

By Senator Gaetz

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A bill to be entitled

An act relating to educational scholarship programs; creating s. 1011.687, F.S.; creating a categorical fund for implementing the Family Empowerment Scholarship Program; providing requirements for the use and disbursement of funds; defining the term "full-time equivalent student"; requiring the Department of Education to release funds if certain criteria are met; providing requirements for the release of each payment; providing requirements for excess funds; providing that the department has access to certain records; creating s. 1011.689, F.S.; creating the educational enrollment stabilization program to provide supplemental state funds to address changes in full-time equivalent student enrollment; requiring the department to use funds to ensure that a school district's funds are not lower than a specified calculation; providing for the calculation of the supplemental payment; requiring the department to ensure funding is available for certain scholarship programs; requiring the department to appropriate funds from the General Appropriations Act to keep the educational enrollment stabilization program at a minimum balance; amending s. 1002.40, F.S.; renaming the Hope Scholarship Program as the Hope Program; amending s. 1002.421, F.S.; defining terms; requiring an eligible nonprofit scholarship-funding organization to provide a parent with certain information on scholarship programs; requiring an eligible nonprofit

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scholarship-funding organization to create a single application for all educational scholarship programs; providing requirements for such application; prohibiting an eligible nonprofit scholarship-funding organization from charging a fee for the application; requiring an eligible nonprofit scholarship-funding organization to establish two application approval windows; providing an exception; providing deadlines for such application approval windows; requiring an eligible nonprofit scholarship-funding organization to review applications and award scholarships in a specified order of priority; requiring an eligible nonprofit scholarship-funding organization to award scholarships to newly eligible students on a first-come, first-served basis; requiring a parent to notify the eligible nonprofit scholarship-funding organization within a specified timeframe if a scholarship offer is accepted or declined within a specified timeframe; specifying fund distribution for the scholarship terms; prohibiting a parent from applying for multiple scholarships for an individual student at the same time; authorizing specified students to apply for a scholarship at any time but only receive payments prospectively; prohibiting an eligible nonprofit scholarship-funding organization from restricting or reserving scholarships for use at a particular school; requiring such organization to notify each parent of a scholarship applicant that participation in the program does not guarantee

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

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eligibility before disbursing each payment; providing
criteria for verifying continued eligibility;
requiring parents of students receiving scholarship
payments to verify specified information; providing
criteria for verifying continued eligibility;
requiring parents of students receiving scholarship
payments to verify specified information; providing
that the scholarship program award amounts are the
amounts provided in the General Appropriations Act;
providing parameters for the calculation of the
scholarship amounts for certain students; requiring an
eligible nonprofit scholarship-funding organization to
establish and maintain a scholarship account for each
student; providing requirements for such accounts;
providing that accrued interest is in addition to and
not part of a student's account; providing that
program funds include awarded funds and accrued
interest and are available only for authorized
expenditures; requiring eligible nonprofit
scholarship-funding organizations to make payments by
funds transfer; providing requirements for such funds
transfer; prohibiting a student's scholarship award
from being reduced to cover certain fees; requiring
that commodities or services related to the funds
transfer system be procured by a specified method;
providing an exception; prohibiting an eligible
nonprofit scholarship-funding organization from
transferring funds to an account that has a balance in
excess of a specified amount; specifying certain

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117 qualifications for educational expenditures; providing
118 that a parent who fails to comply with said
119 qualifications forfeits the scholarship; authorizing
120 certain students in a scholarship program to take
121 specified tests and certain assessments; providing an
122 exception; requiring a participating private school to
123 administer or provide for students to take specified
124 tests and assessments; requiring a participating
125 private school to submit a certain written request to
126 the department by a specified date; requiring a school
127 district to administer tests and assessments at a
128 participating private school; requiring an owner or
129 operator or individual providing services to undergo a
130 background screening; providing requirements for the
131 submission of fingerprints; requiring the Department
132 of Law Enforcement to retain such fingerprints in a
133 specified manner; providing screening requirements for
134 specified individuals; prohibiting such owner or
135 operator from transferring ownership or management
136 authority to a relative; defining the term "relative";
137 requiring an eligible nonprofit scholarship-funding
138 organization to report the annual audit of background
139 screening results to the Department of Education;
140 providing that a participating private school may be
141 sectarian or nonsectarian; revising information
142 required to be provided to the department by an
143 eligible private school; deleting obsolete language;
144 providing construction; requiring the department to
145 publish and update information on its website relating

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to scholarship programs; requiring the department to investigate complaints; requiring the department to maintain and annually publish a list of tests that satisfy a specified requirement; requiring the department to develop a standard withdrawal form for parents withdrawing a student from public school; providing requirements for such form; requiring the department to produce a specified annual report; authorizing the department to suspend or revoke program participation or the use of program funds for specified entities; requiring the department to develop a uniform reimbursement process; requiring an organization, by a specified date, to approve, deny, or request more information relating to a reimbursement request; requiring the department to annually report to the state its accountability actions; deleting the definition of the term "owner or operator"; requiring a school district, by a specified date, to inform certain households of eligibility to apply for a scholarship program; requiring the school district to coordinate with the department to provide a participating private school with statewide assessments; requiring a school district to publish information about a scholarship program on its website; requiring a school district to provide a parent with the withdrawal form upon request; deleting obsolete language; amending s. 1002.394, F.S.; deleting obsolete language; providing a title for a scholarship granted to a student who meets specified

