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1 A bill to be entitled
2 An act relating to educational scholarship programs;
3 creating s. 1011.687, F.S.; creating an operating
4 categorical fund for implementing the Family
5 Empowerment Scholarship Program; providing
6 requirements for the use and disbursement of funds;
7 defining the term "full-time equivalent student";
8 requiring the Department of Education to release funds
9 if certain criteria are met; providing requirements
10 for the release of each payment; providing
11 requirements for excess funds; creating s. 1011.689,
12 F.S.; creating the educational enrollment
13 stabilization program to provide supplemental state
14 funds to address changes in full-time equivalent
15 student enrollment; requiring the department to use
16 funds to ensure that a school district's funds are not
17 lower than a specified calculation; requiring the
18 department to use funds to provide a supplements
19 payment to school districts that have a decline in
20 enrollment; providing for the calculation of the
21 supplemental payment; requiring the department to
22 ensure funding is available for certain scholarship
23 programs; requiring the department to appropriate
24 funds from the General Appropriations Act to keep the
25 educational enrollment stabilization program at a
26 minimum balance; amending s. 1011.65, F.S.; requiring
27 that specified data include a verification that
28 certain full-time equivalent student membership survey
29 data has been cross-checked by the department;

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30 amending s. 1002.40, F.S.; renaming the Hope
31 Scholarship Program as the Hope Program; repealing s.
32 1002.411, F.S., relating to New Worlds Scholarship
33 Accounts; amending s. 1002.421, F.S.; defining terms;
34 requiring an eligible nonprofit scholarship-funding
35 organization to provide a parent with certain
36 information on scholarship programs; requiring an
37 eligible nonprofit scholarship-funding organization to
38 create a single application for all educational
39 scholarship programs; providing requirements for such
40 application; prohibiting an eligible nonprofit
41 scholarship-funding organization from charging a fee
42 for the application; requiring an eligible nonprofit
43 scholarship-funding organization to establish two
44 application approval windows; providing deadlines for
45 such application approval windows; requiring an
46 eligible nonprofit scholarship-funding organization to
47 review applications and award scholarships in a
48 specified order of priority; requiring an eligible
49 nonprofit scholarship-funding organization to award
50 scholarships to newly eligible students on a first-
51 come, first-served basis; requiring a parent to notify
52 the eligible nonprofit scholarship-funding
53 organization within a specified timeframe if a
54 scholarship offer is accepted or declined within a
55 specified timeframe; prohibiting a parent from
56 applying for multiple scholarships for an individual
57 student at the same time; authorizing specified
58 students to apply for a scholarship at any time but

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59 only receive payments prospectively; prohibiting an
60 eligible nonprofit scholarship-funding organization
61 from restricting or reserving scholarships for use at
62 a particular school; requiring such organization to
63 notify each parent of a scholarship applicant that
64 participation in the program does not guarantee
65 enrollment at an eligible private school; providing
66 that a parent who submitted an application by a
67 specified date need not submit a new application;
68 authorizing a parent to withdraw their application and
69 reapply; prohibiting an eligible nonprofit
70 scholarship-funding organization from requiring
71 documentation beyond the requirements of the
72 scholarship program; requiring an eligible nonprofit
73 scholarship-funding organization to verify a student's
74 eligibility upon receipt of an application; requiring
75 an eligible nonprofit scholarship-funding organization
76 to send a list of verified eligible students to the
77 department by specified dates; requiring the
78 department to assign each verified eligible student a
79 Florida student identification number; requiring the
80 department to use such number for tracking and
81 reporting scholarship data; requiring the department
82 to cross-check each list of verified eligible students
83 with certain other lists; requiring the department to
84 send the cross-checked list to the eligible nonprofit
85 scholarship-funding organization; requiring the
86 department to notify an eligible nonprofit
87 scholarship-funding organization of specified

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88 information; requiring an eligible nonprofit
89 scholarship-funding organization to verify a student's
90 continued eligibility before disbursing each payment;
91 providing criteria for verifying continued
92 eligibility; requiring parents of students receiving
93 scholarship payments to verify specified information;
94 providing criteria for verifying continued
95 eligibility; requiring parents of students receiving
96 scholarship payments to verify specified information;
97 providing that the scholarship program award amounts
98 are the amounts provided in the General Appropriations
99 Act; providing parameters for the calculation of the
100 scholarship amounts for certain students; requiring an
101 eligible nonprofit scholarship-funding organization to
102 establish and maintain a scholarship account for each
103 student; providing methods for the transfer of funds;
104 providing requirements for such accounts; providing
105 that accrued interest is in addition to and not part
106 of a student's account; providing that program funds
107 include awarded funds and accrued interest and are
108 available only for authorized expenditures; requiring
109 eligible nonprofit scholarship-funding organizations
110 to make payments by funds transfer; providing
111 requirements for such funds transfer; prohibiting a
112 student's scholarship award from being reduced to
113 cover certain fees; requiring that commodities or
114 services related to the funds transfer system be
115 procured by a specified method; providing an
116 exception; prohibiting an eligible nonprofit

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117 scholarship-funding organization from transferring
118 funds to an account that has a balance in excess of a
119 specified amount; authorizing students in a
120 scholarship program to take specified tests and
121 certain assessments; providing an exception; requiring
122 a participating private school to administer or
123 provide for students to take specified tests and
124 assessments; requiring a participating private school
125 to submit a certain written request to the department
126 by a specified date; requiring a school district to
127 administer tests and assessments at a participating
128 private school; requiring an owner or operator to
129 undergo a background screening; providing requirements
130 for the submission of fingerprints; requiring the
131 Department of Law Enforcement to retain such
132 fingerprints in a specified manner and to enter such
133 fingerprints into the statewide automated biometric
134 identification system; requiring that such
135 fingerprints be available for certain purposes and
136 uses; requiring the Department of Law Enforcement to
137 run a certain search of such fingerprints; prohibiting
138 an owner or operator who fails the background
139 screening from participating in a scholarship program;
140 prohibiting such owner or operator from transferring
141 ownership or management authority to a relative;
142 defining the term "relative"; requiring an eligible
143 nonprofit scholarship-funding organization to report
144 the annual audit of background screening results to
145 the Department of Education; providing that a

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146 participating private school may be sectarian or
147 nonsectarian; revising information required to be
148 provided to the department by an eligible private
149 school; deleting obsolete language; providing
150 construction; requiring the department to publish and
151 update information on its website relating to
152 scholarship programs; requiring the department to
153 investigate complaints; requiring the department to
154 maintain and annually publish a list of tests that
155 satisfy a specified requirement; requiring the
156 department to develop a standard withdrawal form for
157 parents withdrawing a student from public school;
158 providing requirements for such form; requiring the
159 department to develop a uniform reimbursement process;
160 requiring an organization, by a specified date, to
161 approve, deny, or request more information relating to
162 a reimbursement request; requiring the department to
163 coordinate with each organization to provide a
164 participating private school with statewide
165 assessments; deleting the definition of the term
166 "owner or operator"; requiring a school district, by a
167 specified date, to inform certain households of
168 eligibility to apply for a scholarship program;
169 requiring the school district to coordinate with the
170 department to provide a participating private school
171 with statewide assessments; requiring a school
172 district to publish information about a scholarship
173 program on its website; requiring a school district to
174 provide a parent with the withdrawal form upon

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175 request; deleting obsolete language; amending s.
176 1002.394, F.S.; deleting obsolete language; providing
177 that authorized uses of program funds include digital
178 devices; providing a title for a scholarship granted
179 to a student who meets specified eligibility
180 requirements; providing that authorized uses of
181 program funds include membership dues and activity
182 fees for Career and Technical Student Organizations;
183 providing that tuition and fees that meet certain
184 requirements are eligible for program funds; revising
185 conditions under which a student is no longer eligible
186 for scholarship funding; requiring an eligible
187 nonprofit scholarship-funding organization to notify a
188 parent before closing a student's account; requiring
189 an eligible nonprofit scholarship-funding organization
190 to report certain information to the Department of
191 Education regarding scholarship accounts closed under
192 certain circumstances; requiring an eligible nonprofit
193 scholarship-funding organization to notify a parent
194 if, upon a student reaching a specified age, a balance
195 exists in the student's account, the amount of the
196 balance, and how the funds may be used; deleting a
197 provision allowing a public school student to receive
198 a scholarship for transportation; deleting obsolete
199 language; amending s. 1002.395, F.S.; deleting
200 obsolete language; deleting provisions related to
201 scholarship priority; deleting a provision allowing a
202 public school student to receive a scholarship for
203 transportation; revising a provision requiring

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204 eligible nonprofit scholarship-funding organizations
205 to verify that scholarship funds are used for
206 specified purposes; requiring an eligible nonprofit
207 scholarship-funding organization to report to the
208 department the total number of scholarship accounts
209 closed due to certain reasons; amending s. 1003.485,
210 F.S.; deleting language relating to the purpose of the
211 New Worlds Reading Initiative; conforming a cross-
212 reference; amending s. 1008.25, F.S.; making a
213 conforming change; amending s. 1010.305, F.S.;
214 requiring the Auditor General to periodically examine
215 the records of eligible nonprofit scholarship-funding
216 organizations; providing for appropriate adjustments
217 to be made and excess funds to be deducted if criteria
218 and procedures have not been followed by an eligible
219 nonprofit scholarship-funding organization; amending
220 s. 1011.61, F.S.; conforming a cross-reference;
221 amending s. 1011.62, F.S.; deleting obsolete language
222 relating to the state-funded discretionary supplement;
223 amending ss. 11.45, 212.099, and 1002.45, F.S.;
224 conforming cross-references; requiring the Department
225 of Education to work with eligible nonprofit
226 scholarship-funding organizations to resolve
227 discrepancies in certain student funding; providing
228 requirements for such resolution; requiring the
229 department to provide a report of certain
230 discrepancies and their resolutions to specified
231 officials or entities by a specified date; providing
232 an effective date.

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

Section 1. Section 1011.687, Florida Statutes, is created to read:

1011.687 Educational scholarship programs; operating categorical fund.-

(1) There is created an operating categorical fund for implementing the Family Empowerment Scholarship Program pursuant to s. 1002.394. These funds shall be in the amount provided in the General Appropriations Act and any additional funds transferred from the Educational Enrollment Stabilization Fund pursuant to s. 1011.689.

(2) Educational scholarship funding operating categorical funds shall be used to award scholarships as required in s. 1002.394 and in accordance with s. 1002.421. Funds shall be disbursed from this fund based on the full-time equivalent scholarship students forecasted or reported as participating in the program.

(3) A "full-time equivalent student" for a student participating in a scholarship program under s. 1002.394 or s. 1002.395 means a student who receives all 10 scholarship payments, that are distributed on a monthly basis. A student who receives less than 10 payments shall generate a fraction of full-time equivalent student membership proportional to the number of payments received.

(4) For the purposes of calculating a scholarship award amount, a full-time equivalent student shall be based upon the student's county of residence.

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262 (5) Contingent upon verification that the organization is
263 in compliance with s. 1002.395(6)(i), the department shall
264 release funds from the operating categorical fund on a quarterly
265 basis to the organization with the first quarter payment
266 released no later than July 30. The funds shall be held by the
267 organization for deposit into the students' accounts in
268 accordance with the payment schedules.

269 (a) The first quarter release payment shall be based upon
270 the amount of full-time equivalent student membership forecasted
271 as provided in the General Appropriations Act.

272 (b) The second, third, and fourth quarter release payments
273 shall be based upon the amount of full-time equivalent student
274 membership reported and cross-checked by the department pursuant
275 to s. 1002.421(3).

276 (c) If the funds released to the organization are in excess
277 of the funds certified to the department by the organization as
278 the amount distributed for student scholarships in accordance
279 with scholarship program requirements, the department is
280 authorized to adjust the amount of the overpayment in the third
281 and fourth quarter payment releases.

282 Section 2. Section 1011.689, Florida Statutes, is created
283 to read:

284 1011.689 Educational enrollment stabilization program.—The
285 educational enrollment stabilization program is created to
286 provide supplemental state funds as needed to address changes in
287 full-time equivalent student enrollment throughout the school
288 year in both the Florida Finance Education Program and the
289 educational scholarship programs created pursuant to chapter
290 1002.

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291 (1) SCHOOL DISTRICT STABILIZATION.—To maintain the
292 stability of the operations of public schools, including charter
293 schools, in each school district, the department shall use funds
294 as appropriated to ensure that based on each recalculation of
295 the Florida Education Finance Program, a school district's funds
296 per unweighted full-time equivalent student are not less than
297 the greater of either the school district's funds per unweighted
298 full-time equivalent student as appropriated in the General
299 Appropriations Act or the school district's funds per unweighted
300 full-time equivalent student as recalculated based upon the
301 receipt of the certified taxable value for school purposes
302 pursuant to s. 1011.62(4).

303 (2) SCHOOL DISTRICT DECLINING ENROLLMENT.—To maintain the
304 stability of the operations of public schools, the department
305 shall use funds as appropriated to provide a supplemental
306 payment to school districts that have a decline in unweighted
307 full-time equivalent students between the legislative
308 calculation provided in the General Appropriations Act and the
309 third calculation of the Florida Education Finance Program
310 within the same year. The supplemental payment shall be computed
311 by multiplying a percentage of the decline in the unweighted
312 full-time equivalent students as determined by the Legislature
313 by the base student allocation and by the comparable wage factor
314 or the small district factor. The percentage used for districts
315 that are fiscally constrained must be greater than the
316 percentage used for non-fiscally constrained districts. The
317 supplemental funds may not be added to the district's total
318 Florida Education Finance Program funds for any future
319 calculations.

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320 (3) FAMILY EMPOWERMENT SCHOLARSHIP PROGRAM.—To maintain
321 scholarship award amounts, the department shall use funds as
322 appropriated to ensure that funding is available if the number
323 of full-time equivalent students enrolled in the scholarship
324 program is greater than the amount appropriated in the General
325 Appropriations Act in the educational scholarship funding
326 operating categorical established under s. 1011.687.

327 (4) FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM.—If available
328 funds in the Florida Tax Credit Scholarship Program are
329 insufficient to cover eligible applicants who are personalized
330 education program students, the department shall use funds as
331 appropriated to award scholarships to such eligible applicants
332 up to the number authorized in s. 1002.395.

333 (5) MINIMUM BALANCE.—The Legislature shall annually
334 appropriate funds in the General Appropriations Act to the
335 department for the educational stabilization program in an
336 amount necessary to maintain a projected minimum balance of \$250
337 million at the beginning of the upcoming fiscal year.
338 Notwithstanding s. 216.301 and pursuant to s. 216.351, the
339 unexpended balance of funds appropriated pursuant to this
340 subsection which is not disbursed by June 30 of the fiscal year
341 in which the funds are appropriated may be carried forward for
342 up to 10 years after the effective date of the original
343 appropriation.

344 Section 3. Section 1011.65, Florida Statutes, is amended to
345 read:

346 1011.65 Florida Education Finance Program Appropriation
347 Allocation Conference.—Prior to the distribution of any funds
348 appropriated in the General Appropriations Act for the K-12

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349 Florida Education Finance Program formula and for the formula-
350 funded categorical programs, the Commissioner of Education shall
351 conduct an allocation conference. Conference principals shall
352 include representatives of the Department of Education, the
353 Executive Office of the Governor, and the appropriations
354 committees of the Senate and the House of Representatives.
355 Conference principals shall discuss and agree to all
356 conventions, including rounding conventions, and methods of
357 computation to be used to calculate Florida Education Finance
358 Program and categorical entitlements of the districts for the
359 fiscal year for which the appropriations are made. These
360 conventions and calculation methods shall remain in effect until
361 further agreements are reached in subsequent allocation
362 conferences called by the commissioner for that purpose. The
363 commissioner shall also, prior to each recalculation of Florida
364 Education Finance Program and categorical allocations of the
365 districts, provide conference principals with all data necessary
366 to replicate those allocations precisely. This data shall
367 include a matrix by district by program of all full-time
368 equivalent changes made by the department as part of its
369 administration of state full-time equivalent caps. This data
370 must include verification that the department has cross-checked
371 the full-time equivalent student membership survey data with the
372 full-time equivalent student data for the educational
373 scholarship programs established under chapter 1002 to avoid
374 duplication.

375 Section 4. Section 1002.40, Florida Statutes, is amended to
376 read:

377 1002.40 The Hope ~~Scholarship~~ Program.—

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378 (1) PURPOSE.—The Hope ~~Scholarship~~ Program is established to
379 provide the parent of a public school student who was subjected
380 to an incident listed in subsection (3) an opportunity to
381 transfer the student to another public school or to request a
382 scholarship for the student to enroll in and attend an eligible
383 private school.

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

385 (a) "Parent" means a resident of this state who is a
386 parent, as defined in s. 1000.21, and whose student reported an
387 incident in accordance with subsection (4).

388 (b) "Program" means the Hope ~~Scholarship~~ Program.

389 (c) "School" means any educational program or activity
390 conducted by a public K-12 educational institution, any school-
391 related or school-sponsored program or activity, and riding on a
392 school bus, as defined in s. 1006.25(1), including waiting at a
393 school bus stop.

394 (3) PROGRAM ELIGIBILITY.—A student enrolled in a Florida
395 public school in kindergarten through grade 12 is eligible for
396 the educational options described in subsection (4) if the
397 student reported an incident in accordance with that subsection.
398 For purposes of this section, the term "incident" means battery;
399 harassment; hazing; bullying; kidnapping; physical attack;
400 robbery; sexual offenses, harassment, assault, or battery;
401 threat or intimidation; or fighting at school, as defined by the
402 department in accordance with s. 1006.09(6).

403 (4) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—Upon
404 receipt of a report of an incident, the school principal, or his
405 or her designee, shall provide a copy of the report to the
406 parent and investigate the incident to determine if the incident

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407 must be reported as required by s. 1006.09(6). Within 24 hours
408 after receipt of the report, the principal or his or her
409 designee shall provide a copy of the report to the parent of the
410 alleged offender and to the superintendent. Upon conclusion of
411 the investigation or within 15 days after the incident was
412 reported, whichever occurs first, the school district shall
413 notify the parent of the program, offer the parent an
414 opportunity to enroll his or her student in another public
415 school that has capacity, and notify the parent of their
416 eligibility to apply for a scholarship to attend an eligible
417 private school under ss. 1002.394 and 1002.395.

418 (5) RULES.—The State Board of Education shall adopt rules
419 to administer this section.

420 Section 5. Section 1002.411, Florida Statutes, is repealed.

421 Section 6. Section 1002.421, Florida Statutes, is amended
422 to read:

423 1002.421 State school choice scholarship programs ~~program~~
424 ~~accountability and oversight.~~—

425 (1) DEFINITIONS.—As used in this section, s. 1002.394, and
426 s. 1002.395, the term:

427 (a) “Approved provider” means a provider approved by the
428 Agency for Persons with Disabilities, a health care practitioner
429 as defined in s. 456.001, or a provider approved by the
430 department pursuant to s. 1002.66.

431 (b) “Choice navigator” means an individual who meets the
432 requirements of s. 1002.395(6)(d)8. and who provides
433 consultations, at a mutually agreed upon location, on the
434 selection of, application for, and enrollment in educational
435 options addressing the academic needs of a student; curriculum

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436 selection; and advice on career and postsecondary education
437 opportunities. However, this section does not authorize a choice
438 navigator to oversee or exercise control over the curricula or
439 academic programs of a personalized education program.

440 (c) "Curriculum" means a complete course of study for a
441 particular content area or grade level, including any required
442 supplemental materials and associated online instruction.

443 (d) "Disability" means, for a 3- or 4-year-old child or for
444 a student in kindergarten to grade 12, autism spectrum disorder
445 as defined in the Diagnostic and Statistical Manual of Mental
446 Disorders, Fifth Edition, published by the American Psychiatric
447 Association; cerebral palsy as defined in s. 393.063; Down
448 syndrome as defined in s. 393.063; an intellectual disability as
449 defined in s. 393.063; a speech impairment; a language
450 impairment; an orthopedic impairment; any other health
451 impairment; an emotional or a behavioral disability; a specific
452 learning disability, including, but not limited to, dyslexia,
453 dyscalculia, or developmental aphasia; Phelan-McDermid syndrome
454 as defined in s. 393.063; Prader-Willi syndrome as defined in s.
455 393.063; spina bifida as defined in s. 393.063; being a high-
456 risk child as defined in s. 393.063(22) (a); muscular dystrophy;
457 Williams syndrome; rare diseases that affect patient populations
458 of fewer than 200,000 individuals in the United States, as
459 defined by the National Organization for Rare Disorders;
460 anaphylaxis; a hearing impairment, including deafness; a visual
461 impairment, including blindness; traumatic brain injury;
462 hospital or homebound; or identification as dual sensory
463 impaired, as defined by rules of the State Board of Education
464 and evidenced by reports from local school districts. The term

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465 "hospital or homebound" includes a student who has a medically
466 diagnosed physical or psychiatric condition or illness, as
467 defined by the state board in rule, and who is confined to the
468 home or hospital for more than 6 months.

469 (e) "Eligible nonprofit scholarship-funding organization"
470 or "organization" means a state university; or an independent
471 college or university that is eligible to participate in the
472 William L. Boyd, IV, Effective Access to Student Education Grant
473 Program; is located and chartered in this state; is not for
474 profit; is accredited by the Commission on Colleges of the
475 Southern Association of Colleges and Schools; or is a charitable
476 organization that:

477 1. Is exempt from federal income tax pursuant to s.
478 501(c)(3) of the Internal Revenue Code;

479 2. Is a Florida entity formed under chapter 605, chapter
480 607, or chapter 617 and whose principal office is located in
481 this state; and

482 3. Complies with s. 1002.395(6) and (15).

483 (f) "Eligible postsecondary educational institution" means
484 a Florida College System institution; a state university; a
485 school district technical center; a school district adult
486 general education center; an independent college or university
487 that is eligible to participate in the William L. Boyd, IV,
488 Effective Access to Student Education Grant Program under s.
489 1009.89; or an accredited independent postsecondary educational
490 institution as defined in s. 1005.02 which is licensed to
491 operate in this state under part III of chapter 1005 or is
492 approved to participate in a reciprocity agreement as defined in
493 s. 1000.35(2).

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494 (g) "Eligible private school" means a private school as
495 defined in s. 1002.01 which is located in Florida and which
496 offers an education to students in any grades K-12 and meets the
497 requirements in this section.

498 (h) "Household income" has the same meaning as the term
499 "income" as defined in the Income Eligibility Guidelines for
500 free and reduced price meals under the National School Lunch
501 Program in 7 C.F.R. part 210 as published in the Federal
502 Register by the United States Department of Agriculture.

503 (i) "IEP" means an individual education plan, regardless of
504 whether the plan has been reviewed or revised within the last 12
505 months.

506 (j) "Inactive" means that no eligible expenditures have
507 been made from an account.

508 (k) "Job coach" means an individual employed to help people
509 with disabilities learn, accommodate to, and perform their work
510 duties.

511 (l) "Law enforcement officer" has the same meaning as
512 provided in s. 943.10(1).

513 (m) "Owner or operator" includes:

514 1. An owner, a president, an officer, or a director of an
515 eligible nonprofit scholarship-funding organization or a person
516 with equivalent decisionmaking authority over an eligible
517 nonprofit scholarship-funding organization; or

518 2. An owner, an operator, a superintendent, or a principal
519 of an eligible private school or a person with equivalent
520 decisionmaking authority over an eligible private school.

521 (n) "Parent" means a resident of this state who is a parent
522 as defined in s. 1000.21.

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523 (o) "Personalized education program" has the same meaning
524 as in s. 1002.01.

525 (p) "Personalized education student" means a student whose
526 parent applies to an eligible nonprofit scholarship-funding
527 organization for participation in a personalized education
528 program.

529 (q) "Student learning plan" means a customized learning
530 plan developed by a parent at least annually to guide
531 instruction for his or her student and to identify the goods and
532 services needed to address the academic needs of his or her
533 student.

534 (2) SCHOLARSHIP APPLICATION PROCESS.—

535 (a) An eligible nonprofit scholarship-funding organization
536 must provide the parent with information on each scholarship
537 program established pursuant to this chapter which clearly
538 outlines the eligibility requirements of and authorized uses of
539 funds for each program to enable the parent of a student to
540 determine which program best fits the needs of each student.
541 Specifically, for a student applying based on eligibility
542 pursuant to s. 1002.394(3)(b) or s. 1002.395, except for
543 students eligible pursuant to a personalized education program,
544 a participating private school must discuss the school's
545 academic programs and policies, specialized services, code of
546 conduct, and attendance policies before enrollment with the
547 parent to determine which programs and services may meet the
548 student's individual needs.

549 (b) The organization must create a single application for
550 all educational scholarship programs established pursuant to
551 this chapter in a manner that creates an electronic record of

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552 the application, which must include the date the application was
553 submitted, the date the application was approved or denied, and
554 the date the scholarship was accepted or declined. The
555 organization may not charge a fee for the application.

556 (c) The organization must establish two application
557 approval windows each school year during which a parent of an
558 eligible student, including renewal students, may apply for an
559 educational scholarship program pursuant to this chapter, except
560 for personalized education students, who may only apply during
561 the fall application window.

562 1.a. For the 2025-2026 school year, the application
563 deadline for the fall application window must be no later than
564 July 15.

565 b. For the 2026-2027 school year and thereafter, the
566 application deadline for the fall application window must be no
567 later than May 31.

568 2. The application deadline for the spring application
569 window must be no later than November 1.

570 (d) An organization must review applications and award
571 scholarships using the following priorities:

572 1. An application for a student who is eligible pursuant to
573 s. 1002.394(3) (a) or s. 1002.395 and:

574 a. Whose household income level does not exceed 185 percent
575 of the federal poverty level or who is in foster care or out-of-
576 home care; and then

577 b. Whose household income level exceeds 185 percent of the
578 federal poverty level but does not exceed 400 percent of the
579 federal poverty level.

580 2. An application for a student who is eligible and

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581 received a scholarship during the previous school year.

582 3. An application for a student who was affected by the
583 disapproval of an organization's participation by the department
584 pursuant to s. 1002.395 during the previous school year.

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586 The organization must award scholarships to newly eligible
587 students on a first-come, first-served basis unless the student
588 is seeking priority pursuant to this paragraph.

