

1 A bill to be entitled
2 An act relating to educational choice; amending s.
3 1002.394, F.S.; revising the authorized uses of Family
4 Empowerment Scholarship Program funds to include
5 tuition and fees associated with home education
6 instructional programs and customized instructional
7 programs; amending s. 1002.395, F.S.; defining the
8 terms "customized instructional program" and "home
9 education instructional program" for the Florida Tax
10 Credit Scholarship Program; revising the authorized
11 uses of program funds to include certain instructional
12 materials and tuition and fees associated with
13 customized instructional programs; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 **Section 1. Paragraph (b) of subsection (4) of section**
19 **1002.394, Florida Statutes, is amended to read:**

20 1002.394 The Family Empowerment Scholarship Program.—

21 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

25 1. Instructional materials, including digital devices,

26 digital periphery devices, and assistive technology devices that
27 allow a student to access instruction or instructional content
28 and training on the use of and maintenance agreements for these
29 devices.

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

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

34 a. Applied behavior analysis services as provided in ss.
35 627.6686 and 641.31098.

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

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

39 d. Services provided by physical therapists as defined in
40 s. 486.021(8).

41 e. Services provided by listening and spoken language
42 specialists and an appropriate acoustical environment for a
43 child who has a hearing impairment, including deafness, and who
44 has received an implant or assistive hearing device.

45 4. Tuition and fees associated with full-time or part-time
46 enrollment in a home education program; a home education
47 instructional program as defined in s. 1002.395(2); a customized
48 instructional program as defined in s. 1002.395(2); an eligible
49 private school; an eligible postsecondary educational
50 institution or a program offered by the postsecondary

51 educational institution, unless the program is subject to s.
52 1009.25 or reimbursed pursuant to s. 1009.30; an approved
53 preapprenticeship program as defined in s. 446.021(5) which is
54 not subject to s. 1009.25 and complies with all applicable
55 requirements of the department pursuant to chapter 1005; a
56 private tutoring program authorized under s. 1002.43; a virtual
57 program offered by a department-approved private online provider
58 that meets the provider qualifications specified in s.
59 1002.45(2)(a); the Florida Virtual School as a private paying
60 student; or an approved online course offered pursuant to s.
61 1003.499 or s. 1004.0961.

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

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

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

76 8. Tuition and fees for part-time tutoring services or
77 fees for services provided by a choice navigator. Such services
78 must be provided by a person who holds a valid Florida
79 educator's certificate pursuant to s. 1012.56, a person who
80 holds an adjunct teaching certificate pursuant to s. 1012.57, a
81 person who has a bachelor's degree or a graduate degree in the
82 subject area in which instruction is given, a person who has
83 demonstrated a mastery of subject area knowledge pursuant to s.
84 1012.56(5), or a person certified by a nationally or
85 internationally recognized research-based training program as
86 approved by the department. As used in this subparagraph, the
87 term "part-time tutoring services" does not qualify as regular
88 school attendance as defined in s. 1003.01(16)(e).

89 9. Fees for specialized summer education programs.

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

91 11. Transition services provided by job coaches.

92 Transition services are a coordinated set of activities which
93 are focused on improving the academic and functional achievement
94 of a student with a disability to facilitate the student's
95 movement from school to postschool activities and are based on
96 the student's needs.

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

100 13. Tuition and fees associated with programs offered by

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

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

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

Section 2. Paragraphs (c) through (i) and (j) through (p) of subsection (2) of section 1002.395, Florida Statutes, are redesignated as paragraphs (d) through (j) and (l) through (r), respectively, paragraphs (b), (c), (d), and (i) of subsection (6) and paragraphs (a) and (b) of subsection (9) are amended, and new paragraphs (c) and (k) are added to subsection (2) of that section, to read:

1002.395 Florida Tax Credit Scholarship Program.—

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

(c) "Customized instructional program" means a program that offers classes and courses in an instructor-directed education program that:

1. Students participate in more than 3 days each week.

2. Parents may participate in, including collaborating with instructors responsible for customizing the instructional

126 program.

127 3. Have publicly available and reviewable program
128 descriptions of its classes and courses, including costs, in a
129 format that is easy to read and understand.

130 (k) "Home education instructional program" means a program
131 that offers instruction and activities that augment and enhance
132 the instruction provided by a parent and has publicly available
133 and reviewable program descriptions of its instruction and
134 activities, including costs, in a format that is easy to read
135 and understand.

136 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
137 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
138 organization:

139 (b) Must comply with the following background check
140 requirements:

141 1. All owners and operators as defined in subparagraph
142 (2) (m) 1. ~~(2) (k) 1.~~ are, before employment or engagement to
143 provide services, subject to level 2 background screening as
144 provided under chapter 435. The fingerprints for the background
145 screening must be electronically submitted to the Department of
146 Law Enforcement and can be taken by an authorized law
147 enforcement agency or by an employee of the eligible nonprofit
148 scholarship-funding organization or a private company who is
149 trained to take fingerprints. However, the complete set of
150 fingerprints of an owner or operator may not be taken by the

owner or operator. The results of the state and national criminal history check shall be provided to the Department of Education for screening under chapter 435. The cost of the background screening may be borne by the eligible nonprofit scholarship-funding organization or the owner or operator.

2. Every 5 years following employment or engagement to provide services or association with an eligible nonprofit scholarship-funding organization, each owner or operator must meet level 2 screening standards as described in s. 435.04, at which time the nonprofit scholarship-funding organization shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening. If the fingerprints of an owner or operator are not retained by the Department of Law Enforcement under subparagraph 3., the owner or operator must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the eligible nonprofit scholarship-funding organization shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 3.