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eligibility requirements; providing that authorized uses of program funds include digital devices; providing that authorized uses of program funds include membership dues and activity fees for Career and Technical Student Organizations; providing that tuition and fees that meet certain requirements are eligible for program funds; revising conditions under which a student is no longer eligible for scholarship funding; requiring an eligible nonprofit scholarship-funding organization to notify a parent before closing a student's account; requiring an eligible nonprofit scholarship-funding organization to report certain information to the Department of Education regarding scholarship accounts closed under certain circumstances; requiring an eligible nonprofit scholarship-funding organization to notify a parent if, upon a student reaching a specified age, a balance exists in the student's account, the amount of the balance, and how the funds may be used; requiring an organization to annually report to the department the number of scholarship accounts closed under specified circumstances; requiring an organization to notify the department when a student withdraws from a scholarship program; deleting a provision allowing a public school student to receive a scholarship for transportation; revising the time frame for a school district to notify a parent of certain information; revising the percentage of funds that can be used for certain purposes; deleting obsolete language; amending s.

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1002.395, F.S.; deleting obsolete language; deleting provisions related to scholarship priority; deleting a provision allowing a public school student to receive a scholarship for transportation; revising a provision requiring eligible nonprofit scholarship-funding organizations to verify that scholarship funds are used for specified purposes; requiring an eligible nonprofit scholarship-funding organization to report to the department the total number of scholarship accounts closed due to certain reasons; amending s. 1003.485, F.S.; conforming a cross-reference; amending s. 1008.25, F.S.; making a conforming change; amending s. 1010.305, F.S.; requiring the Auditor General to annually, rather than periodically, examine the records of eligible nonprofit scholarship-funding organizations; providing for appropriate adjustments to be made and excess funds to be deducted if criteria and procedures have not been followed by an eligible nonprofit scholarship-funding organization; amending s. 1011.61, F.S.; conforming a cross-reference; amending s. 1011.62, F.S.; deleting a requirement with respect to full-time equivalent student survey data; deleting obsolete language relating to the state-funded discretionary supplement; amending s. 11.45, F.S.; conforming a cross-reference; requiring the Auditor General to annually conduct an audit of specified records; amending ss. 212.099, 402.22, 1002.45, 1003.4935, and 1010.20, F.S.; conforming cross-references; requiring the Department of

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Education to provide, by a specified date,
recommendations to the Legislature regarding the
efficiency and effectiveness of scholarship programs;
providing requirements for the recommendations;
providing an effective date.

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; categorical
fund.—

(1) There is created a 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 program pursuant
to s. 1011.689.

(2) Educational scholarship funding 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 fewer than 10 payments shall generate a fraction of
full-time equivalent student membership proportional to the

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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 and equal to the calculation provided under s. 1002.421(5) (a).

(5) Contingent upon verification that the organization is in compliance with this section and ss. 1002.421, 1002.394, and 1002.395, the department shall release funds from the categorical fund on a quarterly basis to the organization. The funds shall be held by the organization for deposit into the students' accounts in accordance with the payment schedules and may not include any funding for scholarship awards for any time preceding a student's verified eligibility for or acceptance of a scholarship.

(a) The first quarter release payment to the organization shall be based upon the amount of full-time equivalent students forecasted as provided in the General Appropriations Act and in an amount sufficient to make scholarship payments through the third payment installment. The first quarter release payment must be released no later than July 30.

(b) The second quarter release payment to the organization shall be based upon the amount of full-time equivalent students cross-checked by the department pursuant to s. 1002.421(3) and in an amount sufficient to make scholarship payments through the fifth payment installment. The second quarter release payment must be released no later than November 1.

(c) The third quarter release payment to the organization shall be based upon the amount of full-time equivalent students cross-checked by the department pursuant to s. 1002.421(3) and

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in an amount sufficient to make scholarship payments through the eighth payment installment. The third quarter release payment must be released no later than January 1.

(d) The fourth quarter release payment to the organization shall be based upon the amount of full-time equivalent students cross-checked by the department pursuant to s. 1002.421(3) and in an amount sufficient to make scholarship payments through the tenth payment installment. The fourth quarter release payment must be released no later than April 1.

(6) If the funds released to the organization are in excess of the funds certified to the department by the organization as the amount distributed for student scholarships in accordance with scholarship program requirements, the organization must send back to the department any overpayment within 30 days of certification to the department. The department may not adjust the amount of any overpayment in the second, third, or fourth quarter payment release and must account for each payment back from the organization separately.

(7) The department shall have access to the organization's data and records as necessary to conduct a reconciliation of releases and overpayments to the organization.

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

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

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1002.

(1) SCHOOL DISTRICT STABILIZATION.—To maintain the stability of the operations of public schools, including charter schools, in each school district, the department:

(a) May use funds in either of the following ways:

1. To distribute to school districts if the state funds appropriated for the current operation of school districts in the Florida Education Finance Program are not sufficient to pay the state requirement in full pursuant to s. 1011.62(15).

2. To provide supplemental payments to school districts as needed. Any supplemental funds provided pursuant to this subparagraph may not be added to the district's total Florida Education Finance Program funds for any future calculation.

(b) Shall use funds as appropriated to provide a supplemental payment to school districts that have a decline in unweighted full-time equivalent students between the legislative calculation provided in the General Appropriations Act and the third calculation of the Florida Education Finance Program within the same year. The supplemental payment shall be computed by multiplying a percentage of the decline in the unweighted full-time equivalent students as determined by the Legislature by the base student allocation and by the comparable wage factor or the small district factor. The percentage used for districts that are fiscally constrained must be greater than the percentage used for non-fiscally constrained districts. The supplemental funds may not be added to the district's total Florida Education Finance Program funds for any future calculations.