589 (e) A parent must notify the organization within 30 days,
590 except for the 2025-2026 school year for which the parent must
591 notify the organization within 15 days, of the application
592 window deadline whether the scholarship offer is accepted or
593 declined. A failure to respond within the timeframe established
594 results in an automatic declination of the scholarship. A parent
595 of a student who is awarded funds during the fall does not need
596 to reapply during the spring application window. A parent of a
597 student who is awarded funds during the spring window may only
598 receive five of the 10 payment installments for the school year.

599 (f) A parent may not apply for multiple scholarships under
600 s. 1002.394 or s. 1002.395 for an individual student at the same
601 time.

602 (g) Notwithstanding the application window deadlines, a
603 student in foster care or out-of-home care who is a dependent
604 child of a member of the United States Armed Forces or who
605 reported an incident pursuant to s. 1002.40 may apply for a
606 scholarship at any time but may only receive payments
607 prospectively.

608 (h) An organization may not restrict or reserve
609 scholarships for use at a particular eligible private school or

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610 provide scholarships to a child of an owner or operator of such
611 school. The organization must notify each parent of a
612 scholarship applicant that participation in the scholarship
613 program does not guarantee enrollment at an eligible private
614 school.

615 (i) For the 2025-2026 school year, a parent who applies for
616 a scholarship by April 30, 2025, does not need to submit a new
617 application pursuant to the requirements of this section but
618 must, by the time the organization is required to send its
619 verified list to the department, provide the documentation
620 required for eligibility. However, a parent may withdraw their
621 application and reapply pursuant to the requirements of this
622 section.

623
624 An eligible nonprofit scholarship-funding organization may not
625 further regulate, exercise control over, or require
626 documentation beyond the requirements of the scholarship
627 programs unless the regulation, control, or documentation is
628 necessary for participation in the program.

629 (3) ENROLLMENT VERIFICATION.—Upon receipt of an
630 application, the eligible nonprofit scholarship-funding
631 organization must verify each student's initial or continuing
632 eligibility. Each student must apply for a scholarship each
633 academic year. An organization may not grant multiyear
634 scholarships in one approval process.

635 (a) To verify eligibility the organization must request for
636 each student and include in each student's file all of the
637 following information:

638 1. More than one form of proof of residency or proof that

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639 the student is the dependent of an active duty member of the
640 United States Armed Forces who has received permanent change of
641 station orders to this state or, at the time of renewal, whose
642 home of record or state of legal residence is Florida.

643 2. A copy of the student's birth certificate.

644 3. For a student who was enrolled in public school in the
645 school year prior to participation in the scholarship program,
646 proof that the parent submitted the standard withdrawal form to
647 the public school at which the student was previously enrolled.

648 4. The following documentation from the parent attesting
649 that while the student receives scholarship payments, the
650 student will be enrolled in and in compliance with the
651 applicable attendance requirements under ss. 1003.01(16) and
652 1003.21(1):

653 a. A copy of the notice of a parent's intent to establish
654 and maintain a home education program pursuant to s. 1002.41;

655 b. A personalized education program and a copy of the
656 student learning plan that has been reviewed and verified by the
657 organization pursuant to s. 1002.395(7)(c); or

658 c. A letter of admission or enrollment from an eligible
659 private school for the school year in which the student is
660 applying.

661 (b) In addition, if the student:

662 1. Previously participated in a scholarship program, the
663 organization must request for each student the assessment
664 results necessary to verify compliance with subsection (7).

665 2. Is seeking priority eligible based upon household
666 income, the parent of the student must authorize the
667 organization to access information needed for income eligibility

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668 determination and verification held by other state or federal
669 agencies, including the Department of Revenue, the Department of
670 Children and Families, the Department of Education, the
671 Department of Commerce, and the Agency for Health Care
672 Administration.

673 (c) An organization must send to the department a list of
674 verified eligible students and any information necessary for the
675 department to review the list by:

676 1. August 15 for the 2025-2026 school year for the fall
677 application window.

678 2. July 15 for the 2026-2027 school year and each school
679 year thereafter for the fall application window.

680 3. December 15 for the spring application window.

681 (d) The department must assign each verified eligible
682 student a Florida student identification number. Once a student
683 is assigned a Florida student identification number, the
684 organization must use that number for the reporting and tracking
685 of all scholarship data.

686 (e) The department must cross-check each list of verified
687 eligible students with the most recent public school enrollment
688 lists and each list of verified eligible students applying to
689 receive a scholarship award before an organization makes any
690 payments to avoid duplication between organizations and between
691 the organizations and the public schools.

692 (f) The department, after the list of verified eligible
693 students has been cross-checked and each student has been
694 assigned a Florida student identification number, shall send the
695 updated list to the organization who may then fund students
696 based on the department's list of verified eligible students.

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697 The department must notify an organization of any of the
698 organization's identified students who were submitted for a
699 scholarship from another organization and which organization the
700 student shall receive funding from.

701 (4) PREPAYMENT VERIFICATION.—Prior to the disbursement of
702 each scholarship payment, the organization must verify the
703 student's continued eligibility based upon the requirements of
704 the applicable student's scholarship program.

705 (a) For scholarship programs that require private school
706 enrollment, the organization must verify that the student is
707 enrolled in and in attendance at an eligible participating
708 private school.

709 (b) Prior to the receipt of each scholarship payment, a
710 parent of the student must attest that the student is not
711 enrolled full-time in a public school and is enrolled in and in
712 attendance at, unless excused for illness or other good cause:

- 713 1. A home education program;
714 2. A personalized education program; or
715 3. An eligible private school.

716 (c) The organization may not make any payment into a
717 student's account upon notification that the student is enrolled
718 in a public school unless the organization can verify the
719 student's continued eligibility. An organization is liable to
720 the state for payments made in violation of this subsection and
721 must reimburse the state for funds that were improperly awarded
722 which cannot be recovered.

723 (5) SCHOLARSHIP AWARD AMOUNTS AND PAYMENT SCHEDULE.—

724 (a) Beginning in the 2025-2026 school year, the calculated
725 scholarship program award amounts shall be the amounts provided

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726 in the General Appropriations Act which are based upon the
727 amounts by basic program and program for exceptional students
728 under the Florida Education Finance Program. These amounts shall
729 be adjusted annually based upon the value of the percentage
730 change increase in per student funding at the state level for
731 public school districts as provided in the General
732 Appropriations Act.

733 1. The calculated scholarship amount for a student
734 determined eligible pursuant to s. 1002.394(3) (a) or s. 1002.395
735 shall be based upon the student's current grade level and county
736 of residence.

737 2. The calculated scholarship amount for a student
738 determined eligible pursuant to s. 1002.394(3) (b) must be based
739 upon the student's current grade level, exceptional student
740 program, and county of residence.

741 a. The calculated scholarship amount for a student who
742 received a Gardiner Scholarship pursuant to former s. 1002.385
743 in the 2020-2021 school year shall be the greater of the amount
744 calculated pursuant to this subsection or the amount the student
745 received for the 2020-2021 school year.

746 b. The calculated scholarship amount for a student who
747 received a John M. McKay Scholarship pursuant to former s.
748 1002.39 in the 2020-2021 school year shall be the greater of the
749 amount calculated pursuant to this subsection or the amount the
750 student received for the 2020-2021 school year.

751 (b) The scholarship award shall be divided into 10 equal
752 installments. The organization must make payments no later than
753 August 20, except for the 2025-2026 school year for which the
754 first payment must be made no later than September 1, September

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755 15, October 15, November 15, January 15, February 15, March 15,
756 April 15, and May 15 of each school year in which the
757 scholarship is in force and in accordance with the prepayment
758 verification process. The first payment must be for two
759 installments.

760 (6) SCHOLARSHIP ACCOUNTS.—The organization must establish
761 and maintain a separate scholarship account for each student
762 enrolled in a scholarship program. For each account, the
763 organization must maintain a record of accrued interest which is
764 retained in the student's account. Accrued interest in the
765 student's account is in addition to, and not part of, the
766 awarded funds. Program funds include both the awarded funds and
767 accrued interest and are available only for authorized program
768 expenditures.

769 (a) Payment of the scholarship by the eligible nonprofit
770 scholarship-funding organization shall be by funds transfer,
771 including, but not limited to, debit cards, electronic payment
772 cards, or any means of payment the department deems commercially
773 viable or cost-effective. A student's scholarship award may not
774 be reduced to cover debit card or electronic payment fees.
775 Commodities or services related to the development of such
776 transfer system must be procured by competitive solicitation
777 unless purchased from a state term contract pursuant to s.
778 287.056.

779 (b) For students eligible pursuant to s. 1002.394(3)(a) or
780 s. 1002.395, except for those students enrolled in a
781 personalized education program:

782 1. The organization must commit scholarship funds on behalf
783 of the student for tuition and fees that the parent must pay at

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784 a participating private school before scholarship account funds
785 may be used for additional authorized uses under s.
786 1002.394(4) (a) or s. 1002.395(4) (d). A parent is responsible for
787 all eligible expenses in excess of the scholarship amount. An
788 eligible nonprofit scholarship-funding organization shall ensure
789 that the parent has approved a funds transfer before any
790 scholarship funds are deposited. The parent may not designate
791 any entity or individual associated with a participating private
792 school as the parent's attorney in fact to approve a funds
793 transfer.

794 2. After funds have been committed pursuant to subparagraph
795 1., funds may be used as authorized in s. 1002.394(4) (a) and as
796 authorized in the organization's purchasing handbook by paying
797 for the authorized use directly and then submitting a
798 reimbursement request to the organization. An organization may
799 require the use of an online platform for direct purchases of
800 products if such use does not limit a parent's choice of
801 curriculum or academic programs. If a parent purchases a product
802 identical to one offered by an organization's online platform
803 for a lower price, the organization must reimburse the parent
804 the cost of the product.

805 3. The initial payment shall be made after the
806 organization's verification of admission acceptance, and
807 subsequent payments shall be made upon verification of continued
808 enrollment and attendance at a participating private school.
809 Payments for tuition and fees for full-time enrollment shall be
810 made within 7 business days after approval by the parent and the
811 private school.

812 4. An organization may not transfer any funds to an account

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813 of a student which has a balance in excess of \$24,000.

814 (c) For students eligible pursuant to s. 1002.394(3)(b):

815 1. The organization must verify qualifying educational
816 expenditures pursuant to the requirements of s. 1002.394(4)(b).

817 The organization must verify any expenditures made pursuant to
818 s. 1002.394(4)(b)1. and 2. before the distribution of funds.

819 Review of expenditures made for services specified in s.
820 1002.394(4)(b)3.-16. may be completed after the purchase is
821 made.

822 2. An organization may not transfer any funds to an account
823 of a student which has a balance in excess of \$50,000.

824 (d) The parent of a student who fails to comply with this
825 subsection forfeits the scholarship. An organization must notify
826 the parent when a scholarship account is closed and program
827 funds revert to the state.

828 (7) TESTING REQUIREMENTS.—A student participating in a
829 scholarship program in grades 3 through 10 may take the
830 nationally norm-referenced tests that are identified by the
831 department or take the statewide assessments pursuant to s.
832 1008.22. Students with disabilities for whom standardized
833 testing is not appropriate are exempt from this requirement.

834 (a) A participating private school must annually administer
835 or make provision for students participating in the program in
836 grades 3 through 10 to take one of the nationally norm-
837 referenced tests or cooperate with a student whose parent
838 chooses to participate in the statewide assessments pursuant to
839 s. 1008.22. A parent must require his or her student
840 participating in the program to take the norm-referenced tests
841 offered by the participating private school. The parent may also

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842 choose to have the student participate in the statewide
843 assessments pursuant to s. 1008.22.

844 (b)1. If the participating private school chooses to offer
845 and administer the statewide assessments pursuant to s. 1008.22
846 to all students who attend the private school in grades 3
847 through 10, it must submit a request in writing to the
848 department by March 1 of each year in order to administer the
849 statewide assessments in the subsequent school year. In turn,
850 upon the request of the department, a school district shall
851 coordinate with the department to provide to a participating
852 private school the statewide assessments and any related
853 materials for administering the assessments.

854 2. A school district is responsible for administering tests
855 at a participating private school, including:

856 a. Providing training for private school staff on test
857 security and assessment administration procedures;

858 b. Distributing testing materials to a private school;

859 c. Retrieving testing materials from a private school;

860 d. Providing the required format for a private school to
861 submit information to the district for test administration and
862 enrollment purposes; and

863 e. Providing any required assistance, monitoring, or
864 investigation related to administering tests and assessments at
865 a private school.

866 3. A participating private school shall report a student's
867 scores to his or her parent. By August 15 of each year, a
868 participating private school must report the scores of all
869 participating students to a state university as described in s.
870 1002.395(9)(b)3.

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871 4. If a parent requests that the student participating in
872 the program take statewide assessments pursuant to s. 1008.22
873 and the participating private school has not chosen to offer and
874 administer the statewide assessments, the district in which the
875 participating private school is located must provide locations
876 and times for the student to take the assessments. The parent is
877 responsible for transporting the student to the assessment site
878 designated by the school district.

879 5. For students determined eligible pursuant to s.
880 1002.395(7)(b), an organization must receive eligible student
881 test scores, and beginning with the 2027-2028 school year, by
882 August 15, annually report test scores for such students to a
883 state university pursuant to s. 1002.395(9)(b)3.

884 (8) BACKGROUND SCREENING REQUIREMENTS.-

885 (a) Each owner or operator or an individual providing
886 services under s. 1002.394(4)(b)4. or s. 1002.395(6)(d)4., prior
887 to employment or engagement to provide services, to undergo
888 level 2 background screening as provided under chapter 435. The
889 fingerprints for the background screening must be electronically
890 submitted to the Department of Law Enforcement and may be taken
891 by an authorized law enforcement agency or a private company
892 that is trained to take fingerprints. However, the complete set
893 of fingerprints of an owner or operator or service provider may
894 not be taken by the owner or operator or service provider. The
895 owner or operator or service provider shall provide a copy of
896 the results of the state and national criminal history check to
897 the Department of Education. The cost of the background
898 screening may be borne by the owner or operator or service
899 provider.

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900 1. Every 5 years following employment or engagement to
901 provide services, an owner or operator or service provider must
902 meet level 2 screening standards as described in s. 435.04, at
903 which time the owner or operator or service provider shall
904 request the Department of Law Enforcement to forward the
905 fingerprints to the Federal Bureau of Investigation for level 2
906 screening. If the fingerprints of an owner or operator or
907 service provider are not retained by the Department of Law
908 Enforcement under subparagraph 2., the owner or operator or
909 service provider must electronically file a complete set of
910 fingerprints with the Department of Law Enforcement. Upon
911 submission of fingerprints for this purpose, the owner or
912 operator or service provider shall request that the Department
913 of Law Enforcement forward the fingerprints to the Federal
914 Bureau of Investigation for level 2 screening, and the
915 fingerprints shall be retained by the Department of Law
916 Enforcement under subparagraph 2.

917 2. Fingerprints submitted to the Department of Law
918 Enforcement as required by this paragraph must be retained by
919 the Department of Law Enforcement in a manner approved by rule
920 and entered in the statewide automated biometric identification
921 system authorized by s. 943.05(2)(b). The fingerprints must
922 thereafter be available for all purposes and uses authorized for
923 arrest fingerprints entered in the statewide automated biometric
924 identification system pursuant to s. 943.051.

925 3. The Department of Law Enforcement shall run a search of
926 all arrest fingerprints received under s. 943.051 against the
927 fingerprints retained in the statewide automated biometric
928 identification system under subparagraph 2. Any arrest record

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929 that is identified with an owner's or operator's fingerprints
930 must be reported to the owner or operator or service provider,
931 who must report to the Department of Education. Any costs
932 associated with the search shall be borne by the owner or
933 operator or service provider.

934 4. An owner or operator who fails the level 2 background
935 screening is not eligible to participate in a scholarship
936 program under this chapter. A service provider must submit a
937 notarized attestation to the organization and make the
938 background screening results available upon request. A person
939 that fails to make the background screening results available
940 upon request to either the parent or organization is
941 disqualified from participating in the program. No later than
942 December 1, 2025, an organization may not provide scholarship
943 funds to a person or provider that has not submitted the
944 notarized attestation.

945 5. In addition to the offenses listed in s. 435.04, a
946 person required to undergo background screening pursuant to this
947 part or authorizing statutes may not have an arrest awaiting
948 final disposition for, must not have been found guilty of, or
949 entered a plea of nolo contendere to, regardless of
950 adjudication, and must not have been adjudicated delinquent for,
951 and the record must not have been sealed or expunged for, any of
952 the following offenses or any similar offense of another
953 jurisdiction:

- 954 a. Any authorizing statutes, if the offense was a felony.
955 b. This chapter, if the offense was a felony.
956 c. Section 409.920, relating to Medicaid provider fraud.
957 d. Section 409.9201, relating to Medicaid fraud.

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- 958 e. Section 741.28, relating to domestic violence.
- 959 f. Section 817.034, relating to fraudulent acts through
960 mail, wire, radio, electromagnetic, photoelectronic, or
961 photooptical systems.
- 962 g. Section 817.234, relating to false and fraudulent
963 insurance claims.
- 964 h. Section 817.505, relating to patient brokering.
- 965 i. Section 817.568, relating to criminal use of personal
966 identification information.
- 967 j. Section 817.60, relating to obtaining a credit card
968 through fraudulent means.
- 969 k. Section 817.61, relating to fraudulent use of credit
970 cards, if the offense was a felony.
- 971 l. Section 831.01, relating to forgery.
- 972 m. Section 831.02, relating to uttering forged instruments.
- 973 n. Section 831.07, relating to forging bank bills, checks,
974 drafts, or promissory notes.
- 975 o. Section 831.09, relating to uttering forged bank bills,
976 checks, drafts, or promissory notes.
- 977 p. Section 831.30, relating to fraud in obtaining medicinal
978 drugs.
- 979 q. Section 831.31, relating to the sale, manufacture,
980 delivery, or possession with the intent to sell, manufacture, or
981 deliver any counterfeit controlled substance, if the offense was
982 a felony.
- 983 6. At least 30 calendar days before a transfer of ownership
984 of a private school, the owner or operator shall notify the
985 parent of each scholarship student.
- 986 7. The owner or operator of a private school that has been

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987 deemed ineligible to participate in a scholarship program
988 pursuant to this chapter may not transfer ownership or
989 management authority of the school to a relative in order to
990 participate in a scholarship program as the same school or a new
991 school. For purposes of this subparagraph, the term "relative"
992 means father, mother, son, daughter, grandfather, grandmother,
993 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
994 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
995 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
996 stepdaughter, stepbrother, stepsister, half brother, or half
997 sister.

998 (b) An organization must report the annual audit of
999 background screening results required under this subsection to
1000 the department.

1001 (9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
1002 school participating in an educational scholarship program
1003 established pursuant to this chapter may be sectarian or
1004 nonsectarian and must be a private school as defined in s.
1005 1002.01 in this state, be registered, and be in compliance with
1006 all requirements of this section in addition to private school
1007 requirements outlined in s. 1002.42, specific requirements
1008 identified within respective scholarship program laws, and other
1009 provisions of Florida law that apply to private schools.
1010 Additionally, a private school participating in an educational
1011 scholarship program pursuant to this chapter, ~~and~~ must:

1012 (a) Comply with the antidiscrimination provisions of 42
1013 U.S.C. s. 2000d.

1014 (b) Notify the department of its intent to participate in a
1015 scholarship program.

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1016 (c) Notify the department of any change in the school's
1017 name, school director, mailing address, or physical location
1018 within 15 days after the change.

1019 (d) Provide to the department or ~~scholarship funding~~
1020 organization all documentation required for a student's
1021 participation or required by the organization to process a
1022 scholarship payment, including the private school's and
1023 student's individual fee schedule, and attendance verification
1024 as required by the department or ~~scholarship funding~~
1025 organization, prior to scholarship payment. Such information
1026 must be provided by the deadlines established by the
1027 organization and in accordance with the requirements of this
1028 section or ss. 1002.394 and 1002.395. A student is not eligible
1029 to receive a scholarship payment if the private school fails to
1030 meet the deadlines.

1031 (e) Annually complete and submit to the department a
1032 notarized scholarship compliance statement certifying that all
1033 school employees and contracted personnel with direct student
1034 contact have undergone background screening pursuant to s.
1035 435.12 and have met the screening standards as provided in s.
1036 435.04.

1037 (f) Demonstrate fiscal soundness and accountability by:

1038 1. Being in operation for at least 3 school years or
1039 obtaining a surety bond or letter of credit for the amount equal
1040 to the scholarship funds for any quarter and filing the surety
1041 bond or letter of credit with the department.

1042 2. Requiring the parent of each scholarship student to
1043 personally restrictively endorse the scholarship warrant to the
1044 school or to approve a funds transfer before any funds are

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1045 deposited for a student. The school may not act as attorney in
1046 fact for the parent of a scholarship student under the authority
1047 of a power of attorney executed by such parent, or under any
1048 other authority, to endorse a scholarship warrant or approve a
1049 funds transfer on behalf of such parent.

1050 (g) Meet applicable state and local health, safety, and
1051 welfare laws, codes, and rules, including:

- 1052 1. Firesafety.
- 1053 2. Building safety.

1054 (h) Employ or contract with teachers who hold baccalaureate
1055 or higher degrees, have at least 3 years of teaching experience
1056 in public or private schools, or have special skills, knowledge,
1057 or expertise that qualifies them to provide instruction in
1058 subjects taught.

1059 (i) Maintain a physical location in the state at which each
1060 student has regular and direct contact with teachers. Regular
1061 and direct contact with teachers may be satisfied for students
1062 enrolled pursuant to s. 1002.394(4)(b) or in a personalized
1063 education program if students have regular and direct contact
1064 with teachers at the physical location at least 2 school days
1065 per week and the student learning plan addresses the remaining
1066 instructional time.

1067 (j) Publish on the school's website, or provide in a
1068 written format, information for parents regarding the school,
1069 including, but not limited to, programs, services, the
1070 qualifications of classroom teachers, and a statement that a
1071 parentally placed private school student with a disability does
1072 not have an individual right to receive some or all of the
1073 special education and related services that the student would

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1074 receive if enrolled in a public school under the Individuals
1075 with Disabilities Education Act (IDEA), as amended.

1076 (k) At a minimum, provide the parent of each scholarship
1077 student with a written explanation of the student's progress on
1078 a quarterly basis.

1079 (l) Cooperate with a student whose parent chooses to
1080 participate in the statewide assessments pursuant to s. 1008.22.

1081 (m) Require each employee and contracted personnel with
1082 direct student contact, upon employment or engagement to provide
1083 services, to undergo a state and national background screening,
1084 pursuant to s. 943.0542, by electronically filing with the
1085 Department of Law Enforcement a complete set of fingerprints
1086 taken by an authorized law enforcement agency or an employee of
1087 the private school, a school district, or a private company who
1088 is trained to take fingerprints and deny employment to or
1089 terminate an employee if he or she fails to meet the screening
1090 standards under s. 435.04. Results of the screening shall be
1091 provided to the participating private school. For purposes of
1092 this paragraph:

1093 1. An "employee or contracted personnel with direct student
1094 contact" means any employee or contracted personnel who has
1095 unsupervised access to a scholarship student for whom the
1096 private school is responsible.

1097 2. The costs of fingerprinting and the background check
1098 shall not be borne by the state.

1099 3. Continued employment of an employee or contracted
1100 personnel after notification that he or she has failed the
1101 background screening under this paragraph shall cause a private
1102 school to be ineligible for participation in a scholarship

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1103 program.

1104 4. An employee or contracted personnel holding a valid
1105 Florida teaching certificate who has been fingerprinted pursuant
1106 to s. 1012.32 is not required to comply with the provisions of
1107 this paragraph.

1108 5. All fingerprints submitted to the Department of Law
1109 Enforcement as required by this section shall be retained by the
1110 Department of Law Enforcement in a manner provided by rule and
1111 entered in the statewide automated biometric identification
1112 system authorized by s. 943.05(2)(b). Such fingerprints shall
1113 thereafter be available for all purposes and uses authorized for
1114 arrest fingerprints entered in the statewide automated biometric
1115 identification system pursuant to s. 943.051.

1116 6. The Department of Law Enforcement shall search all
1117 arrest fingerprints received under s. 943.051 against the
1118 fingerprints retained in the statewide automated biometric
1119 identification system under subparagraph 5. Any arrest record
1120 that is identified with the retained fingerprints of a person
1121 subject to the background screening under this section shall be
1122 reported to the employing school with which the person is
1123 affiliated. Each private school participating in a scholarship
1124 program is required to participate in this search process by
1125 informing the Department of Law Enforcement of any change in the
1126 employment or contractual status of its personnel whose
1127 fingerprints are retained under subparagraph 5. The Department
1128 of Law Enforcement shall adopt a rule setting the amount of the
1129 annual fee to be imposed upon each private school for performing
1130 these searches and establishing the procedures for the retention
1131 of private school employee and contracted personnel fingerprints

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1132 and the dissemination of search results. The fee may be borne by
1133 the private school or the person fingerprinted.

1134 7. Employees and contracted personnel whose fingerprints
1135 are not retained by the Department of Law Enforcement under
1136 subparagraphs 5. and 6. are required to be refingerprinted and
1137 must meet state and national background screening requirements
1138 upon reemployment or reengagement to provide services in order
1139 to comply with the requirements of this section.

1140 8. Every 5 years following employment or engagement to
1141 provide services with a private school, employees or contracted
1142 personnel required to be screened under this section must meet
1143 screening standards under s. 435.04, at which time the private
1144 school shall request the Department of Law Enforcement to
1145 forward the fingerprints to the Federal Bureau of Investigation
1146 for national processing. If the fingerprints of employees or
1147 contracted personnel are not retained by the Department of Law
1148 Enforcement under subparagraph 5., employees and contracted
1149 personnel must electronically file a complete set of
1150 fingerprints with the Department of Law Enforcement. Upon
1151 submission of fingerprints for this purpose, the private school
1152 shall request that the Department of Law Enforcement forward the
1153 fingerprints to the Federal Bureau of Investigation for national
1154 processing, and the fingerprints shall be retained by the
1155 Department of Law Enforcement under subparagraph 5.