3. Fingerprints submitted to the Department of Law Enforcement as required by this paragraph must be retained by the Department of Law Enforcement in a manner approved by rule

176 and entered in the statewide automated biometric identification
177 system authorized by s. 943.05(2)(b). The fingerprints must
178 thereafter be available for all purposes and uses authorized for
179 arrest fingerprints entered in the statewide automated biometric
180 identification system pursuant to s. 943.051.

181 4. The Department of Law Enforcement shall search all
182 arrest fingerprints received under s. 943.051 against the
183 fingerprints retained in the statewide automated biometric
184 identification system under subparagraph 3. Any arrest record
185 that is identified with an owner's or operator's fingerprints
186 must be reported to the Department of Education. The Department
187 of Education shall participate in this search process by paying
188 an annual fee to the Department of Law Enforcement and by
189 informing the Department of Law Enforcement of any change in the
190 employment, engagement, or association status of the owners or
191 operators whose fingerprints are retained under subparagraph 3.
192 The Department of Law Enforcement shall adopt a rule setting the
193 amount of the annual fee to be imposed upon the Department of
194 Education for performing these services and establishing the
195 procedures for the retention of owner and operator fingerprints
196 and the dissemination of search results. The fee may be borne by
197 the owner or operator of the nonprofit scholarship-funding
198 organization.

199 5. A nonprofit scholarship-funding organization whose
200 owner or operator fails the level 2 background screening is not

201 eligible to provide scholarships under this section.

202 6. A nonprofit scholarship-funding organization whose
203 owner or operator in the last 7 years has filed for personal
204 bankruptcy or corporate bankruptcy in a corporation of which he
205 or she owned more than 20 percent shall not be eligible to
206 provide scholarships under this section.

207 7. In addition to the offenses listed in s. 435.04, a
208 person required to undergo background screening pursuant to this
209 part or authorizing statutes must not have an arrest awaiting
210 final disposition for, must not have been found guilty of, or
211 entered a plea of nolo contendere to, regardless of
212 adjudication, and must not have been adjudicated delinquent, and
213 the record must not have been sealed or expunged for, any of the
214 following offenses or any similar offense of another
215 jurisdiction:

- 216 a. Any authorizing statutes, if the offense was a felony.
- 217 b. This chapter, if the offense was a felony.
- 218 c. Section 409.920, relating to Medicaid provider fraud.
- 219 d. Section 409.9201, relating to Medicaid fraud.
- 220 e. Section 741.28, relating to domestic violence.
- 221 f. Section 817.034, relating to fraudulent acts through
222 mail, wire, radio, electromagnetic, photoelectronic, or
223 photooptical systems.
- 224 g. Section 817.234, relating to false and fraudulent
225 insurance claims.

h. Section 817.505, relating to patient brokering.

i. Section 817.568, relating to criminal use of personal identification information.

j. Section 817.60, relating to obtaining a credit card through fraudulent means.

k. Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.

l. Section 831.01, relating to forgery.

m. Section 831.02, relating to uttering forged instruments.

n. Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.

o. Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

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

q. Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.

(c) Must not have an owner or operator, as defined in subparagraph (2)(m)1. ~~(2)(k)1.~~, who owns or operates an eligible private school that is participating in the scholarship program.

(d)1. For the 2023-2024 school year, may fund no more than 20,000 scholarships for students who are enrolled pursuant to

paragraph (7)(b). The number of scholarships funded for such students may increase by 40,000 in each subsequent school year. This subparagraph is repealed July 1, 2027.

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

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

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

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

278 b. Instructional materials, including digital materials,
279 digital devices, and Internet resources.

280 c. Curriculum as defined in s. 1002.394(2).

281 d. Tuition and fees associated with full-time or part-time
282 enrollment in a home education instructional program; a
283 customized instructional program; an eligible postsecondary
284 educational institution or a program offered by the
285 postsecondary educational institution, unless the program is
286 subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an
287 approved preapprenticeship program as defined in s. 446.021(5)
288 which is not subject to s. 1009.25 and complies with all
289 applicable requirements of the Department of Education pursuant
290 to chapter 1005; a private tutoring program authorized under s.
291 1002.43; a virtual program offered by a department-approved
292 private online provider that meets the provider qualifications
293 specified in s. 1002.45(2)(a); the Florida Virtual School as a
294 private paying student; or an approved online course offered
295 pursuant to s. 1003.499 or s. 1004.0961.

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

300 f. Contracted services provided by a public school or

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

306 g. Tuition and fees for part-time tutoring services or
307 fees for services provided by a choice navigator. Such services
308 must be provided by a person who holds a valid Florida
309 educator's certificate pursuant to s. 1012.56, a person who
310 holds an adjunct teaching certificate pursuant to s. 1012.57, a
311 person who has a bachelor's degree or a graduate degree in the
312 subject area in which instruction is given, a person who has
313 demonstrated a mastery of subject area knowledge pursuant to s.
314 1012.56(5), or a person certified by a nationally or
315 internationally recognized research-based training program as
316 approved by the Department of Education. As used in this
317 paragraph, the term "part-time tutoring services" does not
318 qualify as regular school attendance as defined in s.
319 1003.01(16)(e).

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

323 (2)(m)1. ~~(2)(k)1.~~

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325 Information and documentation provided to the Department of

Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

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

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

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

Section 3. This act shall take effect July 1, 2025.