(2) FAMILY EMPOWERMENT SCHOLARSHIP PROGRAM.—To maintain

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scholarship award amounts, the department may use funds as appropriated to ensure that funding is available if the number of full-time equivalent students enrolled in the scholarship program is greater than the amount appropriated in the General Appropriations Act in the educational scholarship categorical fund established under s. 1011.687.

(3) FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM.—If available funds in the Florida Tax Credit Scholarship Program are insufficient to cover eligible applicants who are personalized education program students, the department may use funds to award scholarships to such eligible applicants up to the number authorized in s. 1002.395.

(4) RELEASE OF FUNDS.—As part of the recalculation pursuant to s. 1011.65, the department may request the release of funds from the educational enrollment stabilization program subject to the notice, review, and objection procedures set forth in s. 216.177.

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

Section 3. Section 1002.40, Florida Statutes, is amended to

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378 read:

379 1002.40 The Hope ~~Scholarship~~ Program.—

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

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

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

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

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

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

405 (4) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—Upon
406 receipt of a report of an incident, the school principal, or his

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

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

Section 4. Section 1002.421, Florida Statutes, is amended to read:

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

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

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

(b) “Choice navigator” means an individual who meets the requirements of s. 1002.395(6)(d)8. and who provides consultations, at a mutually agreed upon location, on the selection of, application for, and enrollment in educational

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options addressing the academic needs of a student; curriculum selection; and advice on career and postsecondary education opportunities. However, this section does not authorize a choice navigator to oversee or exercise control over the curricula or academic programs of a personalized education program.

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

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy as defined in s. 393.063; Down syndrome as defined in s. 393.063; an intellectual disability as defined in s. 393.063; a speech impairment; a language impairment; an orthopedic impairment; any other health impairment; an emotional or a behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; Phelan-McDermid syndrome as defined in s. 393.063; Prader-Willi syndrome as defined in s. 393.063; spina bifida as defined in s. 393.063; being a high-risk child as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; rare diseases that affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; a hearing impairment, including deafness; a visual impairment, including blindness; a traumatic brain injury; being hospital-bound or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education

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and evidenced by reports from local school districts. The term "hospital-bound or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

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

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

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

3. Complies with s. 1002.395(6) and (13).

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

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494 s. 1000.35(2).

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

499 (h) "Fraud" means an intentional deception, omission, or
500 misrepresentation made by a person with knowledge that the
501 deception, omission, or misrepresentation may result in an
502 unauthorized benefit to that person or another person, or any
503 aiding and abetting of the commission of such an act.

504 (i) "Household income" has the same meaning as the term
505 "income" as defined in the Income Eligibility Guidelines for
506 free and reduced price meals under the National School Lunch
507 Program in 7 C.F.R. part 210 as published in the Federal
508 Register by the United States Department of Agriculture.

509 (j) "IEP" means an individual education plan, regardless of
510 whether the plan has been reviewed or revised within the last 12
511 months.

512 (k) "Inactive" means that no eligible expenditures have
513 been made from an account.

514 (l) "Job coach" means an individual employed to help people
515 with disabilities learn, accommodate to, and perform their work
516 duties.

517 (m) "Law enforcement officer" has the same meaning as
518 provided in s. 943.10(1).

519 (n) "Owner or operator" includes:

520 1. An owner, a president, an officer, or a director of an
521 eligible nonprofit scholarship-funding organization or a person
522 with equivalent decisionmaking authority over an eligible

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523 nonprofit scholarship-funding organization; or

524 2. An owner, an operator, a superintendent, or a principal
525 of an eligible private school or a person with equivalent
526 decisionmaking authority over an eligible private school.

527 (o) "Parent" means a resident of this state who is a parent
528 as defined in s. 1000.21.

529 (p) "Personalized education program" has the same meaning
530 as in s. 1002.01.

531 (q) "Personalized education student" means a student whose
532 parent applies to an eligible nonprofit scholarship-funding
533 organization for participation in a personalized education
534 program.

535 (r) "Renewal student" means a student who was eligible to
536 receive and received a payment for the last installment in the
537 school year immediately preceding the school year for which the
538 student is applying for a scholarship pursuant to this chapter.

539 (s) "Student learning plan" means a customized learning
540 plan developed by a parent at least annually to guide
541 instruction for his or her student and to identify the goods and
542 services needed to address the academic needs of his or her
543 student.

544 (2) SCHOLARSHIP APPLICATION PROCESS.—

545 (a) An eligible nonprofit scholarship-funding organization
546 must provide the parent with information on each scholarship
547 program established pursuant to this chapter which clearly
548 outlines the eligibility requirements and authorized uses of
549 funds for each program to enable the parent of a student to
550 determine which program best fits the needs of each student.
551 Specifically, for a student applying based on eligibility

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pursuant to s. 1002.394(3)(b) or s. 1002.395, except for students eligible pursuant to a personalized education program, a participating private school must discuss the school's academic programs and policies, specialized services, code of conduct, and attendance policies before enrollment with the parent to determine which programs and services may meet the student's individual needs. Each parent of a student with an individualized education plan, education plan, English language learner plan, or 504 plan must be informed specifically of what modifications, accommodations, and therapies included in the student's plan will be honored by the participating private school.

(b) The organization must create a single application for all educational scholarship programs established pursuant to this chapter in a manner that creates an electronic record of the application, which must include the date the application was submitted, the date the application was approved or denied, and the date the scholarship was accepted or declined. The organization may not charge a fee for the application.