1156 (n) Adopt policies establishing standards of ethical
1157 conduct for educational support employees, instructional
1158 personnel, and school administrators. The policies must require
1159 all educational support employees, instructional personnel, and
1160 school administrators, as defined in s. 1012.01, to complete

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1161 training on the standards; establish the duty of educational
1162 support employees, instructional personnel, and school
1163 administrators to report, and procedures for reporting, alleged
1164 misconduct by other educational support employees, instructional
1165 personnel, and school administrators which affects the health,
1166 safety, or welfare of a student; and include an explanation of
1167 the liability protections provided under ss. 39.203 and 768.095.
1168 A private school, or any of its employees, may not enter into a
1169 confidentiality agreement regarding terminated or dismissed
1170 educational support employees, instructional personnel, or
1171 school administrators, or employees, personnel, or
1172 administrators who resign in lieu of termination, based in whole
1173 or in part on misconduct that affects the health, safety, or
1174 welfare of a student, and may not provide the employees,
1175 personnel, or administrators with employment references or
1176 discuss the employees', personnel's, or administrators'
1177 performance with prospective employers in another educational
1178 setting, without disclosing the employees', personnel's, or
1179 administrators' misconduct. Any part of an agreement or contract
1180 that has the purpose or effect of concealing misconduct by
1181 educational support employees, instructional personnel, or
1182 school administrators which affects the health, safety, or
1183 welfare of a student is void, is contrary to public policy, and
1184 may not be enforced.

1185 (o) Before employing a person in any position that requires
1186 direct contact with students, conduct employment history checks
1187 of previous employers, screen the person through use of the
1188 screening tools described in s. 1001.10(5), and document the
1189 findings. If unable to contact a previous employer, the private

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1190 school must document efforts to contact the employer. The
1191 private school may not employ a person whose educator
1192 certificate is revoked, who is barred from reapplying for an
1193 educator certificate, or who is on the disqualification list
1194 maintained by the department pursuant to s. 1001.10(4)(b).

1195 ~~(p) Require each owner or operator of the private school,~~
1196 ~~prior to employment or engagement to provide services, to~~
1197 ~~undergo level 2 background screening as provided under chapter~~
1198 ~~435. For purposes of this paragraph, the term "owner or~~
1199 ~~operator" means an owner, operator, superintendent, or principal~~
1200 ~~of, or a person with equivalent decisionmaking authority over, a~~
1201 ~~private school participating in a scholarship program~~
1202 ~~established pursuant to this chapter. The fingerprints for the~~
1203 ~~background screening must be electronically submitted to the~~
1204 ~~Department of Law Enforcement and may be taken by an authorized~~
1205 ~~law enforcement agency or a private company who is trained to~~
1206 ~~take fingerprints. However, the complete set of fingerprints of~~
1207 ~~an owner or operator may not be taken by the owner or operator.~~
1208 ~~The owner or operator shall provide a copy of the results of the~~
1209 ~~state and national criminal history check to the Department of~~
1210 ~~Education. The cost of the background screening may be borne by~~
1211 ~~the owner or operator.~~

1212 ~~1. Every 5 years following employment or engagement to~~
1213 ~~provide services, each owner or operator must meet level 2~~
1214 ~~screening standards as described in s. 435.04, at which time the~~
1215 ~~owner or operator shall request the Department of Law~~
1216 ~~Enforcement to forward the fingerprints to the Federal Bureau of~~
1217 ~~Investigation for level 2 screening. If the fingerprints of an~~
1218 ~~owner or operator are not retained by the Department of Law~~

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1219 ~~Enforcement under subparagraph 2., the owner or operator must~~
1220 ~~electronically file a complete set of fingerprints with the~~
1221 ~~Department of Law Enforcement. Upon submission of fingerprints~~
1222 ~~for this purpose, the owner or operator shall request that the~~
1223 ~~Department of Law Enforcement forward the fingerprints to the~~
1224 ~~Federal Bureau of Investigation for level 2 screening, and the~~
1225 ~~fingerprints shall be retained by the Department of Law~~
1226 ~~Enforcement under subparagraph 2.~~

1227 ~~2. Fingerprints submitted to the Department of Law~~
1228 ~~Enforcement as required by this paragraph must be retained by~~
1229 ~~the Department of Law Enforcement in a manner approved by rule~~
1230 ~~and entered in the statewide automated biometric identification~~
1231 ~~system authorized by s. 943.05(2)(b). The fingerprints must~~
1232 ~~thereafter be available for all purposes and uses authorized for~~
1233 ~~arrest fingerprints entered in the statewide automated biometric~~
1234 ~~identification system pursuant to s. 943.051.~~

1235 ~~3. The Department of Law Enforcement shall search all~~
1236 ~~arrest fingerprints received under s. 943.051 against the~~
1237 ~~fingerprints retained in the statewide automated biometric~~
1238 ~~identification system under subparagraph 2. Any arrest record~~
1239 ~~that is identified with an owner's or operator's fingerprints~~
1240 ~~must be reported to the owner or operator, who must report to~~
1241 ~~the Department of Education. Any costs associated with the~~
1242 ~~search shall be borne by the owner or operator.~~

1243 ~~4. An owner or operator who fails the level 2 background~~
1244 ~~screening is not eligible to participate in a scholarship~~
1245 ~~program under this chapter.~~

1246 ~~5. In addition to the offenses listed in s. 435.04, a~~
1247 ~~person required to undergo background screening pursuant to this~~

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1248 ~~part or authorizing statutes may not have an arrest awaiting~~
1249 ~~final disposition for, must not have been found guilty of, or~~
1250 ~~entered a plea of nolo contendere to, regardless of~~
1251 ~~adjudication, and must not have been adjudicated delinquent for,~~
1252 ~~and the record must not have been sealed or expunged for, any of~~
1253 ~~the following offenses or any similar offense of another~~
1254 ~~jurisdiction:~~

- 1255 ~~a. Any authorizing statutes, if the offense was a felony.~~
1256 ~~b. This chapter, if the offense was a felony.~~
1257 ~~c. Section 409.920, relating to Medicaid provider fraud.~~
1258 ~~d. Section 409.9201, relating to Medicaid fraud.~~
1259 ~~e. Section 741.28, relating to domestic violence.~~
1260 ~~f. Section 817.034, relating to fraudulent acts through~~
1261 ~~mail, wire, radio, electromagnetic, photoelectronic, or~~
1262 ~~photooptical systems.~~
1263 ~~g. Section 817.234, relating to false and fraudulent~~
1264 ~~insurance claims.~~
1265 ~~h. Section 817.505, relating to patient brokering.~~
1266 ~~i. Section 817.568, relating to criminal use of personal~~
1267 ~~identification information.~~
1268 ~~j. Section 817.60, relating to obtaining a credit card~~
1269 ~~through fraudulent means.~~
1270 ~~k. Section 817.61, relating to fraudulent use of credit~~
1271 ~~cards, if the offense was a felony.~~
1272 ~~l. Section 831.01, relating to forgery.~~
1273 ~~m. Section 831.02, relating to uttering forged instruments.~~
1274 ~~n. Section 831.07, relating to forging bank bills, checks,~~
1275 ~~drafts, or promissory notes.~~
1276 ~~o. Section 831.09, relating to uttering forged bank bills,~~

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1277 ~~checks, drafts, or promissory notes.~~

1278 ~~p. Section 831.30, relating to fraud in obtaining medicinal~~
1279 ~~drugs.~~

1280 ~~q. Section 831.31, relating to the sale, manufacture,~~
1281 ~~delivery, or possession with the intent to sell, manufacture, or~~
1282 ~~deliver any counterfeit controlled substance, if the offense was~~
1283 ~~a felony.~~

1284 ~~6. At least 30 calendar days before a transfer of ownership~~
1285 ~~of a private school, the owner or operator shall notify the~~
1286 ~~parent of each scholarship student.~~

1287 ~~7. The owner or operator of a private school that has been~~
1288 ~~deemed ineligible to participate in a scholarship program~~
1289 ~~pursuant to this chapter may not transfer ownership or~~
1290 ~~management authority of the school to a relative in order to~~
1291 ~~participate in a scholarship program as the same school or a new~~
1292 ~~school. For purposes of this subparagraph, the term "relative"~~
1293 ~~means father, mother, son, daughter, grandfather, grandmother,~~
1294 ~~brother, sister, uncle, aunt, cousin, nephew, niece, husband,~~
1295 ~~wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,~~
1296 ~~brother-in-law, sister-in-law, stepfather, stepmother, stepson,~~
1297 ~~stepdaughter, stepbrother, stepsister, half brother, or half~~
1298 ~~sister.~~

1299 ~~(p)-(q)~~ Provide a report from an independent certified
1300 public accountant who performs the agreed-upon procedures
1301 developed pursuant to s. 1002.395(6)(l) ~~s. 1002.395(6)(q)~~ if the
1302 private school receives more than \$250,000 in funds from
1303 scholarships awarded under this chapter in a state fiscal year.
1304 A private school subject to this subsection must annually submit
1305 the report by September 15 to the scholarship-funding

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1306 organization that awarded the majority of the school's
1307 scholarship funds. The agreed-upon procedures must be conducted
1308 in accordance with attestation standards established by the
1309 American Institute of Certified Public Accountants.

1310 (g)~~(r)~~ Prohibit education support employees, instructional
1311 personnel, and school administrators from employment in any
1312 position that requires direct contact with students if the
1313 personnel or administrators are ineligible for such employment
1314 pursuant to this section or s. 1012.315, or have been terminated
1315 or have resigned in lieu of termination for sexual misconduct
1316 with a student. If the prohibited conduct occurs subsequent to
1317 employment, the private school must report the person and the
1318 disqualifying circumstances to the department for inclusion on
1319 the disqualification list maintained pursuant to s.
1320 1001.10(4)(b).

1321 (r)~~(s)~~ Not be owned or operated by a person or an entity
1322 domiciled in, owned by, or in any way controlled by a foreign
1323 country of concern or foreign principal as defined in s.
1324 288.860. A violation of this paragraph constitutes an imminent
1325 threat to the health, safety, and welfare of the school's
1326 students and to the public, sufficient to justify immediate
1327 suspension of payment of scholarship funds under paragraph
1328 (11)(e) ~~(3)(e)~~, as well as denial, suspension, or revocation of
1329 a school's participation in a scholarship program under
1330 paragraph (11)(b) ~~(3)(b)~~.

1331 (s) The inclusion of eligible private schools within
1332 options available to Florida public school students does not
1333 expand the regulatory authority of the state, its officers, or
1334 any school district to impose any additional regulation of

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1335 private schools beyond that reasonably necessary to enforce
1336 requirements expressly set forth in this section.

1337
1338 The department shall suspend the payment of funds to a private
1339 school that knowingly fails to comply with this subsection or
1340 subsection (8), and shall prohibit the school from enrolling new
1341 scholarship students, for 1 fiscal year and until the school
1342 complies. If a private school fails to meet the requirements of
1343 this subsection or subsection (8) or has consecutive years of
1344 material exceptions listed in the report required under
1345 paragraph (p) ~~(q)~~, the commissioner may determine that the
1346 private school is ineligible to participate in a scholarship
1347 program.

1348 ~~(10)(2)~~ DEPARTMENT OF EDUCATION OBLIGATIONS.-

1349 (a) The Department of Education shall:

1350 1. Annually verify the eligibility of private schools that
1351 meet the requirements of this section, specific requirements
1352 identified within respective scholarship program laws, and other
1353 provisions of state law that apply to private schools.

1354 2. Establish a toll-free hotline that provides parents and
1355 private schools with information on participation in the
1356 scholarship programs.

1357 3. Publish and update, as necessary, information on the
1358 department website about the educational scholarship programs
1359 established under this chapter, including, but not limited to,
1360 student eligibility criteria, parental responsibilities, and
1361 relevant data. The information must include a list of approved
1362 providers as required by s. 1002.66, eligible postsecondary
1363 educational institutions, eligible private schools, and eligible

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1364 organizations and may identify or provide links to lists of
1365 other approved providers.

1366 ~~4.3.~~ Establish a process by which individuals may notify
1367 the department of any violation by a parent, private school, or
1368 school district of state laws relating to program participation.
1369 If the department has reasonable cause to believe that a
1370 violation of this section or any rule adopted by the State Board
1371 of Education has occurred, it shall conduct an inquiry or make a
1372 referral to the appropriate agency for an investigation. A
1373 department inquiry is not subject to the requirements of chapter
1374 120.

1375 5. Investigate any written complaint of a violation of this
1376 section by a parent, a student, a participating private school,
1377 a public school, a school district, an organization, a provider,
1378 or another appropriate party in accordance with the process
1379 established under s. 1002.421.

1380 ~~6.4.~~ Require an annual, notarized, sworn compliance
1381 statement from participating private schools certifying
1382 compliance with state laws, and retain such records.

1383 ~~7.5.~~ Coordinate with the entities conducting the health
1384 inspection for a private school to obtain copies of the
1385 inspection reports.

1386 ~~8.6.~~ Conduct site visits to private schools entering a
1387 scholarship program for the first time. Beginning with the 2019-
1388 2020 school year, a private school is not eligible to receive
1389 scholarship payments until a satisfactory site visit has been
1390 conducted and the school is in compliance with all other
1391 requirements of this section.

1392 ~~9.7.~~ Coordinate with the State Fire Marshal to obtain

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1393 access to fire inspection reports for private schools. The
1394 authority conducting the fire safety inspection shall certify to
1395 the State Fire Marshal that the annual inspection has been
1396 completed and that the school is in full compliance. The
1397 certification shall be made electronically or by such other
1398 means as directed by the State Fire Marshal.

1399 ~~10.8.~~ Upon the request of a participating private school
1400 authorized to administer statewide assessments, provide at no
1401 cost to the school the statewide assessments administered under
1402 s. 1008.22 and any related materials for administering the
1403 assessments. Students at a private school may be assessed using
1404 the statewide assessments if the addition of those students and
1405 the school does not cause the state to exceed its contractual
1406 caps for the number of students tested and the number of testing
1407 sites. The state shall provide the same materials and support to
1408 a private school that it provides to a public school. A private
1409 school that chooses to administer statewide assessments under s.
1410 1008.22 shall follow the requirements set forth in ss. 1008.22
1411 and 1008.24, rules adopted by the State Board of Education to
1412 implement those sections, and district-level testing policies
1413 established by the district school board.

1414 11. Maintain and annually publish a list of nationally
1415 norm-referenced tests identified for purposes of satisfying the
1416 testing requirements in subsection (7). The tests must meet
1417 industry standards of quality in accordance with state board
1418 rule.

1419 12. Develop a standard withdrawal form for parents who are
1420 withdrawing their students from public school to enroll in a
1421 scholarship program under this chapter. The form must include

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1422 the student's Florida Education Identification number, full
1423 name, date of birth, school or program from which the student is
1424 withdrawing, and date of withdrawal.

1425 (b) The department may conduct site visits to any private
1426 school participating in a scholarship program pursuant to this
1427 chapter that has received a complaint about a violation of state
1428 law or state board rule pursuant to subparagraph (a)4. ~~(a)3.~~ or
1429 has received a notice of noncompliance or a notice of proposed
1430 action within the previous 2 years.

1431 (c) Annually, by December 15, the department shall report
1432 to the Governor, the President of the Senate, and the Speaker of
1433 the House of Representatives its actions in implementing
1434 accountability in the scholarship programs under this section,
1435 any substantiated allegations or violations of law or rule by an
1436 eligible private school under this section, and the corrective
1437 action taken.

1438 (d) The department shall develop a uniform reimbursement
1439 process that organizations must use when processing
1440 reimbursement requests, including invoices, pursuant to s.
1441 1002.394(11)(b)6. or s. 1002.395(6)(u). An organization must
1442 approve, deny, or request more information relating to a
1443 reimbursement request within 30 days after receipt of such
1444 request. The department shall coordinate with each organization
1445 to develop a process to collect input and feedback from parents,
1446 private schools, and providers before an organization may
1447 implement substantial modifications or enhancements to the
1448 reimbursement process.

1449 (11)(3) COMMISSIONER OF EDUCATION AUTHORITY AND
1450 OBLIGATIONS.—The Commissioner of Education:

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1451 (a) Shall deny, suspend, or revoke a private school's
1452 participation in a scholarship program if it is determined that
1453 the private school has failed to comply with this section or
1454 exhibits a previous pattern of failure to comply. However, if
1455 the noncompliance is correctable within a reasonable amount of
1456 time, not to exceed 45 days, and if the health, safety, or
1457 welfare of the students is not threatened, the commissioner may
1458 issue a notice of noncompliance which provides the private
1459 school with a timeframe within which to provide evidence of
1460 compliance before taking action to suspend or revoke the private
1461 school's participation in the scholarship program.

1462 (b) May deny, suspend, or revoke a private school's
1463 participation in a scholarship program if the commissioner
1464 determines that an owner or operator of the private school is
1465 operating or has operated an educational institution in this
1466 state or in another state or jurisdiction in a manner contrary
1467 to the health, safety, or welfare of the public or if the owner
1468 or operator has exhibited a previous pattern of failure to
1469 comply with this section or specific requirements identified
1470 within respective scholarship program laws. ~~For purposes of this~~
1471 ~~subsection, the term "owner or operator" has the same meaning as~~
1472 ~~provided in paragraph (1) (p).~~

1473 (c) May permanently deny or revoke the authority of an
1474 owner, officer, or director to establish or operate a private
1475 school in the state and include such individual on the
1476 disqualification list maintained by the department pursuant to
1477 s. 1001.10(4) (b) if the commissioner decides that the owner,
1478 officer, or director:

1479 1. Is operating or has operated an educational institution

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1480 in the state or another state or jurisdiction in a manner
1481 contrary to the health, safety, or welfare of the public; or
1482 2. Has operated an educational institution that closed
1483 during the school year. An individual may be removed from the
1484 disqualification list if the individual reimburses the
1485 department or eligible nonprofit scholarship-funding
1486 organization the amount of scholarship funds received by the
1487 educational institution during the school year in which it
1488 closed.

1489 (d)1. In making such a determination, may consider factors
1490 that include, but are not limited to, acts or omissions by an
1491 owner or operator which led to a previous denial, suspension, or
1492 revocation of participation in a state or federal education
1493 scholarship program; an owner's or operator's failure to
1494 reimburse the department or scholarship-funding organization for
1495 scholarship funds improperly received or retained by a school;
1496 the imposition of a prior criminal sanction related to an
1497 owner's or operator's management or operation of an educational
1498 institution; the imposition of a civil fine or administrative
1499 fine, license revocation or suspension, or program eligibility
1500 suspension, termination, or revocation related to an owner's or
1501 operator's management or operation of an educational
1502 institution; or other types of criminal proceedings in which an
1503 owner or operator was found guilty of, regardless of
1504 adjudication, or entered a plea of nolo contendere or guilty to,
1505 any offense involving fraud, deceit, dishonesty, or moral
1506 turpitude.

1507 2. The commissioner's determination is subject to the
1508 following:

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1509 a. If the commissioner intends to deny, suspend, or revoke
1510 a private school's participation in the scholarship program, the
1511 department shall notify the private school of such proposed
1512 action in writing by certified mail and regular mail to the
1513 private school's address of record with the department. The
1514 notification shall include the reasons for the proposed action
1515 and notice of the timelines and procedures set forth in this
1516 paragraph.

1517 b. The private school that is adversely affected by the
1518 proposed action shall have 15 days after receipt of the notice
1519 of proposed action to file with the department's agency clerk a
1520 request for a proceeding pursuant to ss. 120.569 and 120.57. If
1521 the private school is entitled to a hearing under s. 120.57(1),
1522 the department shall forward the request to the Division of
1523 Administrative Hearings.

1524 c. Upon receipt of a request referred pursuant to this
1525 subparagraph, the director of the Division of Administrative
1526 Hearings shall expedite the hearing and assign an administrative
1527 law judge who shall commence a hearing within 30 days after the
1528 receipt of the formal written request by the division and enter
1529 a recommended order within 30 days after the hearing or within
1530 30 days after receipt of the hearing transcript, whichever is
1531 later. Each party shall be allowed 10 days in which to submit
1532 written exceptions to the recommended order. A final order shall
1533 be entered by the agency within 30 days after the entry of a
1534 recommended order. The provisions of this sub-subparagraph may
1535 be waived upon stipulation by all parties.

1536 (e) May immediately suspend payment of scholarship funds if
1537 it is determined that there is probable cause to believe that

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1538 there is:

1539 1. An imminent threat to the health, safety, or welfare of
1540 the students;

1541 2. A previous pattern of failure to comply with this
1542 section; or

1543 3. Fraudulent activity on the part of the private school.
1544 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
1545 activity pursuant to this section, the department's Office of
1546 Inspector General is authorized to release personally
1547 identifiable records or reports of students to the following
1548 persons or organizations:

1549 a. A court of competent jurisdiction in compliance with an
1550 order of that court or the attorney of record in accordance with
1551 a lawfully issued subpoena, consistent with the Family
1552 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

1553 b. A person or entity authorized by a court of competent
1554 jurisdiction in compliance with an order of that court or the
1555 attorney of record pursuant to a lawfully issued subpoena,
1556 consistent with the Family Educational Rights and Privacy Act,
1557 20 U.S.C. s. 1232g.

1558 c. Any person, entity, or authority issuing a subpoena for
1559 law enforcement purposes when the court or other issuing agency
1560 has ordered that the existence or the contents of the subpoena
1561 or the information furnished in response to the subpoena not be
1562 disclosed, consistent with the Family Educational Rights and
1563 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

1564

1565 The commissioner's order suspending payment pursuant to this
1566 paragraph may be appealed pursuant to the same procedures and

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1567 timelines as the notice of proposed action set forth in
1568 subparagraph (d)2.

1569 (12) SCHOOL DISTRICT OBLIGATIONS.-

1570 (a) By January 1 of each year, a school district shall
1571 inform all households within the district receiving free or
1572 reduced-priced meals under the National School Lunch Act of
1573 their eligibility to apply for a scholarship program established
1574 under this chapter. The form of such notice shall be provided by
1575 the department, and the school district shall include the
1576 provided form in any normal correspondence with eligible
1577 households. If an organization requests a special communication
1578 to be issued to households within the district receiving free or
1579 reduced-price meals under the National School Lunch Act, the
1580 organization shall reimburse the district for the cost of
1581 postage. Such notice is limited to once a year.

1582 (b) Upon the request of the department, a school district
1583 shall coordinate with the department to provide to a
1584 participating private school the statewide assessments
1585 administered under s. 1008.22 and any related materials for
1586 administering the assessments. For a student participating in a
1587 scholarship program established under this chapter whose parent
1588 requests that the student take the statewide assessments under
1589 s. 1008.22, the district in which the student attends a
1590 participating private school shall provide locations and times
1591 to take all statewide assessments. A school district is
1592 responsible for implementing test administrations at a
1593 participating private school, including:

1594 1. Providing training for private school staff on test
1595 security and assessment administration procedures;

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1596 2. Distributing testing materials to a private school;
1597 3. Retrieving testing materials from a private school;
1598 4. Providing the required format for a private school to
1599 submit information to the district for test administration and
1600 enrollment purposes; and

1601 5. Providing any required assistance, monitoring, or
1602 investigation at a private school.

1603 (c) Each school district must publish information about a
1604 scholarship program established under this chapter on the
1605 district's website homepage. At a minimum, the published
1606 information must include a website link to the scholarship
1607 programs published on the department's website as well as a
1608 telephone number and e-mail address that students and parents
1609 may use to contact relevant personnel in the school district to
1610 obtain information about the scholarship.

1611 (d) A school district, upon the request of a parent, must
1612 provide the parent of a student enrolled in a school in the
1613 school district the standard withdrawal form developed by the
1614 department. The school district must sign a completed form
1615 within 10 days after receipt. The school district must also
1616 publish the withdrawal form on its website in a downloadable
1617 format

1618 ~~(4) The inclusion of eligible private schools within~~
1619 ~~options available to Florida public school students does not~~
1620 ~~expand the regulatory authority of the state, its officers, or~~
1621 ~~any school district to impose any additional regulation of~~
1622 ~~private schools beyond those reasonably necessary to enforce~~
1623 ~~requirements expressly set forth in this section.~~

1624 (13)(5) RULEMAKING.—The State Board of Education shall

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1625 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
1626 this section, including rules to establish a deadline for
1627 private school applications for participation and timelines for
1628 the department to conduct site visits.

1629 Section 7. Subsections (2) through (12) of section
1630 1002.394, Florida Statutes, are amended to read:

1631 1002.394 The Family Empowerment Scholarship Program.—

1632 (2) DEFINITIONS.—As used in this section, the term:

1633 (a) ~~“Approved provider” means a provider approved by the~~
1634 ~~Agency for Persons with Disabilities, a health care practitioner~~
1635 ~~as defined in s. 456.001, or a provider approved by the~~
1636 ~~department pursuant to s. 1002.66.~~

1637 (b) ~~“Choice navigator” has the same meaning as in s.~~
1638 ~~1002.395(2).~~

1639 (c) ~~“Curriculum” means a complete course of study for a~~
1640 ~~particular content area or grade level, including any required~~
1641 ~~supplemental materials and associated online instruction.~~

1642 (d) “Department” means the Department of Education.

1643 (e) ~~“Disability” means, for a 3- or 4-year-old child or for~~
1644 ~~a student in kindergarten to grade 12, autism spectrum disorder,~~
1645 ~~as defined in the Diagnostic and Statistical Manual of Mental~~
1646 ~~Disorders, Fifth Edition, published by the American Psychiatric~~
1647 ~~Association; cerebral palsy, as defined in s. 393.063; Down~~
1648 ~~syndrome, as defined in s. 393.063; an intellectual disability,~~
1649 ~~as defined in s. 393.063; a speech impairment; a language~~
1650 ~~impairment; an orthopedic impairment; any other health~~
1651 ~~impairment; an emotional or a behavioral disability; a specific~~
1652 ~~learning disability, including, but not limited to, dyslexia,~~
1653 ~~dyscalculia, or developmental aphasia; Phelan-McDermid syndrome,~~

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1654 as defined in s. 393.063; Prader-Willi syndrome, as defined in
1655 s. 393.063; spina bifida, as defined in s. 393.063; being a
1656 high-risk child, as defined in s. 393.063(22) (a); muscular
1657 dystrophy; Williams syndrome; rare diseases which affect patient
1658 populations of fewer than 200,000 individuals in the United
1659 States, as defined by the National Organization for Rare
1660 Disorders; anaphylaxis; a hearing impairment, including
1661 deafness; a visual impairment, including blindness; traumatic
1662 brain injury; hospital or homebound; or identification as dual
1663 sensory impaired, as defined by rules of the State Board of
1664 Education and evidenced by reports from local school districts.
1665 The term "hospital or homebound" includes a student who has a
1666 medically diagnosed physical or psychiatric condition or
1667 illness, as defined by the state board in rule, and who is
1668 confined to the home or hospital for more than 6 months.

