florida Statutes, are amended to read:

2795 1009.30 Dual Enrollment Scholarship Program.—

2796 (3) (a) The program shall reimburse eligible postsecondary
2797 institutions for tuition and related instructional materials
2798 costs for dual enrollment courses taken during the fall or
2799 spring terms by eligible students, consisting of:

2800 1. Private school students who take dual enrollment courses
2801 pursuant to s. 1007.271(24) (b); ~~or~~

2802 2. Home education program secondary students; or

2803 3. Personalized education program secondary students.

2804 (b) ~~Beginning in the 2022 summer term,~~ The program shall
2805 reimburse institutions for tuition and related instructional
2806 materials costs for dual enrollment courses taken by public
2807 school, private school, ~~or~~ home education program secondary
2808 students, or personalized education program secondary students
2809 during the summer term.

2810 (5) Each participating institution must report to the
2811 department any ~~eligible~~ secondary students eligible pursuant to
2812 subsection (3) from private schools or home education programs
2813 who were enrolled during the fall or spring terms within 30 days

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2814 after the end of regular registration. Each participating
2815 institution must report to the department any secondary students
2816 eligible pursuant to subsection (3) ~~public school, private~~
2817 ~~school, or home education program~~ students who were enrolled
2818 during the summer term within 30 days after the end of regular
2819 registration. For each dual enrollment course in which the
2820 student is enrolled, the report must include a unique student
2821 identifier, the postsecondary institution name, the
2822 postsecondary course number, and the postsecondary course name.
2823 The department shall reimburse each participating institution no
2824 later than 30 days after the institution has reported enrollment
2825 for that term.

2826 Section 29. Except as otherwise expressly provided in this
2827 act and except for this section, which shall take effect upon
2828 this act becoming a law, this act shall take effect July 1,
2829 2023.