(c) For the 2026-2027 school year and each school year thereafter, the organization must establish two application approval windows each school year during which a parent of an eligible student, including renewal students, may apply for and accept an educational scholarship program pursuant to this chapter, except for personalized education students, who may only apply during the fall application approval window.

1. The application approval window for the fall scholarship term must close no later than July 15. The fall scholarship term covers the period between August 15 and December 31 of each

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year. The fall application window may not begin any earlier than February 1 of the preceding school year. A parent initially applying for the fall term must affirmatively accept the scholarship between June 15 and July 15.

2. The application approval window for the spring scholarship term must close no later than November 15. The spring scholarship term covers the period between January 1 and May 31 of each year. A parent initially applying for the spring term must affirmatively accept the scholarship between October 15 and November 15.

3. A failure to accept the scholarship between the applicable approval window results in an automatic declination of the scholarship.

4. A parent of a student who is provided funds during the fall scholarship term does not need to reapply for the spring scholarship term.

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

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

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

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

2. An application for a student who is eligible and received a scholarship during the previous school year.

3. An application for a student who was affected by the

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disapproval of an organization's participation by the department pursuant to s. 1002.395 during the previous school year.

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

(e) A parent of a student who applies for and receives scholarship funds initially for the spring scholarship term may only receive 5 of the 10 payment installments for the school year.

(f) A parent may not apply for multiple scholarships under s. 1002.394 or s. 1002.395 for an individual student at the same time. However, the organization may switch a student between scholarships under s. 1002.394 or s. 1002.395 upon notification and approval by the department.

(g) Notwithstanding the application deadlines, a student in foster care or out-of-home care or who is a dependent child of a member of the United States Armed Forces or who reported an incident pursuant to s. 1002.40 may apply for a scholarship at any time. Additionally, the Commissioner of Education may extend an application window for any eligible group of students due to extenuating circumstances that affect one or more regions of this state. However, any student receiving a scholarship who applies outside the application deadlines may only receive payments prospectively.

(h) An organization may not restrict or reserve scholarships for use at a particular eligible private school or provide scholarships to a child of an owner or operator of such school. Additionally, the organization must notify each parent

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of a scholarship applicant that participation in the scholarship program does not guarantee enrollment at an eligible private school.

(i) For the 2026-2027 school year, a parent who applies for a scholarship by April 30, 2026, does not need to submit a new application pursuant to the requirements of this section but must, by the time the organization is required to send its verified list to the department, provide the documentation required for eligibility. However, a parent may withdraw his or her application and reapply pursuant to the requirements of this section. This paragraph expires January 1, 2027.

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

(3) ENROLLMENT VERIFICATION.—Upon receipt of an application, the eligible nonprofit scholarship-funding organization must verify each student's eligibility. Each student, including renewal students, must apply for a scholarship each school year. An organization may not grant multiyear scholarships in one approval process.

(a) To verify eligibility, the organization must request all of the following information for each student, to be included in the student's file:

1. More than one form of proof of residency or proof that the student is the dependent of an active duty member of the United States Armed Forces who has received permanent change of

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station orders to this state.

2. A copy of the student's birth certificate, the name on which must match the name provided on the student's application.

3. For a student who was enrolled in a public school prior to participation in the scholarship program as determined by the department, proof that the parent submitted the standard withdrawal form to the public school where the student was previously enrolled or, if the withdrawal occurred prior to the creation of the standard withdrawal form, another form of proof of withdrawal from the public school.

4. One of the following forms of documentation from the parent attesting that while the student receives scholarship payments, the student will be enrolled in and in compliance with the applicable attendance requirements under ss. 1003.01(16) and 1003.21(1):

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

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

c. Documentation of admission or enrollment from an eligible private school for the school year in which the student is applying.

5. If known, the student's Florida student identification number if one has been assigned.

(b) In addition, if the student:

1. Is a renewal student, the organization must:

a. Request for each student the assessment results necessary to verify compliance with subsection (7). The deadline

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for a parent to submit the results is July 15.

b. Receive documentation from the parent attesting that the student will continue to meet all eligibility requirements for the scholarship.

c. Verify that all documents required for eligibility have been received and are on file.

d. If the student lives out of state and is a dependent of an active duty member of the United States Armed Forces, receive documentation that the home of record or state of legal residence is Florida.

2. Is seeking priority eligibility based upon household income, the parent of the student must authorize the organization to access information needed for income eligibility determination and verification held by other state or federal agencies, including the Department of Revenue, the Department of Children and Families, the Department of Education, the Department of Commerce, and the Agency for Health Care Administration.

(c) An organization must send to the department a list of eligible students and any information necessary for the department to conduct the following cross-check reviews by:

1. August 1 for the fall scholarship term.
2. October 1 for the fall scholarship mid-term.
3. December 1 for the spring scholarship term.
4. March 1 for the spring scholarship mid-term.

For the spring scholarship term, the organization must submit students initially applying for the scholarship during the spring term, as well as all students who received a scholarship

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726 payment within the fall term. Additionally, the organization
727 must update each list with any eligible student who applies
728 outside of the application deadlines pursuant to paragraph
729 (2) (g) .

730 (d) The department must verify each student's Florida
731 student identification number or, if a student has not been
732 assigned a Florida student identification number, assign each
733 eligible student a Florida student identification number. Once a
734 student is assigned a Florida student identification number, the
735 organization must use that number for the reporting and tracking
736 of all scholarship data.