1669 (f) ~~"Eligible nonprofit scholarship-funding organization"~~
1670 ~~or "organization" has the same meaning as in s. 1002.395(2).~~

1671 (g) ~~"Eligible postsecondary educational institution" means~~
1672 ~~a Florida College System institution; a state university; a~~
1673 ~~school district technical center; a school district adult~~
1674 ~~general education center; an independent college or university~~
1675 ~~that is eligible to participate in the William L. Boyd, IV,~~
1676 ~~Effective Access to Student Education Grant Program under s.~~
1677 ~~1009.89; or an accredited independent postsecondary educational~~
1678 ~~institution, as defined in s. 1005.02, which is licensed to~~
1679 ~~operate in this state under part III of chapter 1005 or is~~
1680 ~~approved to participate in a reciprocity agreement as defined in~~
1681 ~~s. 1000.35(2).~~

1682 (h) ~~"Eligible private school" has the same meaning as in s.~~

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1683 ~~1002.395(2).~~

1684 ~~(i) "IEP" means an individual education plan, regardless of~~
1685 ~~whether the plan has been reviewed or revised within the last 12~~
1686 ~~months.~~

1687 ~~(j) "Inactive" means that no eligible expenditures have~~
1688 ~~been made from an account funded pursuant to paragraph (12) (b).~~

1689 ~~(k) "Job coach" means an individual employed to help people~~
1690 ~~with disabilities learn, accommodate to, and perform their work~~
1691 ~~duties.~~

1692 ~~(l) "Law enforcement officer" has the same meaning as~~
1693 ~~provided in s. 943.10(1).~~

1694 ~~(m) "Parent" means a resident of this state who is a~~
1695 ~~parent, as defined in s. 1000.21.~~

1696 ~~(b)(n)~~ "Program" means the Family Empowerment Scholarship
1697 Program.

1698 (3) SCHOLARSHIP ELIGIBILITY.—

1699 (a)~~1~~. A parent of a student may apply pursuant to s.
1700 1002.421 for and receive from the state a scholarship for the
1701 purposes specified in paragraph (4) (a) if the student:

1702 1.a. Is a resident of this state or the dependent child of
1703 an active duty member of the United States Armed Forces who has
1704 received permanent change of station orders to this state; and

1705 2.b. Is eligible to enroll in kindergarten through grade 12
1706 in a public school in this state or received a scholarship under
1707 the Hope Scholarship Program in the 2023-2024 school year.

1708 ~~2. Priority must be given in the following order:~~

1709 ~~a. A student whose household income level does not exceed~~
1710 ~~185 percent of the federal poverty level or who is in foster~~
1711 ~~care or out of home care.~~

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1712 ~~b. A student whose household income level exceeds 185~~
1713 ~~percent of the federal poverty level, but does not exceed 400~~
1714 ~~percent of the federal poverty level.~~

1715 (b) A parent of a student with a disability may apply
1716 pursuant to s. 1002.421 for and receive from the state a
1717 scholarship, which shall be referred to as the McKay-Gardiner
1718 Scholarship, for the purposes specified in paragraph (4)(b) if
1719 the student:

1720 1. Is a resident of this state or the dependent child of an
1721 active duty member of the United States Armed Forces who has
1722 received permanent change of station orders to this state or, at
1723 the time of renewal, whose home of record or state of legal
1724 residence is Florida;

1725 2. Is 3 or 4 years of age during the year in which the
1726 student applies for program participation or is eligible to
1727 enroll in kindergarten through grade 12 in a public school in
1728 this state;

1729 3. Has a disability ~~as defined in subsection (2);~~ and

1730 4. Is the subject of an IEP written in accordance with
1731 rules of the State Board of Education or with the applicable
1732 rules of another state or has received a diagnosis of a
1733 disability from a physician who is licensed under chapter 458 or
1734 chapter 459, a psychologist who is licensed under chapter 490,
1735 or a physician who holds an active license issued by another
1736 state or territory of the United States, the District of
1737 Columbia, or the Commonwealth of Puerto Rico.

1738 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

1739 (a) Program funds awarded to a student determined eligible
1740 pursuant to paragraph (3)(a) may be used for:

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- 1741 1. Tuition and fees at an eligible private school.
- 1742 2. Instructional materials, including digital materials,
1743 digital devices, and Internet resources.
- 1744 3. Curriculum ~~as defined in subsection (2)~~.
- 1745 4. Tuition and fees associated with full-time or part-time
1746 enrollment in an eligible postsecondary educational institution
1747 or a program offered by the postsecondary educational
1748 institution, unless the program is subject to s. 1009.25 or
1749 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
1750 program as defined in s. 446.021(5) which is not subject to s.
1751 1009.25 and complies with all applicable requirements of the
1752 department pursuant to chapter 1005; a private tutoring program
1753 authorized under s. 1002.43; a virtual program offered by a
1754 department-approved private online provider that meets the
1755 provider qualifications specified in s. 1002.45(2)(a); the
1756 Florida Virtual School as a private paying student; or an
1757 approved online course offered pursuant to s. 1003.499 or s.
1758 1004.0961.
- 1759 5. Fees for nationally standardized, norm-referenced
1760 achievement tests, Advanced Placement Examinations, industry
1761 certification examinations, assessments related to postsecondary
1762 education, or other assessments.
- 1763 6. Contracted services provided by a public school or
1764 school district, including classes. A student who receives
1765 contracted services under this subparagraph is not considered
1766 enrolled in a public school for eligibility purposes as
1767 specified in subsection (6) but rather attending a public school
1768 on a part-time basis as authorized under s. 1002.44.
- 1769 7. Tuition and fees for part-time tutoring services or fees

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1770 for services provided by a choice navigator. Such services must
1771 be provided by a person who holds a valid Florida educator's
1772 certificate pursuant to s. 1012.56, a person who holds an
1773 adjunct teaching certificate pursuant to s. 1012.57, a person
1774 who has a bachelor's degree or a graduate degree in the subject
1775 area or related subject area in which instruction is given, a
1776 person who has demonstrated a mastery of subject area knowledge
1777 pursuant to s. 1012.56(5), or a person certified by a nationally
1778 or internationally recognized research-based training program as
1779 approved by the department. As used in this subparagraph, the
1780 term "part-time tutoring services" does not qualify as regular
1781 school attendance as defined in s. 1003.01(16)(e).

1782 8. Membership dues and related activity fees for
1783 participation in Career and Technical Student Organizations.

1784 (b) Program funds awarded to a student with a disability
1785 determined eligible pursuant to paragraph (3)(b) may be used for
1786 the following purposes:

1787 1. Instructional materials, including digital devices,
1788 digital periphery devices, and assistive technology devices that
1789 allow a student to access instruction or instructional content
1790 and training on the use of and maintenance agreements for these
1791 devices.

1792 2. Curriculum ~~as defined in subsection (2).~~

1793 3. Specialized services by approved providers or by a
1794 hospital in this state which are selected by the parent. These
1795 specialized services may include, but are not limited to:

1796 a. Applied behavior analysis services as provided in ss.
1797 627.6686 and 641.31098.

1798 b. Services provided by speech-language pathologists as

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1799 defined in s. 468.1125(8).

1800 c. Occupational therapy as defined in s. 468.203.

1801 d. Services provided by physical therapists as defined in

1802 s. 486.021(8).

1803 e. Services provided by listening and spoken language

1804 specialists and an appropriate acoustical environment for a

1805 child who has a hearing impairment, including deafness, and who

1806 has received an implant or assistive hearing device.

1807 4. Tuition and fees associated with full-time or part-time

1808 enrollment in a home education program that meets all of the

1809 following requirements:

1810 a. Provides educational courses or activities.

1811 b. Has a publicly available description of courses and

1812 activities.

1813 c. Has a tuition and fee schedule.

1814 d. Makes the tuition and fees payable to a registered

1815 business entity.

1816 5. Tuition and fees associated with full-time or part-time

1817 enrollment in an eligible private school; an eligible

1818 postsecondary educational institution or a program offered by

1819 the postsecondary educational institution, unless the program is

1820 subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an

1821 approved preapprenticeship program as defined in s. 446.021(5)

1822 which is not subject to s. 1009.25 and complies with all

1823 applicable requirements of the department pursuant to chapter

1824 1005; a private tutoring program authorized under s. 1002.43; a

1825 virtual program offered by a department-approved private online

1826 provider that meets the provider qualifications specified in s.

1827 1002.45(2)(a); the Florida Virtual School as a private paying

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1828 student; or an approved online course offered pursuant to s.
1829 1003.499 or s. 1004.0961.

1830 ~~6.5.~~ Fees for nationally standardized, norm-referenced
1831 achievement tests, Advanced Placement Examinations, industry
1832 certification examinations, assessments related to postsecondary
1833 education, or other assessments.

1834 ~~7.6.~~ Contributions to the Stanley G. Tate Florida Prepaid
1835 College Program pursuant to s. 1009.98 or the Florida College
1836 Savings Program pursuant to s. 1009.981 for the benefit of the
1837 eligible student.

1838 ~~8.7.~~ Contracted services provided by a public school or
1839 school district, including classes. A student who receives
1840 services under a contract under this paragraph is not considered
1841 enrolled in a public school for eligibility purposes as
1842 specified in subsection (6) but rather attending a public school
1843 on a part-time basis as authorized under s. 1002.44.

1844 ~~9.8.~~ Tuition and fees for part-time tutoring services or
1845 fees for services provided by a choice navigator. Such services
1846 must be provided by a person who holds a valid Florida
1847 educator's certificate pursuant to s. 1012.56, a person who
1848 holds an adjunct teaching certificate pursuant to s. 1012.57, a
1849 person who has a bachelor's degree or a graduate degree in the
1850 subject area or related subject area in which instruction is
1851 given, a person who has demonstrated a mastery of subject area
1852 knowledge pursuant to s. 1012.56(5), or a person certified by a
1853 nationally or internationally recognized research-based training
1854 program as approved by the department. As used in this
1855 subparagraph, the term "part-time tutoring services" does not
1856 qualify as regular school attendance as defined in s.

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1857 1003.01(16)(e).

1858 ~~10.9.~~ Fees for specialized summer education programs.

1859 ~~11.10.~~ Fees for specialized after-school education
1860 programs.

1861 ~~12.11.~~ Transition services provided by job coaches.

1862 Transition services are a coordinated set of activities which
1863 are focused on improving the academic and functional achievement
1864 of a student with a disability to facilitate the student's
1865 movement from school to postschool activities and are based on
1866 the student's needs.

1867 ~~13.12.~~ Fees for an annual evaluation of educational
1868 progress by a state-certified teacher under s. 1002.41(1)(f), if
1869 this option is chosen for a home education student.

1870 ~~14.13.~~ Tuition and fees associated with programs offered by
1871 Voluntary Prekindergarten Education Program providers approved
1872 pursuant to s. 1002.55, school readiness providers approved
1873 pursuant to s. 1002.88, and prekindergarten programs offered by
1874 an eligible private school.

1875 ~~15.14.~~ Fees for services provided at a center that is a
1876 member of the Professional Association of Therapeutic
1877 Horsemanship International.

1878 ~~16.15.~~ Fees for services provided by a therapist who is
1879 certified by the Certification Board for Music Therapists or
1880 credentialed by the Art Therapy Credentials Board, Inc.

1881 17. Membership dues and related activity fees for
1882 participation in Career and Technical Student Organizations.

1883 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of
1884 educational choice:

1885 (a)1. A scholarship funded to an eligible student pursuant

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- 1886 to paragraph (3) (a) shall remain in force until:
- 1887 a. The organization determines that the student is not
1888 eligible for program renewal;
- 1889 b. The Commissioner of Education suspends or revokes
1890 program participation or use of funds;
- 1891 c. The student's parent has forfeited participation in the
1892 program for failure to comply with the scholarship program
1893 requirements ~~subsection (10)~~;
- 1894 d. The student, who uses the scholarship for tuition and
1895 fees pursuant to subparagraph (4) (a)1., enrolls in a public
1896 school. However, if a student enters a Department of Juvenile
1897 Justice detention center for a period of no more than 21 days,
1898 the student is not considered to have returned to a public
1899 school on a full-time basis for that purpose; or
- 1900 e. The student graduates from high school or attains 21
1901 years of age, whichever occurs first.
- 1902 2.~~a~~. The student's scholarship account must be closed and
1903 any remaining funds shall revert to the state after:
- 1904 ~~a. (I)~~ Denial or revocation of program eligibility by the
1905 commissioner for fraud or abuse, including, but not limited to,
1906 the student or student's parent accepting any payment, refund,
1907 or rebate, in any manner, from a provider of any services
1908 received pursuant to paragraph (4) (a);
- 1909 ~~b. (II)~~ One fiscal year ~~Two consecutive fiscal years~~ in
1910 which an account has been inactive; ~~or~~
- 1911 ~~c. (III)~~ A student remains unenrolled in an eligible private
1912 school for 30 days while receiving a scholarship that requires
1913 full-time enrollment; or
- 1914 d. A student's scholarship no longer remains in force due

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1915 to any of the reasons provided in subparagraph 1.

1916 3. An organization must notify the parent prior to closing
1917 a student's account regarding the reason the account will be
1918 closed and that the balance of funds will revert upon closure.

1919 4. An organization must annually report to the department
1920 the total number of scholarship accounts that were closed
1921 pursuant to this subparagraph and the amount of funds by account
1922 which reverted to the state

1923 ~~b. Reimbursements for program expenditures may continue~~
1924 ~~until the account balance is expended or remaining funds have~~
1925 ~~reverted to the state.~~

1926 (b)1. A scholarship funded to an eligible student pursuant
1927 to paragraph (3) (b) shall remain in force until:

1928 a. The parent does not renew program eligibility;

1929 b. The organization determines that the student is not
1930 eligible for program renewal;

1931 c. The Commissioner of Education suspends or revokes
1932 program participation or use of funds;

1933 d. The student's parent has forfeited participation in the
1934 program for failure to comply with the scholarship requirements
1935 ~~subsection (10);~~

1936 e. The student enrolls full time in a public school; or

1937 f. The student graduates from high school or attains 22
1938 years of age, whichever occurs first.

1939 2. Reimbursements for program expenditures may continue
1940 until the account balance is expended or the account is closed.

1941 3. A student's scholarship account must be closed and any
1942 remaining funds, including, but not limited to, contributions
1943 made to the Stanley G. Tate Florida Prepaid College Program or

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1944 earnings from or contributions made to the Florida College
1945 Savings Program using program funds pursuant to subparagraph
1946 (4) (b) 7. ~~(4) (b) 6.~~, shall revert to the state after:

1947 a. Denial or revocation of program eligibility by the
1948 commissioner for fraud or abuse, including, but not limited to,
1949 the student or student's parent accepting any payment, refund,
1950 or rebate, in any manner, from a provider of any services
1951 received pursuant to subsection (4); or

1952 b. Any period of 3 consecutive years after high school
1953 completion or graduation during which the student has not been
1954 enrolled in an eligible postsecondary educational institution or
1955 a program offered by the institution; ~~or~~

1956 ~~e. Two consecutive fiscal years in which an account has~~
1957 ~~been inactive.~~

1958 4. An organization must notify the parent prior to closing
1959 a student's account regarding the reason the account will be
1960 closed and that the balance of funds will revert upon closure.

1961 5. Upon a student reaching the age of 16, the organization
1962 must notify the parent if there is a balance in the student's
1963 account and provide the amount of the balance and information
1964 regarding how the funds may be used.

1965 6. An organization must report to the department the total
1966 number of scholarship accounts that were closed pursuant to this
1967 paragraph and the amount of funds by account that reverted to
1968 the state.

1969 (c) Upon reasonable notice to the organization and the
1970 school district, the student's parent may remove the student
1971 from the participating private school and place the student in a
1972 public school in accordance with this section.

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1973 (d) Upon reasonable notice to the organization, the
1974 student's parent may move the student from one participating
1975 private school to another participating private school.

1976 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
1977 a Family Empowerment Scholarship while he or she is:

1978 (a) Enrolled full time in a public school, including, but
1979 not limited to, the Florida School for the Deaf and the Blind,
1980 the College-Preparatory Boarding Academy, the Florida School for
1981 Competitive Academics, the Florida Virtual School, the Florida
1982 Scholars Academy, a developmental research school authorized
1983 under s. 1002.32, or a charter school authorized under this
1984 chapter. For purposes of this paragraph, a 3- or 4-year-old
1985 child who receives services funded through the Florida Education
1986 Finance Program is considered to be a student enrolled in a
1987 public school;

1988 (b) Enrolled in a school operating for the purpose of
1989 providing educational services to youth in a Department of
1990 Juvenile Justice commitment program;

1991 (c) Receiving any other educational scholarship pursuant to
1992 this chapter. ~~However, an eligible public school student~~
1993 ~~receiving a scholarship under s. 1002.411 may receive a~~
1994 ~~scholarship for transportation pursuant to subparagraph~~
1995 ~~(4)(a)2.;~~

1996 (d) Not having regular and direct contact with his or her
1997 private school teachers pursuant to s. 1002.421(9)(i) ~~s.~~
1998 ~~1002.421(1)(i)~~, unless he or she is eligible pursuant to
1999 paragraph (3)(b) ~~and enrolled in the participating private~~
2000 ~~school's transition-to-work program pursuant to subsection (16)~~
2001 ~~or a home education program pursuant to s. 1002.41;~~

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2002 (e) Participating in a private tutoring program pursuant to
2003 s. 1002.43 unless he or she is determined eligible pursuant to
2004 paragraph (3) (b); or

2005 (f) Participating in virtual instruction pursuant to s.
2006 1002.455 that receives state funding pursuant to the student's
2007 participation.

2008 (7) SCHOOL DISTRICT OBLIGATIONS.—

2009 (a) ~~By January 1 of each year, a school district shall~~
2010 ~~inform all households within the district receiving free or~~
2011 ~~reduced-priced meals under the National School Lunch Act of~~
2012 ~~their eligibility to apply to the department for a Family~~
2013 ~~Empowerment Scholarship. The form of such notice shall be~~
2014 ~~provided by the department, and the school district shall~~
2015 ~~include the provided form in any normal correspondence with~~
2016 ~~eligible households. Such notice is limited to once a year.~~

2017 ~~(b)~~1. The parent of a student with a disability who does
2018 not have an IEP in accordance with subparagraph (3) (b)4. or who
2019 seeks a reevaluation of an existing IEP may request an IEP
2020 meeting and evaluation from the school district in order to
2021 obtain or revise a matrix of services. The school district shall
2022 notify a parent who has made a request for an IEP that the
2023 district is required to complete the IEP and matrix of services
2024 within 30 days after receiving notice of the parent's request.
2025 The school district shall conduct a meeting and develop an IEP
2026 and a matrix of services within 30 days after receipt of the
2027 parent's request in accordance with State Board of Education
2028 rules. The district must accept the diagnosis and consider the
2029 service plan of the licensed professional providing the
2030 diagnosis pursuant to subparagraph (3) (b)4. The school district

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2031 must complete a matrix that assigns the student to one of the
2032 levels of service as they existed before the 2000-2001 school
2033 year. For a nonpublic school student without an IEP, the school
2034 district is authorized to use evaluation reports and plans of
2035 care developed by the licensed professionals under subparagraph
2036 (4) (b) 3. to complete the matrix of services.

2037 2.a. The school district must provide the student's parent
2038 and the department with the student's matrix level within 10
2039 calendar days after its completion.

2040 ~~b. The department shall notify the parent and the~~
2041 ~~organization of the amount of the funds awarded within 10 days~~
2042 ~~after receiving the school district's notification of the~~
2043 ~~student's matrix level.~~

2044 ~~e.~~ A school district may change a matrix of services only
2045 if the change is a result of an IEP reevaluation or to correct a
2046 technical, typographical, or calculation error.

2047 (b) 1. ~~(e) 1.~~ Within 10 days after an IEP meeting is held, a
2048 school district shall notify the parent of a student of all
2049 options available pursuant to this section and offer that
2050 student's parent an opportunity to enroll the student in another
2051 public school in the school district.

2052 2. The parent is not required to accept the offer of
2053 enrolling the student in another public school in lieu of
2054 requesting a scholarship. However, if the parent chooses the
2055 public school option, the student may continue attending the
2056 public school chosen by the parent until the student graduates
2057 from high school.

2058 3. The parent may choose another public school in the
2059 school district, and the school district shall provide

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2060 transportation to the public school selected by the parent.

2061 4. The parent may choose, as an alternative, to enroll the
2062 student in and transport the student to a public school in an
2063 adjacent school district that has available space and has a
2064 program with the services agreed to in the student's IEP already
2065 in place, and that school district shall accept the student and
2066 report the student for purposes of the school district's funding
2067 pursuant to the Florida Education Finance Program.

2068 ~~(d) Upon the request of the department, a school district~~
2069 ~~shall coordinate with the department to provide to a~~
2070 ~~participating private school the statewide assessments~~
2071 ~~administered under s. 1008.22 and any related materials for~~
2072 ~~administering the assessments. For a student who participates in~~
2073 ~~the Family Empowerment Scholarship Program whose parent requests~~
2074 ~~that the student take the statewide assessments under s.~~
2075 ~~1008.22, the district in which the student attends a~~
2076 ~~participating private school shall provide locations and times~~
2077 ~~to take all statewide assessments. A school district is~~
2078 ~~responsible for implementing test administrations at a~~
2079 ~~participating private school, including the:~~

- 2080 1. ~~Provision of training for private school staff on test~~
2081 ~~security and assessment administration procedures;~~
2082 2. ~~Distribution of testing materials to a private school;~~
2083 3. ~~Retrieval of testing materials from a private school;~~
2084 4. ~~Provision of the required format for a private school to~~
2085 ~~submit information to the district for test administration and~~
2086 ~~enrollment purposes; and~~
2087 5. ~~Provision of any required assistance, monitoring, or~~
2088 ~~investigation at a private school.~~

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2089 ~~(c) Each school district must publish information about the~~
2090 ~~Family Empowerment Scholarship Program on the district's website~~
2091 ~~homepage. At a minimum, the published information must include a~~
2092 ~~website link to the Family Empowerment Scholarship Program~~
2093 ~~published on the Department of Education website as well as a~~
2094 ~~telephone number and e-mail that students and parents may use to~~
2095 ~~contact relevant personnel in the school district to obtain~~
2096 ~~information about the scholarship.~~

2097 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

2098 ~~(a) The department shall:~~

2099 ~~1. Publish and update, as necessary, information on the~~
2100 ~~department website about the Family Empowerment Scholarship~~
2101 ~~Program, including, but not limited to, student eligibility~~
2102 ~~criteria, parental responsibilities, and relevant data.~~

2103 ~~2. Report, as part of the determination of full-time~~
2104 ~~equivalent membership pursuant to s. 1011.62(1)(a), all~~
2105 ~~scholarship students funded through the Florida Education~~
2106 ~~Finance Program, and cross-check the list of scholarship~~
2107 ~~students submitted by the eligible nonprofit scholarship-funding~~
2108 ~~organization with the full-time equivalent student membership~~
2109 ~~survey data to avoid duplication.~~

2110 ~~3. Maintain and annually publish a list of nationally norm-~~
2111 ~~referenced tests identified for purposes of satisfying the~~
2112 ~~testing requirement in subparagraph (9)(c)1. The tests must meet~~
2113 ~~industry standards of quality in accordance with state board~~
2114 ~~rule.~~

2115 ~~4. Notify eligible nonprofit scholarship-funding~~
2116 ~~organizations of the deadlines for submitting the verified list~~
2117 ~~of eligible scholarship students.~~

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2118 (a)5. Deny or terminate program participation upon a
2119 parent's failure to comply with the scholarship program
2120 requirements subsection (10).

2121 ~~6. Notify the parent and the organization when a~~
2122 ~~scholarship account is closed and program funds revert to the~~
2123 ~~state.~~

2124 ~~7. Notify an eligible nonprofit scholarship-funding~~
2125 ~~organization of any of the organization's or other~~
2126 ~~organization's identified students who are receiving~~
2127 ~~scholarships under this chapter.~~

2128 (b)8. Maintain on its website a list of approved providers
2129 as required by s. 1002.66, eligible postsecondary educational
2130 institutions, eligible private schools, and eligible
2131 organizations and may identify or provide links to lists of
2132 other approved providers.

2133 ~~9. Require each organization to verify eligible~~
2134 ~~expenditures before the distribution of funds for any~~
2135 ~~expenditures made pursuant to subparagraphs (4) (b)1. and 2.~~
2136 ~~Review of expenditures made for services specified in~~
2137 ~~subparagraphs (4) (b)3.-15. may be completed after the purchase~~
2138 ~~is made.~~

2139 (c)10. Investigate any written complaint of a violation of
2140 this section by a parent, a student, a participating private
2141 school, a public school, a school district, an organization, a
2142 provider, or another appropriate party in accordance with the
2143 process established under s. 1002.421.

2144 (d)11. Require quarterly reports by an organization, which
2145 must include, at a minimum, the number of students participating
2146 in the program; the demographics of program participants; the

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2147 disability category of program participants; the matrix level of
2148 services, if known; the program award amount per student; the
2149 total expenditures for the purposes specified in paragraph
2150 (4) (b); the types of providers of services to students; the
2151 number of scholarship applications received, the number of
2152 applications processed within 30 days after receipt, and the
2153 number of incomplete applications received; data related to
2154 reimbursement submissions, including the average number of days
2155 for a reimbursement to be reviewed and the average number of
2156 days for a reimbursement to be approved; any parent input and
2157 feedback collected regarding the program; and any other
2158 information deemed necessary by the department.