737 (e) The department must cross-check each list of eligible
738 students submitted by the organization with the most recent
739 student attendance records maintained by the school districts
740 pursuant to s. 1003.23 to resolve student reporting duplication.

741 1. As part of each cross-check process, the department must
742 send a list of the eligible students submitted by the
743 organization to the applicable school district. The school
744 district must cross-check each student by identification number
745 with its most recent student attendance records and send the
746 results, including any duplicates, to the department. Pursuant
747 to s. 1002.44, a student receiving a scholarship under this
748 chapter who attends a public school on a part-time basis through
749 contracted services provided by the public school or school
750 district may not be reported by the school district for funding
751 purposes under the Florida Education Finance Program, and,
752 therefore, such students are not considered duplicates.

753 2. For any student reported as a duplicate by a school
754 district, the department must determine whether the student is

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755 prohibited from receiving a scholarship award pursuant to s.
756 1002.394(6) or s. 1002.395(4). As part of the department's
757 determination process, the department must require the
758 organization to suspend payments to the student's account and
759 the use of funds in the student's account related to any period
760 of time the student is ineligible.

761 3. The department, after making its determination, shall
762 notify the district if there is any student reported by the
763 district as a duplicate whom the district should not report for
764 funding in the student membership survey pursuant to s. 1011.62.
765 For the students the district does report, the district shall
766 receive the full funding generated in accordance with the
767 Florida Education Finance Program, regardless of whether the
768 student received a scholarship payment, subject to the audit
769 required under s. 1010.305.

770 (f) The department, after the list of eligible students has
771 been cross-checked and each student has been assigned a Florida
772 student identification number, shall send the list of verified
773 eligible students to the organization, which may then fund
774 students only based upon the department's list of verified
775 eligible students. The department must notify an organization of
776 any of the organization's identified students who were submitted
777 for a scholarship from another organization and which
778 organization the student shall receive funding from.

779 (g) After each cross-check, the department must provide the
780 list of verified eligible students submitted to the organization
781 and any information on duplicate students requested to the chair
782 of the Senate Appropriations Committee, the chair of the House
783 Budget Committee, and the Office of Policy and Budget within the

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Executive Office of the Governor.

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

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

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

1. A home education program;
2. A personalized education program; or
3. An eligible private school.

(c) The parent of a student whose scholarship funds are required under paragraph (6) (b) to be committed for tuition and fees at a participating private school may authorize the private school to provide the attestation required under paragraph (b) on behalf of the parent by attesting that the student is enrolled in and in attendance at the private school. The private school and the organization must maintain records of the parental authorization, and such authorization must be renewed each school year. An improper attestation may be investigated as fraud pursuant to subparagraph (10) (a) 6., and the private school may be liable to the state for payments made in violation of this subsection and, if found liable, must reimburse the state

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for funds improperly paid to the private school.

(d) The organization may not make any payment into a student's account prior to a parent's acceptance of a scholarship award, upon notification that the student is enrolled in a public school unless the organization can verify the student's eligibility, or for any period of time prior to a student's eligibility is verified by the department. An organization is liable to the state for payments made in violation of this subsection and must reimburse the state for funds that were improperly awarded which cannot be recovered.

(5) SCHOLARSHIP AWARD AMOUNTS AND PAYMENT SCHEDULE.—

(a) Beginning in the 2026-2027 school year, the calculated scholarship program award amounts shall be the amounts provided in the General Appropriations Act which are based upon the amounts by basic program and program for exceptional students under the Florida Education Finance Program. These amounts shall be adjusted annually based upon the value of the percentage change increase in per student funding at the state level for public school districts as provided in the General Appropriations Act.

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

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

a. The calculated scholarship amount for a student who

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received a Gardiner Scholarship pursuant to former s. 1002.385 in the 2020-2021 school year shall be the greater of the amount calculated pursuant to this subsection or the amount the student received for the 2020-2021 school year.

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

(b) Beginning with the 2026-2027 school year, the scholarship award shall be divided into 10 equal installments and made in accordance with the prepayment verification process.

1. For a renewal student receiving a scholarship award pursuant to s. 1002.394(3)(a) or s. 1002.395, and whose funds are applied to tuition at an eligible private school that has agreed to attest to the student's attendance pursuant to paragraph (4)(c), the organization may make the first payment no earlier than August 15 and the second payment no earlier than September 15.

2. For all other students receiving scholarship awards, the organization may make the first payment no earlier than September 15. The first payment pursuant to this subparagraph is for two installments.

3. Each subsequent payment must be made no later than October 15, November 15, December 15, January 15, February 15, March 15, April 15, and May 15 of each school year in which the scholarship is in force.

(6) SCHOLARSHIP ACCOUNTS.—The organization must establish and maintain a separate scholarship account for each student

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enrolled in a scholarship program. For each account, the organization must maintain a record of accrued interest which is retained in the student's account. Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest and are available only for authorized program expenditures.

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

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

1. The organization must commit scholarship funds on behalf of the student for tuition and fees that the parent must pay at a participating private school before scholarship account funds may be used for additional authorized uses under s. 1002.394(4)(a) or s. 1002.395(4)(d). A parent is responsible for all eligible expenses in excess of the scholarship amount. An organization shall ensure that the parent has approved a funds transfer before any scholarship funds are deposited. The parent may not designate any entity or individual associated with a participating private school as the parent's attorney in fact to

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900 approve a funds transfer.

901 2. After funds have been committed pursuant to subparagraph
902 1., funds may be used as authorized in s. 1002.394(4)(a) and as
903 authorized in the organization's purchasing handbook by paying
904 for the authorized use directly and then submitting a
905 reimbursement request to the organization. An organization may
906 require the use of an online platform for direct purchases of
907 products if such use does not limit a parent's choice of
908 curriculum or academic programs. If a parent purchases a product
909 identical to one offered by an organization's online platform
910 for a lower price, the organization must reimburse the parent
911 the cost of the product.

912 3. The initial payment shall be made after the
913 organization's verification of admission acceptance, and
914 subsequent payments shall be made upon verification of continued
915 enrollment and attendance at a participating private school.
916 Payments for tuition and fees for full-time enrollment shall be
917 made within 7 business days after approval by the parent and the
918 private school.

919 4. If a student unenrolls from a participating private
920 school within 10 business days after enrolling in the private
921 school, the private school must return a proportional share of
922 the student's scholarship payment to the organization.

923 5. An organization may not transfer any funds to an account
924 of a student which has a balance in excess of \$24,000.

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

926 1. The organization must verify qualifying educational
927 expenditures pursuant to the requirements of s. 1002.394(4)(b).
928 The organization must verify any expenditures made pursuant to

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s. 1002.394(4)(b)1. and 2. before the distribution of funds.
Review of expenditures made for services specified in s.
1002.394(4)(b)3.-16. may be completed after the purchase is
made.

2. The organization must develop a process, for
implementation beginning in the 2026-2027 school year, that
provides the commitment of scholarship funds on behalf of the
student for tuition and fees that a parent must pay at the
Florida Virtual School as a private-pay student before
scholarship account funds may be used for additional authorized
uses under s. 1002.394(4)(b) or s. 1002.395(6)(d).

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

(d) A parent of a student attending a public school on a
part-time basis through contracted services provided by a public
school or school district pursuant to s. 1002.44 must notify the
public school or school district in writing at the time of
application or at any subsequent time if the student is
receiving a scholarship. For such contracted services, the
public school may require the parent to pay for the contracted
services as authorized in ss. 1002.395(4)(a)6.,
1002.395(4)(b)8., and 1002.395(6)(d)4.f.

(e) A parent of a 3- or 4-year-old child receiving a
scholarship pursuant to s. 1002.394(3)(b) and receiving services
at a public school or school district must notify the public
school or school district in writing at the time of application
or at any subsequent time if the student is receiving a
scholarship.

(f) The parent of a student who fails to comply with this

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subsection forfeits the scholarship. An organization must notify the parent when a scholarship account is closed and when program funds revert to the state.

(7) TESTING REQUIREMENTS.—A student participating in a scholarship program in grades 3 through 10 may take the nationally norm-referenced tests that are identified by the department or take the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate and who are granted an extraordinary exemption from the administration of the assessment pursuant to s. 1008.212 are exempt from this requirement.

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

(b)1. If the participating private school chooses to offer and administer the statewide assessments pursuant to s. 1008.22 to all students who attend the private school in grades 3 through 10, it must submit a request in writing to the department by March 1 of each year in order to administer the statewide assessments in the subsequent school year. In turn, upon the request of the department, a school district shall coordinate with the department to provide to a participating

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987 private school the statewide assessments and any related
988 materials for administering the assessments.

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

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

993 b. Distributing testing materials to a private school;

994 c. Retrieving testing materials from a private school;

995 d. Providing the required format for a private school to
996 submit information to the district for test administration and
997 enrollment purposes; and

998 e. Providing any required assistance, monitoring, or
999 investigation related to administering tests and assessments at
1000 a private school.

1001 3. A participating private school shall report a student's
1002 scores to his or her parent. By August 15 of each year, a
1003 participating private school must report the scores of all
1004 participating students to a state university as described in s.
1005 1002.395(9)(b)3.

1006 4. If a parent requests that the student participating in
1007 the program take statewide assessments pursuant to s. 1008.22
1008 and the participating private school has not chosen to offer and
1009 administer the statewide assessments, the district in which the
1010 participating private school is located must provide locations
1011 and times for the student to take the assessments. The parent is
1012 responsible for transporting the student to the assessment site
1013 designated by the school district.

1014 5. For students determined eligible pursuant to s.
1015 1002.395(7)(b), an organization must receive eligible student

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test scores, and beginning with the 2027-2028 school year, by August 15, annually report test scores for such students to a state university pursuant to s. 1002.395(9)(b)3.

(8) BACKGROUND SCREENING REQUIREMENTS.—

(a) Each owner or operator or an individual providing services under s. 1002.394(4)(b)4. or s. 1002.395(6)(d)4. through an organization's online platform for direct purchase pursuant to subparagraph (6)(b)2., prior to employment or engagement to provide services, must undergo a background screening and meet the screening standards in s. 1012.315. All fingerprints submitted to the Department of Law Enforcement as required by this section must be retained in the Care Provider Background Screening Clearinghouse as provided in s. 435.12. The cost of the background screening may be borne by the owner or operator or service provider.

1. Employees, contracted personnel, owners, and operators must be rescreened as required by s. 435.12.

2. Employees, contracted personnel, owners, and operators who apply for employment are governed by the laws and rules in effect at the time of the application for employment, provided that the person is continually employed by the same school or provider. An owner or operator who fails the level 2 background screening is not eligible to participate in a scholarship program under this chapter.

3. Service providers who have been screened under licensure requirements in chapter 402, or who are exempt from licensure, are not required to be rescreened under this section. The Department of Education and the Department of Children and Families must implement a process to electronically share

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background screening results for such service providers.