2159 ~~12. Notify eligible nonprofit scholarship funding~~
2160 ~~organizations that scholarships may not be awarded in a school~~
2161 ~~district in which the award will exceed 99 percent of the school~~
2162 ~~district's share of state funding through the Florida Education~~
2163 ~~Finance Program as calculated by the department.~~

2164 ~~13. Adjust payments to eligible nonprofit scholarship~~
2165 ~~funding organizations and, when the Florida Education Finance~~
2166 ~~Program is recalculated, adjust the amount of state funds~~
2167 ~~allocated to school districts through the Florida Education~~
2168 ~~Finance Program based upon the results of the cross-check~~
2169 ~~completed pursuant to subparagraph 2.~~

2170 ~~(b) At the direction of the Commissioner of Education, the~~
2171 ~~department may:~~

2172 ~~1. Suspend or revoke program participation or use of~~
2173 ~~program funds by the student or participation or eligibility of~~
2174 ~~an organization, eligible postsecondary educational institution,~~
2175 ~~approved provider, or other party for a violation of this~~

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2176 section.

2177 ~~2. Determine the length of, and conditions for lifting, a~~
2178 ~~suspension or revocation specified in this paragraph.~~

2179 ~~3. Recover unexpended program funds or withhold payment of~~
2180 ~~an equal amount of program funds to recover program funds that~~
2181 ~~were not authorized for use.~~

2182

2183 ~~In determining whether to suspend or revoke participation or~~
2184 ~~lift a suspension or revocation in accordance with this~~
2185 ~~paragraph, the department may consider factors that include, but~~
2186 ~~are not limited to, acts or omissions that led to a previous~~
2187 ~~suspension or revocation of participation in a state or federal~~
2188 ~~program or an education scholarship program; failure to~~
2189 ~~reimburse the organization for funds improperly received or~~
2190 ~~retained; failure to reimburse government funds improperly~~
2191 ~~received or retained; imposition of a prior criminal sanction~~
2192 ~~related to the person or entity or its officers or employees;~~
2193 ~~imposition of a civil fine or administrative fine, license~~
2194 ~~revocation or suspension, or program eligibility suspension,~~
2195 ~~termination, or revocation related to a person's or entity's~~
2196 ~~management or operation; or other types of criminal proceedings~~
2197 ~~in which the person or entity or its officers or employees were~~
2198 ~~found guilty of, regardless of adjudication, or entered a plea~~
2199 ~~of nolo contendere or guilty to, any offense involving fraud,~~
2200 ~~deceit, dishonesty, or moral turpitude.~~

2201 ~~(e)(e)~~ The department shall Notify each school district of
2202 the full-time equivalent student consensus estimate of students
2203 participating in the program developed pursuant to s.
2204 216.136(4)(a).

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2205 (f) ~~(d)~~ The department may Provide guidance to a
2206 participating private school that submits a transition-to-work
2207 program plan pursuant to subsection (15) ~~(16)~~.

2208 ~~(9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. To be~~
2209 ~~eligible to participate in the Family Empowerment Scholarship~~
2210 ~~Program, a private school may be sectarian or nonsectarian and~~
2211 ~~must:~~

2212 ~~(a) Comply with all requirements for private schools~~
2213 ~~participating in state school choice scholarship programs~~
2214 ~~pursuant to s. 1002.421.~~

2215 ~~(b) Provide to the organization all documentation required~~
2216 ~~for a student's participation, including confirmation of the~~
2217 ~~student's admission to the private school, the private school's~~
2218 ~~and student's fee schedules, and any other information required~~
2219 ~~by the organization to process scholarship payment under~~
2220 ~~subparagraph (12) (a) 4. Such information must be provided by the~~
2221 ~~deadlines established by the organization and in accordance with~~
2222 ~~the requirements of this section. A student is not eligible to~~
2223 ~~receive a quarterly scholarship payment if the private school~~
2224 ~~fails to meet the deadline.~~

2225 ~~(c)1. Annually administer or make provision for students~~
2226 ~~participating in the program in grades 3 through 10 to take one~~
2227 ~~of the nationally norm-referenced tests that are identified by~~
2228 ~~the department pursuant to paragraph (8) (a) or to take the~~
2229 ~~statewide assessments pursuant to s. 1008.22. Students with~~
2230 ~~disabilities for whom the physician or psychologist who issued~~
2231 ~~the diagnosis or the IEP team determines that standardized~~
2232 ~~testing is not appropriate are exempt from this requirement. A~~
2233 ~~participating private school shall report a student's scores to~~

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2234 ~~his or her parent. By August 15 of each year, a participating~~
2235 ~~private school must report the scores of all participating~~
2236 ~~students to a state university as described in s.~~
2237 ~~1002.395(9)(f).~~

2238 ~~2. Administer the statewide assessments pursuant to s.~~
2239 ~~1008.22 if the private school chooses to offer the statewide~~
2240 ~~assessments. A participating private school may choose to offer~~
2241 ~~and administer the statewide assessments to all students who~~
2242 ~~attend the private school in grades 3 through 10 and must submit~~
2243 ~~a request in writing to the department by March 1 of each year~~
2244 ~~in order to administer the statewide assessments in the~~
2245 ~~subsequent school year.~~

2246 ~~(d) For a student determined eligible pursuant to paragraph~~
2247 ~~(3)(b), discuss the school's academic programs and policies,~~
2248 ~~specialized services, code of conduct, and attendance policies~~
2249 ~~before enrollment with the parent to determine which programs~~
2250 ~~and services may meet the student's individual needs.~~

2251
2252 ~~If a private school fails to meet the requirements of this~~
2253 ~~subsection or s. 1002.421, the commissioner may determine that~~
2254 ~~the private school is ineligible to participate in the~~
2255 ~~scholarship program.~~

2256 (9) ~~(10)~~ PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
2257 PARTICIPATION.—

2258 (a) A parent who applies for a scholarship under paragraph
2259 (3)(a) whose student will be enrolled full time in an eligible
2260 private school must:

2261 1. Select an eligible private school and apply for the
2262 admission of his or her student.

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2263 2. ~~Request the scholarship by the date established by the~~
2264 ~~organization in a manner that creates a written or electronic~~
2265 ~~record of the request and the date of receipt of the request.~~

2266 ~~3.a. Beginning with new applications for the 2025-2026~~
2267 ~~school year and thereafter, notify the organization by December~~
2268 ~~15 that the scholarship is being accepted or declined.~~

2269 ~~b. Beginning with renewal applications for the 2025-2026~~
2270 ~~school year and thereafter, notify the organization by May 31~~
2271 ~~that the scholarship is being renewed or declined.~~

2272 4. Inform the applicable school district when the parent
2273 withdraws his or her student from a public school to attend an
2274 eligible private school using the standard withdrawal form
2275 developed by the department pursuant to s. 1002.421.

2276 ~~3.5.~~ Require his or her student participating in the
2277 program to remain in attendance at the eligible private school
2278 throughout the school year unless excused by the school for
2279 illness or other good cause.

2280 ~~4.6.~~ Meet with the eligible private school's principal or
2281 the principal's designee to review the school's academic
2282 programs and policies, specialized services, code of student
2283 conduct, and attendance policies before enrollment.

2284 ~~7. Require his or her student participating in the program~~
2285 ~~to take the norm-referenced assessment offered by the eligible~~
2286 ~~private school. The parent may also choose to have the student~~
2287 ~~participate in the statewide assessments pursuant to paragraph~~
2288 ~~(7)(d). If the parent requests that the student participating in~~
2289 ~~the program take all statewide assessments required pursuant to~~
2290 ~~s. 1008.22, the parent is responsible for transporting the~~
2291 ~~student to the assessment site designated by the school~~

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2292 ~~district.~~

2293 ~~8. Approve each payment before the scholarship funds may be~~
2294 ~~deposited by funds transfer pursuant to subparagraph (12)(a)3.~~
2295 ~~The parent may not designate any entity or individual associated~~
2296 ~~with the participating private school as the parent's attorney~~
2297 ~~in fact to approve a funds transfer. A participant who fails to~~
2298 ~~comply with this paragraph forfeits the scholarship.~~

2299 ~~9. Agree to have the organization commit scholarship funds~~
2300 ~~on behalf of his or her student for tuition and fees for which~~
2301 ~~the parent is responsible for payment at the eligible private~~
2302 ~~school before using scholarship account funds for additional~~
2303 ~~authorized uses under paragraph (4)(a). A parent is responsible~~
2304 ~~for all eligible expenses in excess of the amount of the~~
2305 ~~scholarship.~~

2306 ~~10. Comply with the scholarship application and renewal~~
2307 ~~processes and requirements established by the organization.~~

2308 (b) A parent who applies for a scholarship under paragraph
2309 (3)(b) is exercising his or her parental option to determine the
2310 appropriate placement or the services that best meet the needs
2311 of his or her child and must:

2312 ~~1. Apply to an eligible nonprofit scholarship funding~~
2313 ~~organization to participate in the program by a date set by the~~
2314 ~~organization. The request must be communicated directly to the~~
2315 ~~organization in a manner that creates a written or electronic~~
2316 ~~record of the request and the date of receipt of the request.~~

2317 ~~2.a. Beginning with new applications for the 2025-2026~~
2318 ~~school year and thereafter, notify the organization by December~~
2319 ~~15 that the scholarship is being accepted or declined.~~

2320 ~~b. Beginning with renewal applications for the 2025-2026~~

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2321 ~~school year and thereafter, notify the organization by May 31~~
2322 ~~that the scholarship is being renewed or declined.~~

2323 ~~3.~~ sign an agreement with the organization and annually
2324 submit a sworn compliance statement to the organization to
2325 satisfy or maintain program eligibility, including eligibility
2326 to receive and spend program payments by:

2327 ~~1.a.~~ Affirming that the student is enrolled in a program
2328 that meets regular school attendance requirements as provided in
2329 s. 1003.01(16)(b), (c), or (d).

2330 ~~2.b.~~ Affirming that the program funds are used only for
2331 authorized purposes serving the student's educational needs, as
2332 described in paragraph (4)(b); that any prepaid college plan or
2333 college savings plan funds contributed pursuant to subparagraph
2334 (4)(b)7. ~~subparagraph (4)(b)6.~~ will not be transferred to
2335 another beneficiary while the plan contains funds contributed
2336 pursuant to this section; and that they will not receive a
2337 payment, refund, or rebate of any funds provided under this
2338 section.

2339 ~~3.c.~~ Affirming that the parent is responsible for all
2340 eligible expenses in excess of the amount of the scholarship and
2341 for the education of his or her student by, as applicable:

2342 ~~a.(I)~~ Requiring the student to take an assessment in
2343 accordance with s. 1002.421(7) ~~paragraph (9)(c);~~

2344 ~~b.(II)~~ Providing an annual evaluation in accordance with s.
2345 1002.41(1)(f); or

2346 ~~c.(III)~~ Requiring the child to take any preassessments and
2347 postassessments selected by the provider if the child is 4 years
2348 of age and is enrolled in a program provided by an eligible
2349 Voluntary Prekindergarten Education Program provider. A student

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2350 with disabilities for whom the physician or psychologist who
2351 issued the diagnosis or the IEP team determines that a
2352 preassessment and postassessment is not appropriate is exempt
2353 from this requirement. A participating provider shall report a
2354 student's scores to the parent.

2355 4.d. Affirming that the student remains in good standing
2356 with the provider or school if those options are selected by the
2357 parent.

2358 5.e. Enrolling his or her child in a program from a
2359 Voluntary Prekindergarten Education Program provider authorized
2360 under s. 1002.55, a school readiness provider authorized under
2361 s. 1002.88, a prekindergarten program offered by an eligible
2362 private school, or an eligible private school if selected by the
2363 parent.

2364 6.f. Comply with the scholarship application and renewal
2365 processes and requirements established by the organization. A
2366 student whose participation in the program is not renewed may
2367 continue to spend scholarship funds that are in his or her
2368 account from prior years unless the account must be closed
2369 pursuant to subparagraph (5) (b) 3. Notwithstanding any changes to
2370 the student's IEP, a student who was previously eligible for
2371 participation in the program shall remain eligible to apply for
2372 renewal. However, for a high-risk child to continue to
2373 participate in the program in the school year after he or she
2374 reaches 6 years of age, the child's application for renewal of
2375 program participation must contain documentation that the child
2376 has a disability ~~defined in paragraph (2) (e)~~ other than high-
2377 risk status.

2378 7.g. Procuring the services necessary to educate the

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2379 student. If such services include enrollment in an eligible
2380 private school, the parent must meet with the private school's
2381 principal or the principal's designee to review the school's
2382 academic programs and policies, specialized services, code of
2383 student conduct, and attendance policies before his or her
2384 student is enrolled. ~~The parent must also approve each payment~~
2385 ~~to the eligible private school before the scholarship funds may~~
2386 ~~be deposited by funds transfer pursuant to subparagraph~~
2387 ~~(12)(a)4. The parent may not designate any entity or individual~~
2388 ~~associated with the eligible private school as the parent's~~
2389 ~~attorney in fact to approve a funds transfer.~~ When the student
2390 receives a scholarship, the district school board is not
2391 obligated to provide the student with a free appropriate public
2392 education. For purposes of s. 1003.57 and the Individuals with
2393 Disabilities in Education Act, a participating student has only
2394 those rights that apply to all other unilaterally parentally
2395 placed students, except that, when requested by the parent,
2396 school district personnel must develop an IEP or matrix level of
2397 services.

2398 (c) ~~A parent may not apply for multiple scholarships under~~
2399 ~~this section and s. 1002.395 for an individual student at the~~
2400 ~~same time.~~

2401 ~~(d)~~ A participant who fails to comply with this subsection
2402 forfeits the scholarship.

2403 (10)~~(11)~~ OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
2404 ORGANIZATIONS.—

2405 ~~(a)~~ An eligible nonprofit scholarship-funding organization
2406 awarding scholarships to eligible students pursuant to this
2407 section ~~paragraph (3)(a)~~ shall:

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2408 ~~1. Establish a process for parents who are in compliance~~
2409 ~~with paragraph (10) (a) to renew their students' scholarships.~~
2410 ~~Renewal applications for the 2025-2026 school year and~~
2411 ~~thereafter must provide for a renewal timeline beginning~~
2412 ~~February 1 of the prior school year and ending April 30 of the~~
2413 ~~prior school year. A student's renewal is contingent upon an~~
2414 ~~eligible private school providing confirmation of student~~
2415 ~~admission pursuant to subsection (9). The process must require~~
2416 ~~that parents confirm that the scholarship is being renewed or~~
2417 ~~declined by May 31.~~

2418 ~~2. Establish a process that allows a parent to apply for a~~
2419 ~~new scholarship. The process may begin no earlier than February~~
2420 ~~1 of the prior school year and must authorize submission of~~
2421 ~~applications until November 15. The process must be in a manner~~
2422 ~~that creates a written or electronic record of the application~~
2423 ~~request and the date of receipt of the application request.~~
2424 ~~Applications received after the deadline may be considered for~~
2425 ~~scholarship award in the subsequent fiscal year. The process~~
2426 ~~must require that parents confirm that the scholarship is being~~
2427 ~~accepted or declined by December 15.~~

2428 ~~(a)3.~~ Verify the household income level of students seeking
2429 priority eligibility and submit the verified list of students to
2430 the department.

2431 ~~4. Award scholarships in priority order pursuant to~~
2432 ~~paragraph (3) (a).~~

2433 ~~5. Establish and maintain separate scholarship accounts for~~
2434 ~~each eligible student. For each account, the organization must~~
2435 ~~maintain a record of accrued interest that is retained in the~~
2436 ~~student's account and available only for authorized program~~

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2437 expenditures.

2438 ~~6. Permit eligible students to use program funds for the~~
2439 ~~purposes specified in paragraph (4) (a), as authorized in the~~
2440 ~~organization's purchasing handbook, by paying for the authorized~~
2441 ~~use directly, then submitting a reimbursement request to the~~
2442 ~~eligible nonprofit scholarship funding organization. However, an~~
2443 ~~eligible nonprofit scholarship funding organization may require~~
2444 ~~the use of an online platform for direct purchases of products~~
2445 ~~so long as such use does not limit a parent's choice of~~
2446 ~~curriculum or academic programs. If a parent purchases a product~~
2447 ~~identical to one offered by an organization's online platform~~
2448 ~~for a lower price, the organization must reimburse the parent~~
2449 ~~the cost of the product.~~

2450 ~~7. In a timely manner, submit the verified list of students~~
2451 ~~and any information requested by the department relating to the~~
2452 ~~scholarship under this section.~~

2453 ~~8. Notify the department about any violation of this~~
2454 ~~section.~~

2455 ~~9. Document each student's eligibility for a fiscal year~~
2456 ~~before granting a scholarship for that fiscal year. A student is~~
2457 ~~ineligible for a scholarship if the student's account has been~~
2458 ~~inactive for 2 consecutive fiscal years.~~

2459 ~~10. Notify each parent that participation in the~~
2460 ~~scholarship program does not guarantee enrollment.~~

2461 ~~11. Commit scholarship funds on behalf of the student for~~
2462 ~~tuition and fees for which the parent is responsible for payment~~
2463 ~~at the participating private school before using scholarship~~
2464 ~~account funds for additional authorized uses under paragraph~~
2465 ~~(4) (a).~~

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2466 (b) For students ~~An eligible nonprofit scholarship funding~~
2467 ~~organization awarding scholarships to eligible students pursuant~~
2468 ~~to paragraph (3) (b) shall:~~

2469 1. ~~Establish a process for parents who are in compliance~~
2470 ~~with paragraph (10) (b) to renew their students' scholarships.~~
2471 ~~Renewal applications for the 2025-2026 school year and~~
2472 ~~thereafter must provide for a renewal timeline beginning~~
2473 ~~February 1 of the prior school year and ending April 30 of the~~
2474 ~~prior school year. A student's renewal is contingent upon an~~
2475 ~~eligible private school providing confirmation of student~~
2476 ~~admission pursuant to subsection (9), if applicable. The process~~
2477 ~~must require that parents confirm that the scholarship is being~~
2478 ~~renewed or declined by May 31.~~

2479 2. ~~Establish a process that allows a parent to apply for a~~
2480 ~~new scholarship. The process may begin no earlier than February~~
2481 ~~1 of the prior school year and must authorize the submission of~~
2482 ~~applications until November 15. The process must be in a manner~~
2483 ~~that creates a written or electronic record of the application~~
2484 ~~request and the date of receipt of the application request.~~
2485 ~~Applications received after the deadline may be considered for~~
2486 ~~scholarship award in the subsequent fiscal year. The process~~
2487 ~~must require that parents confirm that the scholarship is being~~
2488 ~~accepted or declined by December 15.~~

2489 3. ~~Review applications and award scholarships using the~~
2490 ~~following priorities:~~

- 2491 a. ~~Renewing students from the previous school year.~~
2492 b. ~~An eligible student who meets the criteria for an~~
2493 ~~initial award pursuant to paragraph (3) (b) on a first-come,~~
2494 ~~first-served basis.~~

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2495 ~~4. Establish and maintain separate accounts for each~~
2496 ~~eligible student. For each account, the organization must~~
2497 ~~maintain a record of accrued interest that is retained in the~~
2498 ~~student's account and available only for authorized program~~
2499 ~~expenditures.~~

2500 ~~5. Verify qualifying educational expenditures pursuant to~~
2501 ~~the requirements of paragraph (4) (b).~~

2502 ~~6. Return any remaining program funds to the department~~
2503 ~~pursuant to paragraph (6) (b).~~

2504 1.7. Notify the parent about the availability of, and the
2505 requirements associated with requesting, an initial IEP or IEP
2506 reevaluation every 3 years for each student participating in the
2507 program.

2508 2.8. Notify the parent of available state and local
2509 services, including, but not limited to, services under chapter
2510 413.

2511 ~~9. In a timely manner, submit to the department the~~
2512 ~~verified list of eligible scholarship students and any~~
2513 ~~information requested by the department relating to the~~
2514 ~~scholarship under this section.~~

2515 (c)10. Notify the department of any violation of this
2516 section.

2517 ~~11. Document each scholarship student's eligibility for a~~
2518 ~~fiscal year before granting a scholarship for that fiscal year~~
2519 ~~pursuant to paragraph (3) (b). A student is ineligible for a~~
2520 ~~scholarship if the student's account has been inactive for 2~~
2521 ~~consecutive fiscal years.~~

2522 (d)(c) An eligible nonprofit scholarship funding
2523 organization may, from eligible contributions received pursuant

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2524 ~~to s. 1002.395(6)(1)1.,~~ Use an amount, from eligible
2525 contributions received pursuant to s. 1002.395(6)(1)1., not to
2526 exceed 2.5 percent of the total amount of all scholarships
2527 funded under this section for administrative expenses associated
2528 with performing functions under this section. An organization
2529 that, for the prior fiscal year, has complied with the
2530 expenditure requirements of s. 1002.395(6)(i)3. ~~s.~~
2531 ~~1002.395(6)(1)3.~~ may use an amount not to exceed 3 percent. Such
2532 administrative expense amount is considered within the 3-percent
2533 limit on the total amount an organization may use to administer
2534 scholarships under this chapter.

2535 ~~(d) An eligible nonprofit scholarship funding organization~~
2536 ~~shall establish a process to collect input and feedback from~~
2537 ~~parents, private schools, and providers before implementing~~
2538 ~~substantial modifications or enhancements to the reimbursement~~
2539 ~~process.~~

2540 ~~(11)(12) SCHOLARSHIP FUNDING AND PAYMENT.-~~

2541 ~~(a)1. The calculated scholarship amount for a participating~~
2542 ~~student determined eligible pursuant to paragraph (3)(a) shall~~
2543 ~~be based upon the grade level and school district in which the~~
2544 ~~student was assigned as 100 percent of the funds per unweighted~~
2545 ~~full-time equivalent in the Florida Education Finance Program~~
2546 ~~for a student in the basic program established pursuant to s.~~
2547 ~~1011.62(1)(c)1., plus a per full-time equivalent share of funds~~
2548 ~~for the categorical programs established in s. 1011.62(5),~~
2549 ~~(7)(a), and (16), as funded in the General Appropriations Act.~~

2550 ~~2.a. For renewing scholarship students, the organization~~
2551 ~~must verify the student's continued eligibility to participate~~
2552 ~~in the scholarship program at least 30 days before each payment.~~

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2553 ~~Upon receiving the verified list of eligible scholarship~~
2554 ~~students, the department shall release, from state funds only,~~
2555 ~~the amount calculated pursuant to subparagraph 1. to the~~
2556 ~~organization for deposit into the student's account in quarterly~~
2557 ~~payments no later than August 1, November 1, February 1, and~~
2558 ~~April 1 of each school year in which the scholarship is in~~
2559 ~~force.~~

2560 ~~b. For new scholarship students, the organization must~~
2561 ~~verify the student's eligibility to participate in the~~
2562 ~~scholarship program at least 30 days before each payment. Upon~~
2563 ~~receiving the verified list of eligible scholarship students,~~
2564 ~~the department shall release, from state funds only, the amount~~
2565 ~~calculated pursuant to subparagraph 1. to the organization for~~
2566 ~~deposit into the student's account in quarterly payments no~~
2567 ~~later than September 1, November 1, February 1, and April 1 of~~
2568 ~~each school year in which the scholarship is in force. For a~~
2569 ~~student exiting a Department of Juvenile Justice commitment~~
2570 ~~program who chooses to participate in the scholarship program,~~
2571 ~~the amount calculated pursuant to subparagraph 1. must be~~
2572 ~~transferred from the school district in which the student last~~
2573 ~~attended a public school before commitment to the Department of~~
2574 ~~Juvenile Justice.~~

2575 ~~e. The department is authorized to release the state funds~~
2576 ~~contingent upon verification that the organization will comply~~
2577 ~~with s. 1002.395(6)(1) based upon the organization's submitted~~
2578 ~~verified list of eligible scholarship students pursuant to s.~~
2579 ~~1002.395.~~

2580 ~~3. The initial payment shall be made after the~~
2581 ~~organization's verification of admission acceptance, and~~

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2582 ~~subsequent payments shall be made upon verification of continued~~
2583 ~~enrollment and attendance at the participating private school.~~
2584 ~~Payments for tuition and fees for full-time enrollment shall be~~
2585 ~~made within 7 business days after approval by the parent~~
2586 ~~pursuant to paragraph (10) (a) and the private school pursuant to~~
2587 ~~paragraph (9) (b). Payment must be by funds transfer or any other~~
2588 ~~means of payment that the department deems to be commercially~~
2589 ~~viable or cost-effective. An organization shall ensure that the~~
2590 ~~parent has approved a funds transfer before any scholarship~~
2591 ~~funds are deposited.~~

2592 ~~4. An organization may not transfer any funds to an account~~
2593 ~~of a student determined eligible pursuant to paragraph (3) (a)~~
2594 ~~which has a balance in excess of \$24,000.~~

2595 ~~(b)1.~~ For the 2024-2025 school year, the maximum number of
2596 scholarships funded under paragraph (3) (b) shall be 72,615.
2597 Beginning in the 2025-2026 school year, the maximum number of
2598 scholarships funded under paragraph (3) (b) shall annually
2599 increase by 5 percent of the state's total exceptional student
2600 education full-time equivalent student membership, not including
2601 gifted students. The maximum number of scholarships funded shall
2602 increase by 1 percent of the state's total exceptional student
2603 education full-time equivalent student membership, not including
2604 gifted students, in the school year following any school year in
2605 which the number of scholarships funded exceeds 95 percent of
2606 the number of available scholarships for that school year. An
2607 eligible student who meets any of the following requirements
2608 shall be excluded from the maximum number of students if the
2609 student:

2610 (a) a. Received specialized instructional services under the

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2611 Voluntary Prekindergarten Education Program pursuant to s.
2612 1002.66 during the previous school year and the student has a
2613 current IEP developed by the district school board in accordance
2614 with rules of the State Board of Education;

2615 (b)~~b.~~ Is a dependent child of a law enforcement officer or
2616 a member of the United States Armed Forces, a foster child, or
2617 an adopted child; or

2618 (c)~~e.~~ Spent the prior school year in attendance at a
2619 Florida public school or the Florida School for the Deaf and the
2620 Blind. For purposes of this subparagraph, the term "prior school
2621 year in attendance" means that the student was enrolled and
2622 reported by:

2623 1.~~(I)~~ A school district for funding during either the
2624 preceding October or February full-time equivalent student
2625 membership surveys in kindergarten through grade 12, which
2626 includes time spent in a Department of Juvenile Justice
2627 commitment program if funded under the Florida Education Finance
2628 Program;

2629 2.~~(II)~~ The Florida School for the Deaf and the Blind during
2630 the preceding October or February full-time equivalent student
2631 membership surveys in kindergarten through grade 12;

2632 3.~~(III)~~ A school district for funding during the preceding
2633 October or February full-time equivalent student membership
2634 surveys, was at least 4 years of age when enrolled and reported,
2635 and was eligible for services under s. 1003.21(1)(e); or

2636 4.~~(IV)~~ Received a John M. McKay Scholarship for Students
2637 with Disabilities in the 2021-2022 school year.