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

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

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

c. Section 409.920, relating to Medicaid provider fraud.

d. Section 409.9201, relating to Medicaid fraud.

e. Section 741.28, relating to domestic violence.

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

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

h. Section 817.505, relating to patient brokering.

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

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

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

l. Section 831.01, relating to forgery.

m. Section 831.02, relating to uttering forged instruments.

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1074 n. Section 831.07, relating to forging bank bills, checks,
1075 drafts, or promissory notes.

1076 o. Section 831.09, relating to uttering forged bank bills,
1077 checks, drafts, or promissory notes.

1078 p. Section 831.30, relating to fraud in obtaining medicinal
1079 drugs.

1080 q. Section 831.31, relating to the sale, manufacture,
1081 delivery, or possession with the intent to sell, manufacture, or
1082 deliver any counterfeit controlled substance, if the offense was
1083 a felony.

1084 5. At least 30 calendar days before a transfer of ownership
1085 of a private school, the owner or operator shall notify the
1086 parent of each scholarship student.

1087 6. The owner or operator of a private school that has been
1088 deemed ineligible to participate in a scholarship program
1089 pursuant to this chapter may not transfer ownership or
1090 management authority of the school to a relative in order to
1091 participate in a scholarship program as the same school or a new
1092 school. For purposes of this subparagraph, the term "relative"
1093 means father, mother, son, daughter, grandfather, grandmother,
1094 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
1095 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
1096 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
1097 stepdaughter, stepbrother, stepsister, half brother, or half
1098 sister.

1099 (b) An organization must report the annual audit of
1100 background screening results required under this subsection to
1101 the department.

1102 (9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private

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1103 school participating in an educational scholarship program
1104 established pursuant to this chapter may be sectarian or
1105 nonsectarian and must be a private school as defined in s.
1106 1002.01 in this state, be registered, and be in compliance with
1107 all requirements of this section in addition to private school
1108 requirements outlined in s. 1002.42, specific requirements
1109 identified within respective scholarship program laws, and other
1110 provisions of Florida law that apply to private schools.
1111 Additionally, a private school participating in an educational
1112 scholarship program pursuant to this chapter,~~and~~ must:

1113 (a) Comply with the antidiscrimination provisions of 42
1114 U.S.C. s. 2000d.

1115 (b) Notify the department of its intent to participate in a
1116 scholarship program.

1117 (c) Notify the department of any change in the school's
1118 name, school director, mailing address, or physical location
1119 within 15 days after the change.

1120 (d) Provide to the department or ~~scholarship-funding~~
1121 organization all documentation required for a student's
1122 participation or required by the organization to process a
1123 scholarship payment, including the private school's and
1124 student's individual fee schedule, and attendance verification
1125 as required by the department or ~~scholarship-funding~~
1126 organization, prior to scholarship payment. Such information
1127 must be provided by the deadlines established by the
1128 organization and in accordance with the requirements of this
1129 section and ss. 1002.394 and 1002.395. A student is not eligible
1130 to receive a scholarship payment if the private school fails to
1131 meet the deadlines.

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(e) Annually complete and submit to the department a notarized scholarship compliance statement certifying that all school employees and contracted personnel with direct student contact have undergone background screening and have met the screening standards as provided in s. 1012.315.

(f) Demonstrate fiscal soundness and accountability by:

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

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

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

1. Firesafety.

2. Building safety.

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

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

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and direct contact with teachers may be satisfied for students enrolled pursuant to s. 1002.394(4)(b) or in a personalized education program if students have regular and direct contact with teachers at the physical location at least 2 school days per week and the student learning plan addresses the remaining instructional time.

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

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

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

(m) Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo background screening under s. 1012.315 and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 1012.315. For purposes of this paragraph:

1. An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the

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private school is responsible.

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

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

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

5. All fingerprints submitted to the Department of Law Enforcement as required by this section must be retained in the Care Provider Background Screening Clearinghouse as provided in s. 435.12.

~~6. Employees, contracted personnel, owners, and operators must be rescreened as required by s. 435.12.~~

~~7. Persons who apply for employment are governed by the laws and rules in effect at the time of application for employment, provided that the person is continually employed by the same school.~~

(n) Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school

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administrators to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or employees, personnel, or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the employees, personnel, or administrators with employment references or discuss the employees', personnel's, or administrators' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(o) Before employing a person in any position that requires direct contact with students, conduct employment history checks of previous employers, screen the person through use of the screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer. The private school may not employ a person whose educator

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1248 certificate is revoked, who is barred from reapplying for an
1249 educator certificate, or who is on the disqualification list
1250 maintained by the department pursuant to s. 1001.10(4)(b).

1251 ~~(p) Require each owner or operator of the private school,~~
1252 ~~prior to employment or engagement to provide services, to~~
1253 ~~undergo background screening as provided in s. 1012.315. For~~
1254 ~~purposes of this paragraph, the term "owner or operator" means~~
1255 ~~an owner, an operator, a superintendent, or a principal of, or a~~
1256 ~~person with equivalent decisionmaking authority over, a private~~
1257 ~~school participating in a scholarship program established~~
1258 ~~pursuant to this chapter. The fingerprints for the background~~
1259 ~~screening must be electronically submitted to the Department of~~
1260 ~~Law Enforcement and may be taken by an authorized law~~
1261 ~~enforcement agency or a private company who is trained to take~~
1262 ~~fingerprints. However, the complete set of fingerprints of an~~
1263 ~~owner or operator may not be taken by the owner or operator. The~~
1264 ~~cost of the background screening may be borne by the owner or~~
1265 ~~operator.~~