2638 ~~2. For a student who has a Level I to Level III matrix of~~
2639 ~~services or a diagnosis by a physician or psychologist, the~~

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2640 ~~calculated scholarship amount for a student participating in the~~
2641 ~~program must be based upon the grade level and school district~~
2642 ~~in which the student would have been enrolled as the total funds~~
2643 ~~per unweighted full-time equivalent in the Florida Education~~
2644 ~~Finance Program for a student in the basic exceptional student~~
2645 ~~education program pursuant to s. 1011.62(1)(c) and (d), plus a~~
2646 ~~per full-time equivalent share of funds for the categorical~~
2647 ~~programs established in s. 1011.62(5), (7)(a), (8), and (16), as~~
2648 ~~funded in the General Appropriations Act. For the categorical~~
2649 ~~program established in s. 1011.62(8), the funds must be~~
2650 ~~allocated based on the school district's average exceptional~~
2651 ~~student education guaranteed allocation funds per exceptional~~
2652 ~~student education full-time equivalent student.~~

2653 ~~3. For a student with a Level IV or Level V matrix of~~
2654 ~~services, the calculated scholarship amount must be based upon~~
2655 ~~the school district to which the student would have been~~
2656 ~~assigned as the total funds per full-time equivalent for the~~
2657 ~~Level IV or Level V exceptional student education program~~
2658 ~~pursuant to s. 1011.62(1)(c)2.a. or b., plus a per full time~~
2659 ~~equivalent share of funds for the categorical programs~~
2660 ~~established in s. 1011.62(5), (7)(a), and (16), as funded in the~~
2661 ~~General Appropriations Act.~~

2662 ~~4. For a student who received a Gardiner Scholarship~~
2663 ~~pursuant to former s. 1002.385 in the 2020-2021 school year, the~~
2664 ~~amount shall be the greater of the amount calculated pursuant to~~
2665 ~~subparagraph 2. or the amount the student received for the 2020-~~
2666 ~~2021 school year.~~

2667 ~~5. For a student who received a John M. McKay Scholarship~~
2668 ~~pursuant to former s. 1002.39 in the 2020-2021 school year, the~~

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2669 amount shall be the greater of the amount calculated pursuant to
2670 subparagraph 2. or the amount the student received for the 2020-
2671 2021 school year.

2672 ~~6. The organization must verify the student's eligibility~~
2673 ~~to participate in the scholarship program at least 30 days~~
2674 ~~before each payment.~~

2675 ~~7.a. For renewing scholarship students, upon receiving the~~
2676 ~~verified list of eligible scholarship students, the department~~
2677 ~~shall release, from state funds only, the amount calculated~~
2678 ~~pursuant to subparagraph 1. to the organization for deposit into~~
2679 ~~the student's account in quarterly payments no later than August~~
2680 ~~1, November 1, February 1, and April 1 of each school year in~~
2681 ~~which the scholarship is in force.~~

2682 ~~b. For new scholarship students, upon receiving the~~
2683 ~~verified list of eligible scholarship students, the department~~
2684 ~~shall release, from state funds only, the amount calculated~~
2685 ~~pursuant to subparagraph 1. to the organization for deposit into~~
2686 ~~the student's account in quarterly payments no later than~~
2687 ~~September 1, November 1, February 1, and April 1 of each school~~
2688 ~~year in which the scholarship is in force.~~

2689 ~~8. If a scholarship student is attending an eligible~~
2690 ~~private school full time, the initial payment shall be made~~
2691 ~~after the organization's verification of admission acceptance,~~
2692 ~~and subsequent payments shall be made upon verification of~~
2693 ~~continued enrollment and attendance at the eligible private~~
2694 ~~school. Payments for tuition and fees for full-time enrollment~~
2695 ~~shall be made within 7 business days after approval by the~~
2696 ~~parent pursuant to paragraph (10) (b) and the private school~~
2697 ~~pursuant to paragraph (9) (b).~~

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2698 ~~9. Accrued interest in the student's account is in addition~~
2699 ~~to, and not part of, the awarded funds. Program funds include~~
2700 ~~both the awarded funds and accrued interest.~~

2701 ~~10. The organization may develop a system for payment of~~
2702 ~~benefits by funds transfer, including, but not limited to, debit~~
2703 ~~cards, electronic payment cards, or any other means of payment~~
2704 ~~which the department deems to be commercially viable or cost-~~
2705 ~~effective. A student's scholarship award may not be reduced for~~
2706 ~~debit card or electronic payment fees. Commodities or services~~
2707 ~~related to the development of such a system must be procured by~~
2708 ~~competitive solicitation unless they are purchased from a state~~
2709 ~~term contract pursuant to s. 287.056.~~

2710 ~~11. An organization may not transfer any funds to an~~
2711 ~~account of a student determined to be eligible pursuant to~~
2712 ~~paragraph (3) (b) which has a balance in excess of \$50,000.~~

2713 ~~12. Moneys received pursuant to this section do not~~
2714 ~~constitute taxable income to the qualified student or the parent~~
2715 ~~of the qualified student.~~

2716 ~~(c) An organization may not submit a new scholarship~~
2717 ~~student for funding after February 1.~~

2718 ~~(d) Within 30 days after the release of state funds~~
2719 ~~pursuant to paragraphs (a) and (b), the eligible scholarship-~~
2720 ~~funding organization shall certify to the department the amount~~
2721 ~~of funds distributed for student scholarships. If the amount of~~
2722 ~~funds released by the department is more than the amount~~
2723 ~~distributed by the organization, the department is authorized to~~
2724 ~~adjust the amount of the overpayment in the subsequent quarterly~~
2725 ~~payment release.~~

2726 Section 8. Subsections (2), (3), (4), and (6) through (11),

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2727 and paragraph (e) of subsection (15) of section 1002.395,
2728 Florida Statutes, are amended to read:

2729 1002.395 Florida Tax Credit Scholarship Program.—

2730 (2) DEFINITIONS.—As used in this section, the term:

2731 (a) “Annual tax credit amount” means, for any state fiscal
2732 year, the sum of the amount of tax credits approved under
2733 paragraph (5) (b), including tax credits to be taken under s.
2734 220.1875 or s. 624.51055, which are approved for a taxpayer
2735 whose taxable year begins on or after January 1 of the calendar
2736 year preceding the start of the applicable state fiscal year.

2737 ~~(b) “Choice navigator” means an individual who meets the~~
2738 ~~requirements of sub-subparagraph (6) (d) 4.g. and who provides~~
2739 ~~consultations, at a mutually agreed upon location, on the~~
2740 ~~selection of, application for, and enrollment in educational~~
2741 ~~options addressing the academic needs of a student; curriculum~~
2742 ~~selection; and advice on career and postsecondary education~~
2743 ~~opportunities. However, nothing in this section authorizes a~~
2744 ~~choice navigator to oversee or exercise control over the~~
2745 ~~curricula or academic programs of a personalized education~~
2746 ~~program.~~

2747 (b) ~~(e)~~ “Department” means the Department of Revenue.

2748 (c) ~~(d)~~ “Direct certification list” means the certified list
2749 of children who qualify for the food assistance program, the
2750 Temporary Assistance to Needy Families Program, or the Food
2751 Distribution Program on Indian Reservations provided to the
2752 Department of Education by the Department of Children and
2753 Families.

2754 (d) ~~(e)~~ “Division” means the Division of Alcoholic Beverages
2755 and Tobacco of the Department of Business and Professional

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2756 Regulation.

2757 (e)~~(f)~~ "Eligible contribution" means a monetary
2758 contribution from a taxpayer, subject to the restrictions
2759 provided in this section, to an eligible nonprofit scholarship-
2760 funding organization pursuant to this section and ss. 212.099,
2761 212.1831, and 212.1832. The taxpayer making the contribution may
2762 not designate a specific child as the beneficiary of the
2763 contribution.

2764 (f)~~(g)~~ "Eligible nonprofit scholarship-funding
2765 organization" means a state university; or an independent
2766 college or university that is eligible to participate in the
2767 William L. Boyd, IV, Effective Access to Student Education Grant
2768 Program, located and chartered in this state, is not for profit,
2769 and is accredited by the Commission on Colleges of the Southern
2770 Association of Colleges and Schools; or is a charitable
2771 organization that:

- 2772 1. Is exempt from federal income tax pursuant to s.
2773 501(c)(3) of the Internal Revenue Code;
- 2774 2. Is a Florida entity formed under chapter 605, chapter
2775 607, or chapter 617 and whose principal office is located in the
2776 state; and
- 2777 3. Complies with subsections (6) and (13) ~~(15)~~.

2778 ~~(h) "Eligible postsecondary educational institution" means~~
2779 ~~a Florida College System institution; a state university; a~~
2780 ~~school district technical center; a school district adult~~
2781 ~~general education center; an independent college or university~~
2782 ~~eligible to participate in the William L. Boyd, IV, Effective~~
2783 ~~Access to Student Education Grant Program under s. 1009.89; or~~
2784 ~~an accredited independent postsecondary educational institution,~~

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2785 ~~as defined in s. 1005.02, which is licensed to operate in this~~
2786 ~~state under part III of chapter 1005 or is approved to~~
2787 ~~participate in a reciprocity agreement as defined in s.~~
2788 ~~1000.35(2).~~

2789 ~~(i) "Eligible private school" means a private school, as~~
2790 ~~defined in s. 1002.01, located in Florida which offers an~~
2791 ~~education to students in any grades K-12 and that meets the~~
2792 ~~requirements in subsection (8).~~

2793 ~~(j) "Household income" has the same meaning as the term~~
2794 ~~"income" as defined in the Income Eligibility Guidelines for~~
2795 ~~free and reduced price meals under the National School Lunch~~
2796 ~~Program in 7 C.F.R. part 210 as published in the Federal~~
2797 ~~Register by the United States Department of Agriculture.~~

2798 ~~(k) "Owner or operator" includes:~~

2799 ~~1. An owner, president, officer, or director of an eligible~~
2800 ~~nonprofit scholarship-funding organization or a person with~~
2801 ~~equivalent decisionmaking authority over an eligible nonprofit~~
2802 ~~scholarship-funding organization.~~

2803 ~~2. An owner, operator, superintendent, or principal of an~~
2804 ~~eligible private school or a person with equivalent~~
2805 ~~decisionmaking authority over an eligible private school.~~

2806 ~~(l) "Personalized education program" has the same meaning~~
2807 ~~as in s. 1002.01.~~

2808 ~~(m) "Personalized education student" means a student whose~~
2809 ~~parent applies to an eligible nonprofit scholarship-funding~~
2810 ~~organization for participation in a personalized education~~
2811 ~~program.~~

2812 ~~(n) "Student learning plan" means a customized learning~~
2813 ~~plan developed by a parent, at least annually, to guide~~

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2814 ~~instruction for his or her student and to identify the goods and~~
2815 ~~services needed to address the academic needs of his or her~~
2816 ~~student.~~

2817 (g)~~(e)~~ "Tax credit cap amount" means the maximum annual tax
2818 credit amount that the department may approve for a state fiscal
2819 year.

2820 (h)~~(p)~~ "Unweighted FTE funding amount" means the statewide
2821 average total funds per unweighted full-time equivalent funding
2822 amount that is incorporated by reference in the General
2823 Appropriations Act, or any subsequent special appropriations
2824 act, for the applicable state fiscal year.

2825 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

2826 ~~(a)~~ The Florida Tax Credit Scholarship Program is
2827 established.

2828 ~~(b)1.~~ A student is eligible for a Florida tax credit
2829 scholarship under this section if the student:

2830 (a)~~a.~~ Is a resident of this state or the dependent child of
2831 an active duty member of the United States Armed Forces who has
2832 received permanent change of station orders to this state or, at
2833 the time of renewal, whose home of record or state of legal
2834 residence is Florida; and

2835 (b)~~b.~~ Is eligible to enroll in kindergarten through grade
2836 12 in a public school in this state or received a scholarship
2837 under the Hope Scholarship Program in the 2023-2024 school year.

2838 ~~2. Priority must be given in the following order:~~

2839 ~~a. A student whose household income level does not exceed~~
2840 ~~185 percent of the federal poverty level or who is in foster~~
2841 ~~care or out-of-home care.~~

2842 ~~b. A student whose household income level exceeds 185~~

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2843 ~~percent of the federal poverty level, but does not exceed 400~~
2844 ~~percent of the federal poverty level.~~

2845 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
2846 a scholarship while he or she is:

2847 (a) Enrolled full time in a public school, including, but
2848 not limited to, the Florida School for the Deaf and the Blind,
2849 the College-Preparatory Boarding Academy, the Florida School for
2850 Competitive Academics, the Florida Virtual School, the Florida
2851 Scholars Academy, a developmental research school authorized
2852 under s. 1002.32, or a charter school authorized under this
2853 chapter. For purposes of this paragraph, a 3- or 4-year-old
2854 child who receives services funded through the Florida Education
2855 Finance Program is considered a student enrolled full time in a
2856 public school;

2857 (b) Enrolled in a school operating for the purpose of
2858 providing educational services to youth in a Department of
2859 Juvenile Justice commitment program;

2860 (c) Receiving any other educational scholarship pursuant to
2861 this chapter. ~~However, an eligible public school student~~
2862 ~~receiving a scholarship under s. 1002.411 may receive a~~
2863 ~~scholarship for transportation pursuant to subparagraph~~
2864 ~~(6)(d)4.;~~

2865 (d) Not having regular and direct contact with his or her
2866 private school teachers pursuant to s. 1002.421(9)(i) ~~s.~~
2867 ~~1002.421(1)(i)~~ unless he or she is enrolled in a personalized
2868 education program;

2869 (e) Participating in a home education program as defined in
2870 s. 1002.01(1);

2871 (f) Participating in a private tutoring program pursuant to

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2872 s. 1002.43 unless he or she is enrolled in a personalized
2873 education program; or

2874 (g) Participating in virtual instruction pursuant to s.
2875 1002.455 that receives state funding pursuant to the student's
2876 participation.

2877 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
2878 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
2879 organization:

2880 (a) Must comply with the antidiscrimination provisions of
2881 42 U.S.C. s. 2000d.

2882 ~~(b) Must comply with the following background check~~
2883 ~~requirements:~~

2884 ~~1. All owners and operators as defined in subparagraph~~
2885 ~~(2)(k)1. are, before employment or engagement to provide~~
2886 ~~services, subject to level 2 background screening as provided~~
2887 ~~under chapter 435. The fingerprints for the background screening~~
2888 ~~must be electronically submitted to the Department of Law~~
2889 ~~Enforcement and can be taken by an authorized law enforcement~~
2890 ~~agency or by an employee of the eligible nonprofit scholarship-~~
2891 ~~funding organization or a private company who is trained to take~~
2892 ~~fingerprints. However, the complete set of fingerprints of an~~
2893 ~~owner or operator may not be taken by the owner or operator. The~~
2894 ~~results of the state and national criminal history check shall~~
2895 ~~be provided to the Department of Education for screening under~~
2896 ~~chapter 435. The cost of the background screening may be borne~~
2897 ~~by the eligible nonprofit scholarship-funding organization or~~
2898 ~~the owner or operator.~~

2899 ~~2. Every 5 years following employment or engagement to~~
2900 ~~provide services or association with an eligible nonprofit~~

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2901 ~~scholarship funding organization, each owner or operator must~~
2902 ~~meet level 2 screening standards as described in s. 435.04, at~~
2903 ~~which time the nonprofit scholarship funding organization shall~~
2904 ~~request the Department of Law Enforcement to forward the~~
2905 ~~fingerprints to the Federal Bureau of Investigation for level 2~~
2906 ~~screening. If the fingerprints of an owner or operator are not~~
2907 ~~retained by the Department of Law Enforcement under subparagraph~~
2908 ~~3., the owner or operator must electronically file a complete~~
2909 ~~set of fingerprints with the Department of Law Enforcement. Upon~~
2910 ~~submission of fingerprints for this purpose, the eligible~~
2911 ~~nonprofit scholarship funding organization shall request that~~
2912 ~~the Department of Law Enforcement forward the fingerprints to~~
2913 ~~the Federal Bureau of Investigation for level 2 screening, and~~
2914 ~~the fingerprints shall be retained by the Department of Law~~
2915 ~~Enforcement under subparagraph 3.~~

2916 ~~3. Fingerprints submitted to the Department of Law~~
2917 ~~Enforcement as required by this paragraph must be retained by~~
2918 ~~the Department of Law Enforcement in a manner approved by rule~~
2919 ~~and entered in the statewide automated biometric identification~~
2920 ~~system authorized by s. 943.05(2)(b). The fingerprints must~~
2921 ~~thereafter be available for all purposes and uses authorized for~~
2922 ~~arrest fingerprints entered in the statewide automated biometric~~
2923 ~~identification system pursuant to s. 943.051.~~

2924 ~~4. The Department of Law Enforcement shall search all~~
2925 ~~arrest fingerprints received under s. 943.051 against the~~
2926 ~~fingerprints retained in the statewide automated biometric~~
2927 ~~identification system under subparagraph 3. Any arrest record~~
2928 ~~that is identified with an owner's or operator's fingerprints~~
2929 ~~must be reported to the Department of Education. The Department~~

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2930 of Education shall participate in this search process by paying
2931 an annual fee to the Department of Law Enforcement and by
2932 informing the Department of Law Enforcement of any change in the
2933 employment, engagement, or association status of the owners or
2934 operators whose fingerprints are retained under subparagraph 3.
2935 The Department of Law Enforcement shall adopt a rule setting the
2936 amount of the annual fee to be imposed upon the Department of
2937 Education for performing these services and establishing the
2938 procedures for the retention of owner and operator fingerprints
2939 and the dissemination of search results. The fee may be borne by
2940 the owner or operator of the nonprofit scholarship funding
2941 organization.

2942 5. A nonprofit scholarship funding organization whose owner
2943 or operator fails the level 2 background screening is not
2944 eligible to provide scholarships under this section.

2945 6. A nonprofit scholarship funding organization whose owner
2946 or operator in the last 7 years has filed for personal
2947 bankruptcy or corporate bankruptcy in a corporation of which he
2948 or she owned more than 20 percent shall not be eligible to
2949 provide scholarships under this section.

2950 7. In addition to the offenses listed in s. 435.04, a
2951 person required to undergo background screening pursuant to this
2952 part or authorizing statutes must not have an arrest awaiting
2953 final disposition for, must not have been found guilty of, or
2954 entered a plea of nolo contendere to, regardless of
2955 adjudication, and must not have been adjudicated delinquent, and
2956 the record must not have been sealed or expunged for, any of the
2957 following offenses or any similar offense of another
2958 jurisdiction:

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- 2959 ~~a. Any authorizing statutes, if the offense was a felony.~~
- 2960 ~~b. This chapter, if the offense was a felony.~~
- 2961 ~~e. Section 409.920, relating to Medicaid provider fraud.~~
- 2962 ~~d. Section 409.9201, relating to Medicaid fraud.~~
- 2963 ~~e. Section 741.28, relating to domestic violence.~~
- 2964 ~~f. Section 817.034, relating to fraudulent acts through~~
- 2965 ~~mail, wire, radio, electromagnetic, photoelectronic, or~~
- 2966 ~~photooptical systems.~~
- 2967 ~~g. Section 817.234, relating to false and fraudulent~~
- 2968 ~~insurance claims.~~
- 2969 ~~h. Section 817.505, relating to patient brokering.~~
- 2970 ~~i. Section 817.568, relating to criminal use of personal~~
- 2971 ~~identification information.~~
- 2972 ~~j. Section 817.60, relating to obtaining a credit card~~
- 2973 ~~through fraudulent means.~~
- 2974 ~~k. Section 817.61, relating to fraudulent use of credit~~
- 2975 ~~cards, if the offense was a felony.~~
- 2976 ~~l. Section 831.01, relating to forgery.~~
- 2977 ~~m. Section 831.02, relating to uttering forged instruments.~~
- 2978 ~~n. Section 831.07, relating to forging bank bills, checks,~~
- 2979 ~~drafts, or promissory notes.~~
- 2980 ~~o. Section 831.09, relating to uttering forged bank bills,~~
- 2981 ~~checks, drafts, or promissory notes.~~
- 2982 ~~p. Section 831.30, relating to fraud in obtaining medicinal~~
- 2983 ~~drugs.~~
- 2984 ~~q. Section 831.31, relating to the sale, manufacture,~~
- 2985 ~~delivery, or possession with the intent to sell, manufacture, or~~
- 2986 ~~deliver any counterfeit controlled substance, if the offense was~~
- 2987 ~~a felony.~~

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2988 ~~(b)(e)~~ Must not have an owner or operator, ~~as defined in~~
2989 ~~subparagraph (2)(k)1.~~, who owns or operates an eligible private
2990 school that is participating in the scholarship program.

2991 ~~(c)(d)1.~~ For the 2023-2024 school year, may fund no more
2992 than 20,000 scholarships for students who are enrolled pursuant
2993 to subsection (7) ~~paragraph (7)(b)~~. The number of scholarships
2994 funded for such students may increase by 40,000 in each
2995 subsequent school year. This paragraph ~~subparagraph~~ is repealed
2996 July 1, 2027.

2997 ~~2. Shall establish a process for parents who are in~~
2998 ~~compliance with paragraph (7)(a) to renew their students'~~
2999 ~~scholarships. Renewal applications for the 2025-2026 school year~~
3000 ~~and thereafter must provide for a renewal timeline beginning~~
3001 ~~February 1 of the prior school year and ending April 30 of the~~
3002 ~~prior school year. A student's renewal is contingent upon an~~
3003 ~~eligible private school providing confirmation of admission~~
3004 ~~pursuant to subsection (8). The process must require that~~
3005 ~~parents confirm that the scholarship is being renewed or~~
3006 ~~declined by May 31.~~

3007 ~~3. Shall establish a process that allows a parent to apply~~
3008 ~~for a new scholarship. The process must be in a manner that~~
3009 ~~creates a written or electronic record of the application~~
3010 ~~request and the date of receipt of the application request. The~~
3011 ~~process must require that parents confirm that the scholarship~~
3012 ~~is being accepted or declined by a date set by the organization.~~

3013 ~~4. Must establish and maintain separate scholarship~~
3014 ~~accounts from eligible contributions for each eligible student.~~
3015 ~~For each account, the organization must maintain a record of~~
3016 ~~accrued interest retained in the student's account. The~~

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3017 organization

3018 (d) Must verify that scholarship funds are used for:

3019 ~~1.a.~~ Tuition and fees for full-time or part-time enrollment

3020 in an eligible private school.

3021 ~~2.b.~~ Instructional materials, including digital materials, digital devices,

3022 and Internet resources.

3023 ~~3.c.~~ Curriculum as defined in s. 1002.394(2).

3024 ~~4.d.~~ Tuition and fees associated with full-time or part-

3025 time enrollment in a home education instructional program that

3026 meets all of the following requirements:

3027 a. Provides educational courses or activities.

3028 b. Has a publicly available description of courses and

3029 activities.

3030 c. Has a tuition and fee schedule.

3031 d. Makes the tuition and fees payable to a registered

3032 business entity.

3033 5. Tuition and fees associated with full-time or part-time

3034 enrollment in, an eligible postsecondary educational institution

3035 or a program offered by the postsecondary educational

3036 institution, unless the program is subject to s. 1009.25 or

3037 reimbursed pursuant to s. 1009.30; an approved preapprenticeship

3038 program as defined in s. 446.021(5) which is not subject to s.

3039 1009.25 and complies with all applicable requirements of the

3040 Department of Education pursuant to chapter 1005; a private

3041 tutoring program authorized under s. 1002.43; a virtual program

3042 offered by a department-approved private online provider that

3043 meets the provider qualifications specified in s. 1002.45(2)(a);

3044 the Florida Virtual School as a private paying student; or an

3045 approved online course offered pursuant to s. 1003.499 or s.

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3046 1004.0961.

3047 ~~6.e.~~ Fees for nationally standardized, norm-referenced
3048 achievement tests, Advanced Placement Examinations, industry
3049 certification examinations, assessments related to postsecondary
3050 education, or other assessments.

3051 ~~7.f.~~ Contracted services provided by a public school or
3052 school district, including classes. A student who receives
3053 contracted services under this subparagraph ~~sub-subparagraph~~ is
3054 not considered enrolled in a public school for eligibility
3055 purposes as specified in subsection (9) ~~(11)~~ but rather
3056 attending a public school on a part-time basis as authorized
3057 under s. 1002.44.

3058 ~~8.g.~~ Tuition and fees for part-time tutoring services or
3059 fees for services provided by a choice navigator. Such services
3060 must be provided by a person who holds a valid Florida
3061 educator's certificate pursuant to s. 1012.56, a person who
3062 holds an adjunct teaching certificate pursuant to s. 1012.57, a
3063 person who has a bachelor's degree or a graduate degree in the
3064 subject area in which instruction is given, a person who has
3065 demonstrated a mastery of subject area knowledge pursuant to s.
3066 1012.56(5), or a person certified by a nationally or
3067 internationally recognized research-based training program as
3068 approved by the Department of Education. As used in this
3069 paragraph, the term "part-time tutoring services" does not
3070 qualify as regular school attendance as defined in s.
3071 1003.01(16)(e).

3072 9. Membership dues and related activity fees for
3073 participation in Career and Technical Student Organizations.

3074 (e) For students determined eligible pursuant to subsection

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3075 (7) paragraph ~~(7)(b)~~, must:

3076 ~~1. Establish a process for parents who are in compliance~~
3077 ~~with subparagraph (7)(b)1. to apply for a new scholarship. New~~
3078 ~~scholarship applications for the 2025-2026 school year and~~
3079 ~~thereafter must provide for an application timeline beginning~~
3080 ~~February 1 of the prior school year and ending April 30 of the~~
3081 ~~prior school year. The process must require that parents confirm~~
3082 ~~that the scholarship is being accepted or declined by May 31.~~

3083 ~~2. Establish a process for parents who are in compliance~~
3084 ~~with paragraph (7)(b) to renew their students' scholarships.~~
3085 ~~Renewal scholarship applications for the 2025-2026 school year~~
3086 ~~and thereafter must provide for a renewal timeline beginning~~
3087 ~~February 1 of the prior school year and ending April 30 of the~~
3088 ~~prior school year. The process must require that parents confirm~~
3089 ~~that the scholarship is being renewed or declined by May 31.~~

3090 ~~1.3.~~ Maintain a signed agreement from the parent which
3091 constitutes compliance with the attendance requirements under
3092 ss. 1003.01(16) and 1003.21(1).

3093 ~~2.4.~~ Receive eligible student test scores and, beginning
3094 with the 2027-2028 school year, by August 15, annually report
3095 test scores for students pursuant to subsection (7) paragraph
3096 ~~(7)(b)~~ to a state university pursuant to paragraph (8)(d)
3097 ~~(9)(f)~~.

3098 ~~3.5.~~ Provide parents with information, guidance, and
3099 support to create and annually update a student learning plan
3100 for their student. The organization must maintain the plan and
3101 allow parents to electronically submit, access, and revise the
3102 plan continuously.

3103 ~~4.6.~~ Upon submission by the parent of an annual student

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3104 learning plan, fund a scholarship for a student determined
3105 eligible.

3106 ~~(f) Must give first priority to eligible renewal students~~
3107 ~~who received a scholarship from an eligible nonprofit~~
3108 ~~scholarship funding organization during the previous school~~
3109 ~~year. The eligible nonprofit scholarship funding organization~~
3110 ~~must~~ fully apply and exhaust all funds available under this
3111 section for renewal scholarship awards before awarding any
3112 initial scholarships.

3113 ~~(g) Must provide a new scholarship to an eligible student~~
3114 ~~on a first come, first served basis unless the student is~~
3115 ~~seeking priority eligibility pursuant to subsection (3).~~

3116 (g) ~~(h)~~ Must refer any student eligible for a scholarship
3117 pursuant to this section who did not receive a renewal or
3118 initial scholarship based solely on the lack of available funds
3119 under this section to another eligible nonprofit scholarship-
3120 funding organization that may have funds available.

3121 ~~(i) May not restrict or reserve scholarships for use at a~~
3122 ~~particular eligible private school or provide scholarships to a~~
3123 ~~child of an owner or operator as defined in subparagraph~~
3124 ~~(2)(k)1.~~

3125 ~~(j) Must allow a student in foster care or out-of-home care~~
3126 ~~or a dependent child of a parent who is a member of the United~~
3127 ~~States Armed Forces to apply for a scholarship at any time.~~

3128 (h) ~~(k)~~ Must allow an eligible student to attend any
3129 eligible private school and must allow a parent to transfer a
3130 scholarship during a school year to any other eligible private
3131 school of the parent's choice.

3132 (i)1. ~~(1)1.~~ May use eligible contributions received pursuant

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3133 to this section and ss. 212.099, 212.1831, and 212.1832 during
3134 the state fiscal year in which such contributions are collected
3135 for administrative expenses if the organization has operated as
3136 an eligible nonprofit scholarship-funding organization for at
3137 least the preceding 3 fiscal years and did not have any findings
3138 of material weakness or material noncompliance in its most
3139 recent audit under paragraph (k) ~~(e)~~ or is in good standing in
3140 each state in which it administers a scholarship program and the
3141 audited financial statements for the preceding 3 fiscal years
3142 are free of material misstatements and going concern issues.
3143 Administrative expenses from eligible contributions may not
3144 exceed 3 percent of the total amount of all scholarships and
3145 stipends funded by an eligible scholarship-funding organization
3146 under this chapter. Such administrative expenses must be
3147 reasonable and necessary for the organization's management and
3148 distribution of scholarships funded under this chapter.
3149 Administrative expenses may include developing or contracting
3150 with rideshare programs or facilitating carpool strategies for
3151 recipients of a transportation scholarship under s. 1002.394. No
3152 funds authorized under this subparagraph shall be used for
3153 lobbying or political activity or expenses related to lobbying
3154 or political activity. Up to one-third of the funds authorized
3155 for administrative expenses under this subparagraph may be used
3156 for expenses related to the recruitment of contributions from
3157 taxpayers. ~~An eligible nonprofit scholarship-funding
3158 organization may not charge an application fee.~~

3159 2. Must expend for annual or partial-year scholarships 100
3160 percent of any eligible contributions from the prior fiscal
3161 year.

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3162 3. Must expend for annual or partial-year scholarships an
3163 amount equal to or greater than 75 percent of all net eligible
3164 contributions, ~~as defined in subsection (2)~~, remaining after
3165 administrative expenses during the state fiscal year in which
3166 such eligible contributions are collected. No more than 25
3167 percent of such net eligible contributions may be carried
3168 forward to the following state fiscal year. All amounts carried
3169 forward, for audit purposes, must be specifically identified for
3170 particular students, by student name and the name of the school
3171 to which the student is admitted, subject to the requirements of
3172 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the
3173 applicable rules and regulations issued pursuant thereto. Any
3174 amounts carried forward shall be expended for annual or partial-
3175 year scholarships in the following state fiscal year. Eligible
3176 contributions remaining on June 30 of each year that are in
3177 excess of the 25 percent that may be carried forward shall be
3178 used to provide scholarships to eligible students or transferred
3179 to other eligible nonprofit scholarship-funding organizations to
3180 provide scholarships for eligible students. All transferred
3181 funds must be deposited by each eligible nonprofit scholarship-
3182 funding organization receiving such funds into its scholarship
3183 account. All transferred amounts received by any eligible
3184 nonprofit scholarship-funding organization must be separately
3185 disclosed in the annual financial audit required under paragraph
3186 (k) ~~(e)~~.

3187 ~~4. Must, before granting a scholarship for an academic~~
3188 ~~year, document each scholarship student's eligibility for that~~
3189 ~~academic year. A scholarship-funding organization may not grant~~
3190 ~~multiyear scholarships in one approval process.~~

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3191 ~~(m) Must maintain separate accounts for scholarship funds~~
3192 ~~and operating funds.~~

3193 (j)~~(n)~~ With the prior approval of the Department of
3194 Education, may transfer funds to another eligible nonprofit
3195 scholarship-funding organization if additional funds are
3196 required to meet scholarship demand at the receiving nonprofit
3197 scholarship-funding organization. A transfer is limited to the
3198 greater of \$500,000 or 20 percent of the total contributions
3199 received by the nonprofit scholarship-funding organization
3200 making the transfer. All transferred funds must be deposited by
3201 the receiving nonprofit scholarship-funding organization into
3202 its scholarship accounts. All transferred amounts received by
3203 any nonprofit scholarship-funding organization must be
3204 separately disclosed in the annual financial and compliance
3205 audit required in this section.

3206 (k)~~(e)~~ Must provide to the Auditor General and the
3207 Department of Education a report on the results of an annual
3208 financial audit of its accounts and records conducted by an
3209 independent certified public accountant in accordance with
3210 auditing standards generally accepted in the United States,
3211 government auditing standards, and rules promulgated by the
3212 Auditor General. The audit report must include a report on
3213 financial statements presented in accordance with generally
3214 accepted accounting principles. Audit reports must be provided
3215 to the Auditor General and the Department of Education within
3216 180 days after completion of the eligible nonprofit scholarship-
3217 funding organization's fiscal year. The Auditor General shall
3218 review all audit reports submitted pursuant to this paragraph.
3219 The Auditor General shall request any significant items that

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3220 were omitted in violation of a rule adopted by the Auditor
3221 General. The items must be provided within 45 days after the
3222 date of the request. If the scholarship-funding organization
3223 does not comply with the Auditor General's request, the Auditor
3224 General shall notify the Legislative Auditing Committee.

3225 ~~(p) Must prepare and submit quarterly reports to the~~
3226 ~~Department of Education pursuant to paragraph (9)(i). In~~
3227 ~~addition, an eligible nonprofit scholarship-funding organization~~
3228 ~~must submit in a timely manner the verified list of eligible~~
3229 ~~scholarship students and any information requested by the~~
3230 ~~Department of Education relating to the scholarship program.~~

3231 (l) 1.a. ~~(q) 1.a.~~ Must participate in the joint development of
3232 agreed-upon procedures during the 2009-2010 state fiscal year.
3233 The agreed-upon procedures must uniformly apply to all private
3234 schools and must determine, at a minimum, whether the private
3235 school has been verified as eligible by the Department of
3236 Education under s. 1002.421; has an adequate accounting system,
3237 system of financial controls, and process for deposit and
3238 classification of scholarship funds; and has properly expended
3239 scholarship funds for education-related expenses. During the
3240 development of the procedures, the participating scholarship-
3241 funding organizations shall specify guidelines governing the
3242 materiality of exceptions that may be found during the
3243 accountant's performance of the procedures. The procedures and
3244 guidelines shall be provided to private schools and the
3245 Commissioner of Education by March 15, 2011.

3246 b. Must participate in a joint review of the agreed-upon
3247 procedures and guidelines developed under sub-subparagraph a.,
3248 by February of each biennium, if the scholarship-funding

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3249 organization provided more than \$250,000 in scholarship funds
3250 under this chapter during the state fiscal year preceding the
3251 biennial review. If the procedures and guidelines are revised,
3252 the revisions must be provided to private schools and the
3253 Commissioner of Education by March 15 of the year in which the
3254 revisions were completed. The revised agreed-upon procedures and
3255 guidelines shall take effect the subsequent school year.

3256 c. Must monitor the compliance of a participating private
3257 school with s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~ if the
3258 scholarship-funding organization provided the majority of the
3259 scholarship funding to the school. For each participating
3260 private school subject to s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~,
3261 the appropriate scholarship-funding organization shall annually
3262 notify the Commissioner of Education by October 30 of:

3263 (I) A private school's failure to submit a report required
3264 under s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~; or

3265 (II) Any material exceptions set forth in the report
3266 required under s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~.

3267 2. Must seek input from the accrediting associations that
3268 are members of the Florida Association of Academic Nonpublic
3269 Schools and the Department of Education when jointly developing
3270 the agreed-upon procedures and guidelines under sub-subparagraph
3271 1.a. and conducting a review of those procedures and guidelines
3272 under sub-subparagraph 1.b.

3273 ~~(m)(r)~~ Must maintain the surety bond or letter of credit
3274 required by subsection (13) ~~(15)~~. The amount of the surety bond
3275 or letter of credit may be adjusted quarterly to equal the
3276 actual amount of undisbursed funds based upon submission by the
3277 organization of a statement from a certified public accountant

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3278 verifying the amount of undisbursed funds. The requirements of
3279 this paragraph are waived if the cost of acquiring a surety bond
3280 or letter of credit exceeds the average 10-year cost of
3281 acquiring a surety bond or letter of credit by 200 percent. The
3282 requirements of this paragraph are waived for a state
3283 university; or an independent college or university which is
3284 eligible to participate in the William L. Boyd, IV, Effective
3285 Access to Student Education Grant Program, located and chartered
3286 in this state, is not for profit, and is accredited by the
3287 Commission on Colleges of the Southern Association of Colleges
3288 and Schools.

3289 (n)~~(s)~~ Must provide to the Auditor General any information
3290 or documentation requested in connection with an operational
3291 audit of a scholarship-funding organization conducted pursuant
3292 to s. 11.45.

3293 (o)~~1.~~~~(t)~~~~1.~~ Must develop a purchasing handbook that includes
3294 policies for authorized uses of scholarship funds under
3295 paragraph (d) and s. 1002.394(4)(a). The handbook must include,
3296 at a minimum, a routinely updated list of prohibited items and
3297 services, and items or services that require preauthorization or
3298 additional documentation. By August 1, 2024, and by each July 1
3299 thereafter, the purchasing handbook must be provided to the
3300 Commissioner of Education and published on the eligible
3301 nonprofit scholarship-funding organization's website. Any
3302 revisions must be provided to the commissioner and published on
3303 the organization's website within 30 days after such revisions.

3304 2. The organization shall assist the Florida Center for
3305 Students with Unique Abilities established under s. 1004.6495
3306 with the development of purchasing guidelines, which must

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3307 include a routinely updated list of prohibited items and
3308 services, and items or services for which preauthorization or
3309 additional documentation is required, for authorized uses of
3310 scholarship funds under s. 1002.394(4) (b) and publish the
3311 guidelines on the organization's website.

3312 3. If the organization fails to submit the purchasing
3313 handbook required by subparagraph 1., the Department of
3314 Education may assess a financial penalty, not to exceed \$10,000,
3315 as prescribed by State Board of Education rule. This
3316 subparagraph expires July 1, 2026.

3317 (p) ~~(u)~~ May permit eligible students to use program funds
3318 for the purposes specified in paragraph (d), as authorized in
3319 the organization's purchasing handbook, by paying for the
3320 authorized use directly, then submitting a reimbursement request
3321 to the eligible nonprofit scholarship-funding organization.
3322 However, an eligible nonprofit scholarship-funding organization
3323 may require the use of an online platform for direct purchases
3324 of products so long as such use does not limit a parent's choice
3325 of curriculum or academic programs. If a parent purchases a
3326 product identical to one offered by an organization's online
3327 platform for a lower price, the organization shall reimburse the
3328 parent the cost of the product.

3329 ~~(v) Must notify each parent that participation in the~~
3330 ~~scholarship program does not guarantee enrollment.~~

3331 ~~(w) Shall commit scholarship funds on behalf of the student~~
3332 ~~for tuition and fees for which the parent is responsible for~~
3333 ~~payment at the participating private school before using~~
3334 ~~scholarship account funds for additional authorized uses under~~
3335 ~~paragraph (d).~~

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3336 (q)~~(x)~~ ~~Beginning September 30, 2023,~~ Must submit to the
 3337 department quarterly reports that provide the estimated and
 3338 actual amounts of the net eligible contributions,~~as defined in~~
 3339 ~~subsection (2),~~ and all funds carried forward from the prior
 3340 state fiscal year.

3341 (r)~~(y)~~ Must establish a process to collect input and
 3342 feedback from parents, private schools, and providers before
 3343 implementing substantial modifications or enhancements to the
 3344 reimbursement process.

3345
 3346 Information and documentation provided to the Department of
 3347 Education and the Auditor General relating to the identity of a
 3348 taxpayer that provides an eligible contribution under this
 3349 section shall remain confidential at all times in accordance
 3350 with s. 213.053.

3351 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 3352 PARTICIPATION.—

3353 ~~(a) A parent who applies for a scholarship whose student~~
 3354 ~~will be enrolled full time in an eligible private school must:~~

3355 ~~1. Select an eligible private school and apply for the~~
 3356 ~~admission of his or her child.~~

3357 ~~2. Request the scholarship by the date established by the~~
 3358 ~~organization in a manner that creates a written or electronic~~
 3359 ~~record of the request and the date of receipt of the request.~~

3360 ~~3.a. Beginning with new applications for the 2025-2026~~
 3361 ~~school year and thereafter, notify the organization by a date~~
 3362 ~~set by the organization that the scholarship is being accepted~~
 3363 ~~or declined.~~

3364 ~~b. Beginning with renewal applications for the 2025-2026~~

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3365 ~~school year and thereafter, notify the organization by May 31~~
3366 ~~that the scholarship is being renewed or declined.~~

3367 ~~4. Inform the applicable school district when the parent~~
3368 ~~withdraws his or her student from a public school to attend an~~
3369 ~~eligible private school.~~

3370 ~~5. Require his or her student participating in the program~~
3371 ~~to remain in attendance at the eligible private school~~
3372 ~~throughout the school year unless excused by the school for~~
3373 ~~illness or other good cause and comply with the private school's~~
3374 ~~published policies.~~

3375 ~~6. Meet with the eligible private school's principal or the~~
3376 ~~principal's designee to review the school's academic programs~~
3377 ~~and policies, specialized services, code of student conduct, and~~
3378 ~~attendance policies before enrollment.~~

3379 ~~7. Require his or her student participating in the program~~
3380 ~~to take the norm-referenced assessment offered by the~~
3381 ~~participating private school. The parent may also choose to have~~
3382 ~~the student participate in the statewide assessments pursuant to~~
3383 ~~s. 1008.22. If the parent requests that the student~~
3384 ~~participating in the program take statewide assessments pursuant~~
3385 ~~to s. 1008.22 and the participating private school has not~~
3386 ~~chosen to offer and administer the statewide assessments, the~~
3387 ~~parent is responsible for transporting the student to the~~
3388 ~~assessment site designated by the school district.~~

3389 ~~8. Approve each payment before the scholarship funds may be~~
3390 ~~deposited by funds transfer. The parent may not designate any~~
3391 ~~entity or individual associated with the participating private~~
3392 ~~school as the parent's attorney in fact to approve a funds~~
3393 ~~transfer. A participant who fails to comply with this paragraph~~

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3394 ~~forfeits the scholarship.~~

3395 ~~9. Authorize the nonprofit scholarship funding organization~~
3396 ~~to access information needed for income eligibility~~
3397 ~~determination and verification held by other state or federal~~
3398 ~~agencies, including the Department of Revenue, the Department of~~
3399 ~~Children and Families, the Department of Education, the~~
3400 ~~Department of Commerce, and the Agency for Health Care~~
3401 ~~Administration, for students seeking priority eligibility.~~

3402 ~~10. Agree to have the organization commit scholarship funds~~
3403 ~~on behalf of his or her student for tuition and fees for which~~
3404 ~~the parent is responsible for payment at the participating~~
3405 ~~private school before using scholarship account funds for~~
3406 ~~additional authorized uses under paragraph (6) (d). A parent is~~
3407 ~~responsible for all eligible expenses in excess of the amount of~~
3408 ~~the scholarship.~~

3409 ~~11. Comply with the scholarship application and renewal~~
3410 ~~processes and requirements established by the organization.~~

3411 ~~(b)~~ A parent whose student is participating in the
3412 personalized education program and will not be enrolled full
3413 time in a public or private school must:

3414 ~~1. Apply to an eligible nonprofit scholarship funding~~
3415 ~~organization to participate in the program as a personalized~~
3416 ~~education student by a date set by the organization. The request~~
3417 ~~must be communicated directly to the organization in a manner~~
3418 ~~that creates a written or electronic record of the request and~~
3419 ~~the date of receipt of the request. Beginning with new and~~
3420 ~~renewal applications for the 2025-2026 school year and~~
3421 ~~thereafter, a parent must notify the organization by May 31 that~~
3422 ~~the scholarship is being accepted, renewed, or declined.~~

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3423 ~~2.~~ sign an agreement with the organization and annually
3424 submit a sworn compliance statement to the organization to
3425 satisfy or maintain program eligibility, including eligibility
3426 to receive and spend program payments, by:

3427 (a)~~a.~~ Affirming that the program funds are used only for
3428 authorized purposes serving the student's educational needs, as
3429 described in paragraph (6) (d), and that they will not receive a
3430 payment, refund, or rebate of any funds provided under this
3431 section.

3432 (b)~~b.~~ Affirming that the parent is responsible for all
3433 eligible expenses in excess of the amount of the scholarship and
3434 for the education of his or her student.

3435 (c)~~c.~~ Submitting a student learning plan to the
3436 organization and revising the plan at least annually before
3437 program renewal.

3438 (d)~~d.~~ Requiring his or her student to take a nationally
3439 norm-referenced test identified by the Department of Education,
3440 or a statewide assessment under s. 1008.22, and provide
3441 assessment results to the organization before the student's
3442 program renewal.

3443 ~~e. Complying with the scholarship application and renewal
3444 processes and requirements established by the organization. A
3445 student whose participation in the program is not renewed may
3446 continue to spend scholarship funds that are in his or her
3447 account from prior years unless the account must be closed
3448 pursuant to s. 1002.394(5) (a)2.~~

3449 (e)~~f.~~ Procuring the services necessary to educate the
3450 student. When the student receives a scholarship, the district
3451 school board is not obligated to provide the student with a free

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3452 appropriate public education.

3453

3454 For purposes of this subsection ~~paragraph~~, full-time enrollment
3455 does not include enrollment at a private school that addresses
3456 regular and direct contact with teachers through the student
3457 learning plan in accordance with s. 1002.421(9)(i) ~~s.~~
3458 ~~1002.421(1)(i)~~.

3459 ~~(c) A parent may not apply for multiple scholarships under~~
3460 ~~this section and s. 1002.394 for an individual student at the~~
3461 ~~same time.~~

3462

3463 ~~An eligible nonprofit scholarship funding organization may not~~
3464 ~~further regulate, exercise control over, or require~~
3465 ~~documentation beyond the requirements of this subsection unless~~
3466 ~~the regulation, control, or documentation is necessary for~~
3467 ~~participation in the program.~~

3468 ~~(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. An eligible~~
3469 ~~private school may be sectarian or nonsectarian and must:~~

3470 ~~(a) Comply with all requirements for private schools~~
3471 ~~participating in state school choice scholarship programs~~
3472 ~~pursuant to s. 1002.421.~~

3473 ~~(b) Provide to the organization all documentation required~~
3474 ~~for a student's participation, including confirmation of the~~
3475 ~~student's admission to the private school, the private school's~~
3476 ~~and student's fee schedules, and any other information required~~
3477 ~~by the organization to process scholarship payment pursuant to~~
3478 ~~paragraph (11)(c). Such information must be provided by the~~
3479 ~~deadlines established by the organization and in accordance with~~
3480 ~~the requirements of this section. A student is not eligible to~~

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3481 ~~receive a quarterly scholarship payment if the private school~~
3482 ~~fails to meet the deadline.~~

3483 ~~(c)1. Annually administer or make provision for students~~
3484 ~~participating in the scholarship program in grades 3 through 10~~
3485 ~~to take one of the nationally norm-referenced tests identified~~
3486 ~~by the department or the statewide assessments pursuant to s.~~
3487 ~~1008.22. Students with disabilities for whom standardized~~
3488 ~~testing is not appropriate are exempt from this requirement. A~~
3489 ~~participating private school must report a student's scores to~~
3490 ~~the parent. A participating private school must annually report~~
3491 ~~by August 15 the scores of all participating students to a state~~
3492 ~~university described in paragraph (9) (f).~~

3493 ~~2. Administer the statewide assessments pursuant to s.~~
3494 ~~1008.22 if a participating private school chooses to offer the~~
3495 ~~statewide assessments. A participating private school may choose~~
3496 ~~to offer and administer the statewide assessments to all~~
3497 ~~students who attend the participating private school in grades 3~~
3498 ~~through 10 and must submit a request in writing to the~~
3499 ~~Department of Education by March 1 of each year in order to~~
3500 ~~administer the statewide assessments in the subsequent school~~
3501 ~~year.~~

3502
3503 ~~If a participating private school fails to meet the requirements~~
3504 ~~of this subsection or s. 1002.421, the commissioner may~~
3505 ~~determine that the participating private school is ineligible to~~
3506 ~~participate in the scholarship program.~~

3507 ~~(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—~~The Department of
3508 Education shall:

3509 (a) Annually submit to the department and division, by

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3510 March 15, a list of eligible nonprofit scholarship-funding
3511 organizations that meet the requirements of paragraph (2) (f)
3512 ~~(2) (g)~~.

3513 (b) Annually verify the eligibility of nonprofit
3514 scholarship-funding organizations that meet the requirements of
3515 paragraph (2) (f) ~~(2) (g)~~.

3516 (c) Annually verify the eligibility of expenditures as
3517 provided in paragraph (6) (d) using the audit required by
3518 paragraph (6) (k) ~~(6) (e)~~.

3519 ~~(d) Notify eligible nonprofit scholarship-funding~~
3520 ~~organizations of the deadlines for submitting the verified list~~
3521 ~~of eligible scholarship students; cross-check the verified list~~
3522 ~~with the public school enrollment lists to avoid duplication;~~
3523 ~~and, when the Florida Education Finance Program is recalculated,~~
3524 ~~adjust the amount of state funds allocated to school districts~~
3525 ~~through the Florida Education Finance Program based upon the~~
3526 ~~results of the cross-check.~~

3527 ~~(e) Maintain and annually publish a list of nationally~~
3528 ~~norm-referenced tests identified for purposes of satisfying the~~
3529 ~~testing requirement in subparagraph (8) (c)1. The tests must meet~~
3530 ~~industry standards of quality in accordance with State Board of~~
3531 ~~Education rule.~~

3532 ~~(f)~~ Issue a project grant award to a state university, to
3533 which participating private schools and eligible nonprofit
3534 scholarship-funding organizations must report the scores of
3535 participating students on the nationally norm-referenced tests
3536 or the statewide assessments administered in grades 3 through
3537 10. The project term is 2 years, and the amount of the project
3538 is up to \$250,000 per year. The project grant award must be

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3539 reissued in 2-year intervals in accordance with this paragraph.

3540 1. The state university must annually report to the
3541 Department of Education on the student performance of
3542 participating students and, beginning with the 2027-2028 school
3543 year, on the performance of personalized education students:

3544 a. On a statewide basis. The report shall also include, to
3545 the extent possible, a comparison of scholarship students'
3546 performance to the statewide student performance of public
3547 school students with socioeconomic backgrounds similar to those
3548 of students participating in the scholarship program. To
3549 minimize costs and reduce time required for the state
3550 university's analysis and evaluation, the Department of
3551 Education shall coordinate with the state university to provide
3552 data to the state university in order to conduct analyses of
3553 matched students from public school assessment data and
3554 calculate control group student performance using an agreed-upon
3555 methodology with the state university; and

3556 b. On an individual school basis for students enrolled full
3557 time in a private school. The annual report must include student
3558 performance for each participating private school in which
3559 enrolled students in the private school participated in a
3560 scholarship program under this section ~~or s. 1002.394(12)(a)~~ in
3561 the prior school year. The report shall be according to each
3562 participating private school, and for participating students, in
3563 which there are at least 30 participating students who have
3564 scores for tests administered. If the state university
3565 determines that the 30-participating-student cell size may be
3566 reduced without disclosing personally identifiable information,
3567 as described in 34 C.F.R. s. 99.12, of a participating student,

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3568 the state university may reduce the participating-student cell
3569 size, but the cell size must not be reduced to less than 10
3570 participating students. The department shall provide each
3571 participating private school's prior school year's student
3572 enrollment information to the state university no later than
3573 June 15 of each year, or as requested by the state university.

3574 2. The sharing and reporting of student performance data
3575 under this paragraph must be in accordance with requirements of
3576 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
3577 Educational Rights and Privacy Act, and the applicable rules and
3578 regulations issued pursuant thereto, and shall be for the sole
3579 purpose of creating the annual report required by subparagraph
3580 1. All parties must preserve the confidentiality of such
3581 information as required by law. The annual report must not
3582 disaggregate data to a level that will identify individual
3583 participating schools, except as required under sub-subparagraph
3584 1.b., or disclose the academic level of individual students.

3585 3. The annual report required by subparagraph 1. shall be
3586 published by the Department of Education on its website.

3587 ~~(g) Notify an eligible nonprofit scholarship funding~~
3588 ~~organization of any of the organization's identified students~~
3589 ~~who are receiving educational scholarships pursuant to this~~
3590 ~~chapter.~~

3591 ~~(h) Notify an eligible nonprofit scholarship funding~~
3592 ~~organization of any of the organization's identified students~~
3593 ~~who are receiving tax credit scholarships from other eligible~~
3594 ~~nonprofit scholarship funding organizations.~~

3595 ~~(i) Require quarterly reports by an eligible nonprofit~~
3596 ~~scholarship funding organization regarding the number of~~

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3597 ~~students participating in the program; the private schools at~~
3598 ~~which the students are enrolled; the number of scholarship~~
3599 ~~applications received, the number of applications processed~~
3600 ~~within 30 days after receipt, and the number of incomplete~~
3601 ~~applications received; data related to reimbursement~~
3602 ~~submissions, including the average number of days for a~~
3603 ~~reimbursement to be reviewed and the average number of days for~~
3604 ~~a reimbursement to be approved; any parent input and feedback~~
3605 ~~collected regarding the program; and any other information~~
3606 ~~deemed necessary by the Department of Education.~~

3607 (e) ~~(j)~~ Provide a process to match the direct certification
3608 list with the scholarship application data submitted by any
3609 nonprofit scholarship-funding organization eligible to receive
3610 the 3-percent administrative allowance under paragraph (6)(i)
3611 ~~(6)(1)~~.

3612 (f) ~~(k)~~ Notify each school district of the full-time
3613 equivalent student consensus estimate of scholarship students
3614 developed pursuant to s. 216.136(4)(a).

3615 ~~(10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.~~

3616 ~~(a) Upon the request of any eligible nonprofit scholarship-~~
3617 ~~funding organization, a school district shall inform all~~
3618 ~~households within the district receiving free or reduced-priced~~
3619 ~~meals under the National School Lunch Act of their eligibility~~
3620 ~~to apply for a tax credit scholarship. The form of such notice~~
3621 ~~shall be provided by the eligible nonprofit scholarship-funding~~
3622 ~~organization, and the district shall include the provided form,~~
3623 ~~if requested by the organization, in any normal correspondence~~
3624 ~~with eligible households. If an eligible nonprofit scholarship-~~
3625 ~~funding organization requests a special communication to be~~

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3626 ~~issued to households within the district receiving free or~~
3627 ~~reduced-price meals under the National School Lunch Act, the~~
3628 ~~organization shall reimburse the district for the cost of~~
3629 ~~postage. Such notice is limited to once a year.~~

3630 ~~(b) Upon the request of the Department of Education, a~~
3631 ~~school district shall coordinate with the department to provide~~
3632 ~~to a participating private school the statewide assessments~~
3633 ~~administered under s. 1008.22 and any related materials for~~
3634 ~~administering the assessments. A school district is responsible~~
3635 ~~for implementing test administrations at a participating private~~
3636 ~~school, including the:~~

3637 ~~1. Provision of training for participating private school~~
3638 ~~staff on test security and assessment administration procedures;~~

3639 ~~2. Distribution of testing materials to a participating~~
3640 ~~private school;~~

3641 ~~3. Retrieval of testing materials from a participating~~
3642 ~~private school;~~

3643 ~~4. Provision of the required format for a participating~~
3644 ~~private school to submit information to the district for test~~
3645 ~~administration and enrollment purposes; and~~

3646 ~~5. Provision of any required assistance, monitoring, or~~
3647 ~~investigation at a participating private school.~~

3648 ~~(9) (11) SCHOLARSHIP AMOUNT AND PAYMENT.-~~

3649 ~~(a) The scholarship amount provided to any student for any~~
3650 ~~single school year by an eligible nonprofit scholarship-funding~~
3651 ~~organization from eligible contributions shall be for total~~
3652 ~~costs authorized under paragraph (6) (c) ~~(6) (d)~~, not to exceed~~
3653 ~~annual limits, which shall be determined as follows:~~

3654 ~~1. For a student who received a scholarship in the 2018-~~

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3655 ~~2019 school year, who remains eligible, and who is enrolled in~~
3656 ~~an eligible private school, the amount shall be the greater~~
3657 ~~amount calculated pursuant to subparagraph 2. or a percentage of~~
3658 ~~the unweighted FTE funding amount for the 2018-2019 state fiscal~~
3659 ~~year and thereafter as follows:~~

3660 ~~a. Eighty-eight percent for a student enrolled in~~
3661 ~~kindergarten through grade 5.~~

3662 ~~b. Ninety-two percent for a student enrolled in grade 6~~
3663 ~~through grade 8.~~

3664 ~~c. Ninety-six percent for a student enrolled in grade 9~~
3665 ~~through grade 12.~~

3666 ~~2. For students initially eligible in the 2019-2020 school~~
3667 ~~year or thereafter, the calculated amount for a student to~~
3668 ~~attend an eligible private school shall be calculated in~~
3669 ~~accordance with s. 1002.394(12)(a).~~

3670 ~~(b) Payment of the scholarship by the eligible nonprofit~~
3671 ~~scholarship funding organization shall be by funds transfer,~~
3672 ~~including, but not limited to, debit cards, electronic payment~~
3673 ~~cards, or any other means of payment that the department deems~~
3674 ~~to be commercially viable or cost-effective. An eligible~~
3675 ~~nonprofit scholarship funding organization shall ensure that the~~
3676 ~~parent has approved a funds transfer before any scholarship~~
3677 ~~funds are deposited.~~

3678 ~~(c) If a scholarship student is attending an eligible~~
3679 ~~private school full time, the initial payment shall be made~~
3680 ~~after the organization's verification of admission acceptance,~~
3681 ~~and subsequent payments shall be made upon verification of~~
3682 ~~continued enrollment and attendance at the eligible private~~
3683 ~~school. Payments shall be made within 7 business days after~~

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3684 approval by the parent pursuant to paragraph (7) (a) and the
3685 private school pursuant to paragraph (8) (b).

3686 ~~(d) Payment of the scholarship shall be made by the~~
3687 ~~eligible nonprofit scholarship funding organization no less~~
3688 ~~frequently than on a quarterly basis.~~

3689 ~~(e) An eligible nonprofit scholarship funding organization~~
3690 ~~may not transfer any funds to an account of a student determined~~
3691 ~~eligible under this section which has a balance in excess of~~
3692 ~~\$24,000.~~

3693 (b)(f) A scholarship awarded to an eligible student shall
3694 remain in force until:

3695 1. The organization determines that the student is not
3696 eligible for program renewal;

3697 2. The Commissioner of Education suspends or revokes
3698 program participation or use of funds;

3699 3. The student's parent has forfeited participation in the
3700 program for failure to comply with subsection (7);

3701 4. The student who uses the scholarship for full-time
3702 tuition and fees at an eligible private school ~~pursuant to~~
3703 ~~paragraph (7) (a)~~ enrolls full time in a public school. However,
3704 if a student enters a Department of Juvenile Justice detention
3705 center for a period of no more than 21 days, the student is not
3706 considered to have returned to a public school on a full-time
3707 basis for that purpose; or

3708 5. The student graduates from high school or attains 21
3709 years of age, whichever occurs first.

3710 ~~(g) Reimbursements for program expenditures may continue~~
3711 ~~until the account balance is expended or remaining funds have~~
3712 ~~reverted to the state.~~

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3713 (c)~~(h)~~ A student's scholarship account must be closed and
3714 any remaining funds shall revert to the state after:

3715 1. Denial or revocation of program eligibility by the
3716 commissioner for fraud or abuse, including, but not limited to,
3717 the student or student's parent accepting any payment, refund,
3718 or rebate, in any manner, from a provider of any services
3719 received pursuant to paragraph (6) (d);

3720 2. One fiscal year ~~Two consecutive fiscal years~~ in which an
3721 account has been inactive; ~~or~~

3722 3. The student remains unenrolled in an eligible private
3723 school for 30 days while receiving a scholarship that requires
3724 full-time enrollment;

3725 4. A student's scholarship no longer remains in force due
3726 to any of the reasons provided in paragraph (b).

3727
3728 An organization must report to the Department of Education the
3729 total number of scholarship accounts that were closed pursuant
3730 to this paragraph and the amount of funds by account that
3731 reverted to the state.

3732 (d)~~(i)~~ Moneys received pursuant to this section do not
3733 constitute taxable income to the qualified student or the parent
3734 of the qualified student.

3735 (13)~~(15)~~ NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
3736 APPLICATION.—In order to participate in the scholarship program
3737 created under this section, a charitable organization that seeks
3738 to be a nonprofit scholarship-funding organization must submit
3739 an application for initial approval or renewal to the Office of
3740 Independent Education and Parental Choice. Charitable
3741 organizations may apply at any time to participate in the

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3742 program.

3743 (e) If the State Board of Education disapproves the renewal
3744 of a nonprofit scholarship-funding organization, the
3745 organization must notify the affected eligible students and
3746 parents of the decision within 15 days after disapproval. An
3747 eligible student affected by the disapproval of an
3748 organization's participation remains eligible under this section
3749 until the end of the school year in which the organization was
3750 disapproved. The student must apply and be accepted by another
3751 eligible nonprofit scholarship-funding organization for the
3752 upcoming school year. The student shall be given priority in
3753 accordance with s. 1002.421(2)(d)3. ~~paragraph (6)(g).~~

3754 Section 9. Paragraph (b) of subsection (2) and paragraph
3755 (1) of subsection (4) of section 1003.485, Florida Statutes, are
3756 amended to read:

3757 1003.485 The New Worlds Reading Initiative.—

3758 (2) NEW WORLDS READING INITIATIVE; PURPOSE.—The purpose of
3759 the New Worlds Reading Initiative established under the
3760 department is to instill a love of reading by providing high-
3761 quality, free books to students in prekindergarten through grade
3762 5 who are reading below grade level and to improve the literacy
3763 skills of students in prekindergarten through grade 12. The New
3764 Worlds Reading Initiative shall consist of:

3765 ~~(b) The New Worlds Scholarship Program under s. 1002.411.~~

3766 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
3767 shall:

3768 (1) Expend eligible contributions received only for the
3769 purchase and delivery of books and to implement the requirements
3770 of this section, as well as for administrative expenses not to

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3771 exceed 2 percent of total eligible contributions.
3772 Notwithstanding s. 1002.395(6)(i)3. ~~s. 1002.395(6)(1)3.~~, the
3773 administrator may carry forward up to 25 percent of eligible
3774 contributions made before January 1 of each state fiscal year
3775 and 100 percent of eligible contributions made on or after
3776 January 1 of each state fiscal year to the following state
3777 fiscal year for purposes authorized by this subsection. Any
3778 eligible contributions in excess of the allowable carry forward
3779 not used to provide additional books throughout the year to
3780 eligible students shall revert to the state treasury.

3781 Section 10. Paragraph (d) of subsection (5) of section
3782 1008.25, Florida Statutes, is amended to read:

3783 1008.25 Public school student progression; student support;
3784 coordinated screening and progress monitoring; reporting
3785 requirements.—

3786 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

3787 (d) The parent of any student who exhibits a substantial
3788 deficiency in reading, as described in paragraph (a), must be
3789 immediately notified in writing of the following:

3790 1. That his or her child has been identified as having a
3791 substantial deficiency in reading, including a description and
3792 explanation, in terms understandable to the parent, of the exact
3793 nature of the student's difficulty in learning and lack of
3794 achievement in reading.

3795 2. A description of the current services that are provided
3796 to the child.

3797 3. A description of the proposed intensive interventions
3798 and supports that will be provided to the child that are
3799 designed to remediate the identified area of reading deficiency.

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3800 4. The student progression requirements under paragraph
3801 (2)(h) and that if the child's reading deficiency is not
3802 remediated by the end of grade 3, the child must be retained
3803 unless he or she is exempt from mandatory retention for good
3804 cause.

3805 5. Strategies, including multisensory strategies and
3806 programming, through a read-at-home plan the parent can use in
3807 helping his or her child succeed in reading. The read-at-home
3808 plan must provide access to the resources identified in
3809 paragraph (e).

3810 6. That the statewide, standardized English Language Arts
3811 assessment is not the sole determiner of promotion and that
3812 additional evaluations, portfolio reviews, and assessments are
3813 available to the child to assist parents and the school district
3814 in knowing when a child is reading at or above grade level and
3815 ready for grade promotion.

3816 7. The district's specific criteria and policies for a
3817 portfolio as provided in subparagraph (7)(b)4. and the evidence
3818 required for a student to demonstrate mastery of Florida's
3819 academic standards for English Language Arts. A school must
3820 immediately begin collecting evidence for a portfolio when a
3821 student in grade 3 is identified as being at risk of retention
3822 or upon the request of the parent, whichever occurs first.

3823 8. The district's specific criteria and policies for
3824 midyear promotion. Midyear promotion means promotion of a
3825 retained student at any time during the year of retention once
3826 the student has demonstrated ability to read at grade level.

3827 9. Information about the student's eligibility for the New
3828 Worlds Reading Initiative under s. 1003.485 ~~and the New Worlds~~

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3829 ~~Scholarship Accounts under s. 1002.411~~ and information on parent
3830 training modules and other reading engagement resources
3831 available through the initiative.

3832
3833 After initial notification, the school shall apprise the parent
3834 at least monthly of the student's progress in response to the
3835 intensive interventions and supports. Such communications must
3836 be in writing and must explain any additional interventions or
3837 supports that will be implemented to accelerate the student's
3838 progress if the interventions and supports already being
3839 implemented have not resulted in improvement. Upon the request
3840 of the parent, the teacher or school administrator shall meet to
3841 discuss the student's progress. The parent may request more
3842 frequent notification of the student's progress, more frequent
3843 interventions or supports, and earlier implementation of the
3844 additional interventions or supports described in the initial
3845 notification.

3846 Section 11. Section 1010.305, Florida Statutes, is amended
3847 to read:

3848 1010.305 Audit of student enrollment.—

3849 (1) The Auditor General shall periodically examine the
3850 records of school districts, eligible nonprofit scholarship-
3851 funding organizations as defined in s. 1002.421, and other
3852 agencies as appropriate, to determine compliance with law and
3853 State Board of Education rules relating to the classification,
3854 assignment, and verification of full-time equivalent student
3855 enrollment and student transportation reported under the Florida
3856 Education Finance Program.

3857 (2) If it is determined that the approved criteria and

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3858 procedures for the placement of students and the conduct of
3859 programs have not been followed by the district or eligible
3860 nonprofit scholarship-funding organization, appropriate
3861 adjustments in the full-time equivalent student count for that
3862 district or eligible nonprofit scholarship-funding organization
3863 must be made, and any excess funds must be deducted from
3864 subsequent allocations of state funds to that district or
3865 eligible nonprofit scholarship-funding organization. As provided
3866 for by rule, if errors in a specific program of a district or
3867 eligible nonprofit scholarship-funding organization recur in
3868 consecutive years due to lack of corrective action by the
3869 district or eligible nonprofit scholarship-funding organization,
3870 adjustments may be made based upon statistical estimates of
3871 error projected to the overall district or scholarship program.

3872 Section 12. Subsection (5) of section 1011.61, Florida
3873 Statutes, is amended to read:

3874 1011.61 Definitions.—Notwithstanding the provisions of s.
3875 1000.21, the following terms are defined as follows for the
3876 purposes of the Florida Education Finance Program:

3877 (5) The "Florida Education Finance Program" includes all
3878 programs and costs as provided in ss. 1003.03, 1011.62, 1011.68,
3879 ~~and~~ 1011.685, and 1011.687.

3880 Section 13. Paragraph (a) of subsection (15) and
3881 subsections (16) and (18) of section 1011.62, Florida Statutes,
3882 are amended to read:

3883 1011.62 Funds for operation of schools.—If the annual
3884 allocation from the Florida Education Finance Program to each
3885 district for operation of schools is not determined in the
3886 annual appropriations act or the substantive bill implementing

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3887 the annual appropriations act, it shall be determined as
3888 follows:

3889 (15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
3890 CURRENT OPERATION.—The total annual state allocation to each
3891 district for current operation for the Florida Education Finance
3892 Program shall be distributed periodically in the manner
3893 prescribed in the General Appropriations Act.

3894 (a) If the funds appropriated for current operation of the
3895 Florida Education Finance Program, ~~including funds appropriated~~
3896 ~~pursuant to subsection (18)~~, are not sufficient to pay the state
3897 requirement in full, the department shall prorate the available
3898 state funds to each district in the following manner:

3899 1. Determine the percentage of proration by dividing the
3900 sum of the total amount for current operation, as provided in
3901 this paragraph for all districts collectively, and the total
3902 district required local effort into the sum of the state funds
3903 available for current operation and the total district required
3904 local effort.

3905 2. Multiply the percentage so determined by the sum of the
3906 total amount for current operation as provided in this paragraph
3907 and the required local effort for each individual district.

3908 3. From the product of such multiplication, subtract the
3909 required local effort of each district; and the remainder shall
3910 be the amount of state funds allocated to the district for
3911 current operation. However, no calculation subsequent to the
3912 appropriation shall result in negative state funds for any
3913 district.

3914 ~~(16) STATE FUNDED DISCRETIONARY SUPPLEMENT.—~~

3915 ~~(a) The state-funded discretionary supplement is created to~~

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3916 ~~fund the nonvoted discretionary millage for operations pursuant~~
3917 ~~to s. 1011.71(1) and (3) for students awarded a Family~~
3918 ~~Empowerment Scholarship in accordance with s. 1002.394. To~~
3919 ~~calculate the state-funded discretionary supplement for~~
3920 ~~inclusion in the amount of the scholarship funding:~~

3921 ~~1. For fiscal year 2023-2024, multiply the maximum~~
3922 ~~allowable nonvoted discretionary millage for operations pursuant~~
3923 ~~to s. 1011.71(1) and (3) by the value of 96 percent of the~~
3924 ~~current year's taxable value for school purposes for the school~~
3925 ~~district where the student is reported for purposes of the~~
3926 ~~Florida Education Finance Program as appropriated in the General~~
3927 ~~Appropriations Act; divide the result by the school district's~~
3928 ~~total unweighted full-time equivalent membership as appropriated~~
3929 ~~in the General Appropriations Act; and multiply the result by~~
3930 ~~the total unweighted full-time equivalent membership associated~~
3931 ~~with the number of Family Empowerment Scholarship students~~
3932 ~~included in the school district's total unweighted full-time~~
3933 ~~equivalent membership. A base amount as specified in the General~~
3934 ~~Appropriations Act shall be added to this amount for purposes of~~
3935 ~~calculating the total amount of the supplement.~~

3936 ~~2. Beginning in fiscal year 2024-2025 and thereafter,~~
3937 ~~multiply the maximum allowable nonvoted discretionary millage~~
3938 ~~for operations pursuant to s. 1011.71(1) and (3) by the value of~~
3939 ~~96 percent of the current year's taxable value for school~~
3940 ~~purposes for the school district where the student is reported~~
3941 ~~for purposes of the Florida Education Finance Program as~~
3942 ~~appropriated in the General Appropriations Act; divide the~~
3943 ~~result by the school district's total unweighted full-time~~
3944 ~~equivalent membership as appropriated in the General~~

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3945 ~~Appropriations Act; and multiply the result by the total~~
3946 ~~unweighted full-time equivalent membership associated with the~~
3947 ~~number of Family Empowerment Scholarship students. The prior~~
3948 ~~year's base amount shall be adjusted based on changes in the~~
3949 ~~eligible number of unweighted full-time equivalent membership~~
3950 ~~associated with the number of Family Empowerment Scholarship~~
3951 ~~students.~~

3952 ~~(b) The state-funded discretionary supplement shall be~~
3953 ~~recalculated during the fiscal year pursuant to paragraph~~
3954 ~~(1)(a). If the recalculated amount is greater than the amount~~
3955 ~~provided in the General Appropriations Act, the allocation shall~~
3956 ~~be prorated to the level provided to support the appropriation,~~
3957 ~~based on each school district's proportionate share of the total~~
3958 ~~allocation.~~

3959 ~~(18) EDUCATIONAL ENROLLMENT STABILIZATION PROGRAM.—~~

3960 ~~(a) The educational enrollment stabilization program is~~
3961 ~~created to provide supplemental state funds as needed to~~
3962 ~~maintain the stability of the operations of public schools in~~
3963 ~~each school district and to protect districts, including charter~~
3964 ~~schools, from financial instability as a result of changes in~~
3965 ~~full-time equivalent student enrollment throughout the school~~
3966 ~~year.~~

3967 ~~(b) The Legislature shall annually appropriate funds in the~~
3968 ~~General Appropriations Act to the Department of Education for~~
3969 ~~this program in an amount necessary to maintain a projected~~
3970 ~~minimum balance of \$250 million at the beginning of the upcoming~~
3971 ~~fiscal year. The Department of Education shall use funds as~~
3972 ~~appropriated to ensure that based on each recalculation of the~~
3973 ~~Florida Education Finance Program pursuant to paragraph (1)(a),~~

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3974 ~~a school district's funds per unweighted full-time equivalent~~
3975 ~~student are not less than the greater of either the school~~
3976 ~~district's funds per unweighted full-time equivalent student as~~
3977 ~~appropriated in the General Appropriations Act or the school~~
3978 ~~district's funds per unweighted full-time equivalent student as~~
3979 ~~recalculated based upon the receipt of the certified taxable~~
3980 ~~value for school purposes pursuant to s. 1011.62(4).~~

3981 ~~(c) Notwithstanding s. 216.301 and pursuant to s. 216.351,~~
3982 ~~the unexpended balance of funds appropriated pursuant to this~~
3983 ~~subsection which is not disbursed by June 30 of the fiscal year~~
3984 ~~in which the funds are appropriated may be carried forward for~~
3985 ~~up to 10 years after the effective date of the original~~
3986 ~~appropriation.~~

3987 Section 14. Paragraph (1) of subsection (2) of section
3988 11.45, Florida Statutes, is amended to read:

3989 11.45 Definitions; duties; authorities; reports; rules.—

3990 (2) DUTIES.—The Auditor General shall:

3991 (1) At least once every 3 years, conduct operational audits
3992 of the accounts and records of eligible nonprofit scholarship-
3993 funding organizations receiving eligible contributions under s.
3994 1002.395, including any contracts for services with related
3995 entities, to determine compliance with the provisions of that
3996 section. Such audits shall include, but not be limited to, a
3997 determination of the eligible nonprofit scholarship-funding
3998 organization's compliance with s. 1002.395(6)(i) ~~s.~~

3999 ~~1002.395(6)(1)~~. The Auditor General shall provide its report on
4000 the results of the audits to the Governor, the President of the
4001 Senate, the Speaker of the House of Representatives, the Chief
4002 Financial Officer, and the Legislative Auditing Committee,

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4003 within 30 days of completion of the audit.

4004

4005 The Auditor General shall perform his or her duties
4006 independently but under the general policies established by the
4007 Legislative Auditing Committee. This subsection does not limit
4008 the Auditor General's discretionary authority to conduct other
4009 audits or engagements of governmental entities as authorized in
4010 subsection (3).

4011 Section 15. Paragraph (c) of subsection (7) of section
4012 212.099, Florida Statutes, is amended to read:

4013 212.099 Credit for contributions to eligible nonprofit
4014 scholarship-funding organizations.—

4015 (7)

4016 (c) The organization may, subject to the limitations of s.
4017 1002.395(6)(i)1. ~~s. 1002.395(6)(1)1.~~, use eligible contributions
4018 received during the state fiscal year in which such
4019 contributions are collected for administrative expenses.

4020 Section 16. Paragraph (b) of subsection (6) of section
4021 1002.45, Florida Statutes, is amended to read:

4022 1002.45 Virtual instruction programs.—

4023 (6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
4024 FUNDING.—

4025 (b) Students enrolled in a virtual instruction program
4026 shall be funded in the Florida Education Finance Program as
4027 provided in the General Appropriations Act. The calculation to
4028 determine the amount of funds for each student through the
4029 Florida Education Finance Program shall include the sum of the
4030 basic amount for current operations established in s.
4031 1011.62(1)(s) and all categorical programs except for the

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4032 categorical programs established in ss. 1011.62(7) ~~and~~ (12),
4033 ~~and (16)~~, 1011.68, and 1011.685. Students residing outside of
4034 the school district reporting the full-time equivalent virtual
4035 student shall be funded from state funds only.

4036 Section 17. (1) The Department of Education shall work
4037 with eligible nonprofit scholarship-funding organizations (SFO)
4038 to resolve discrepancies in which a student was awarded a
4039 scholarship under s. 1002.394, Florida Statutes, and was
4040 reported by a school district for funding during a student
4041 membership survey under s. 1011.62(1)(a), Florida Statutes, for
4042 the 2024-2025 fiscal year. The department and SFO must reach a
4043 resolution that does all of the following:

4044 (a) Provides documented evidence of the student's actual
4045 enrollment and attendance at a public school and, if applicable,
4046 evidence of the student's withdrawal from a public school.

4047 (b) Allows the student to maintain his or her scholarship
4048 award if the department has documented evidence of eligibility
4049 at the time the payment was deposited into the student's
4050 scholarship account.

4051 (c) Ensures that school districts receive full funding for
4052 all students whose enrollment and attendance were verified
4053 during the student membership surveys.

4054 (2) The department shall report the findings of all
4055 discrepancies under subsection (1) and their respective
4056 resolutions no later than May 31, 2025, to the chair of the
4057 Senate Appropriations Committee, the chair of the House Budget
4058 Committee, and the Executive Office of the Governor's Office of
4059 Policy and Budget.

4060 Section 18. This act shall take effect July 1, 2025.