1266 ~~1. In addition to the offenses listed in s. 435.04, a~~
1267 ~~person required to undergo background screening pursuant to this~~
1268 ~~part or authorizing statutes may not have an arrest awaiting~~
1269 ~~final disposition for, must not have been found guilty of, or~~
1270 ~~entered a plea of nolo contendere to, regardless of~~
1271 ~~adjudication, and must not have been adjudicated delinquent for,~~
1272 ~~and the record must not have been sealed or expunged for, any of~~
1273 ~~the following offenses or any similar offense of another~~
1274 ~~jurisdiction:~~

1275 ~~a. Any authorizing statutes, if the offense was a felony.~~

1276 ~~b. This chapter, if the offense was a felony.~~

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1277 ~~e. Section 409.920, relating to Medicaid provider fraud.~~
1278 ~~d. Section 409.9201, relating to Medicaid fraud.~~
1279 ~~e. Section 741.28, relating to domestic violence.~~
1280 ~~f. Section 817.034, relating to fraudulent acts through~~
1281 ~~mail, wire, radio, electromagnetic, photoelectronic, or~~
1282 ~~photooptical systems.~~
1283 ~~g. Section 817.234, relating to false and fraudulent~~
1284 ~~insurance claims.~~
1285 ~~h. Section 817.505, relating to patient brokering.~~
1286 ~~i. Section 817.568, relating to criminal use of personal~~
1287 ~~identification information.~~
1288 ~~j. Section 817.60, relating to obtaining a credit card~~
1289 ~~through fraudulent means.~~
1290 ~~k. Section 817.61, relating to fraudulent use of credit~~
1291 ~~cards, if the offense was a felony.~~
1292 ~~l. Section 831.01, relating to forgery.~~
1293 ~~m. Section 831.02, relating to uttering forged instruments.~~
1294 ~~n. Section 831.07, relating to forging bank bills, checks,~~
1295 ~~drafts, or promissory notes.~~
1296 ~~o. Section 831.09, relating to uttering forged bank bills,~~
1297 ~~checks, drafts, or promissory notes.~~
1298 ~~p. Section 831.30, relating to fraud in obtaining medicinal~~
1299 ~~drugs.~~
1300 ~~q. Section 831.31, relating to the sale, manufacture,~~
1301 ~~delivery, or possession with the intent to sell, manufacture, or~~
1302 ~~deliver any counterfeit controlled substance, if the offense was~~
1303 ~~a felony.~~
1304 ~~2. At least 30 calendar days before a transfer of ownership~~
1305 ~~of a private school, the owner or operator shall notify the~~

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parent of each scholarship student.

~~3. The owner or operator of a private school that has been deemed ineligible to participate in a scholarship program pursuant to this chapter may not transfer ownership or management authority of the school to a relative in order to participate in a scholarship program as the same school or a new school. For purposes of this subparagraph, the term "relative" means father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.~~

(p)~~(q)~~ Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed pursuant to s. 1002.395(6)(l) ~~s. 1002.395(6)(q)~~ if the private school receives more than \$250,000 in funds from scholarships awarded under this chapter in a state fiscal year. A private school subject to this subsection must annually submit the report by September 15 to the scholarship-funding organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

(q)~~(r)~~ Prohibit education support employees, instructional personnel, and school administrators from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment pursuant to this section or s. 1012.315, or have been terminated

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or have resigned in lieu of termination for sexual misconduct with a student. If the prohibited conduct occurs subsequent to employment, the private school must report the person and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

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

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

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection or subsection (8), and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or subsection (8) or has consecutive years of

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material exceptions listed in the report required under paragraph (p) ~~(q)~~, the commissioner may determine that the private school is ineligible to participate in a scholarship program.

(10) ~~(2)~~ DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The Department of Education shall:

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

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

3. Publish and update, as necessary, information on the department website about the educational scholarship programs established under this chapter, including, but not limited to, student eligibility criteria, parental responsibilities, and relevant data. The information must include a list of approved providers as required by s. 1002.66, eligible postsecondary educational institutions, eligible private schools, and eligible organizations and may identify or provide links to lists of other approved providers.

4. Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. If the department has reasonable cause to believe that a violation of this section or any rule adopted by the State Board of Education has occurred, it shall conduct an inquiry or make a referral to the appropriate agency for an investigation. A

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department inquiry is not subject to the requirements of chapter 120.

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

6. Investigate fraudulent activity on behalf of organizations, participating eligible private schools, or scholarship recipients to determine possible fraud or overpayment. If, by the department's own inquiries or as a result of a complaint, the commissioner has reason to believe that an organization, a private school, or a recipient has engaged in, or is engaging in, a fraudulent act, he or she shall investigate and determine whether any fraud or overpayment has occurred. During the investigation, the department may examine all records and make inquiry of all persons who may have knowledge as to any irregularity incidental to the disbursement of state funds or other items or benefit authorizations to scholarship recipients. Based on the results of the investigation, the department may, in its discretion, refer the investigation to the Department of Financial Services for criminal investigation. Any suspected criminal violation identified by the department must be referred to the Department of Financial Services for criminal investigation. A person who commits an act of fraud is subject to the penalties provided in s. 414.39(5).

7.4. Require an annual, notarized, sworn compliance statement from participating private schools certifying

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compliance with state laws, and retain such records.

~~8.5.~~ Coordinate with the entities conducting the health inspection for a private school to obtain copies of the inspection reports.

~~9.6.~~ Conduct site visits to private schools entering a scholarship program for the first time. Beginning with the 2019-2020 school year, a private school is not eligible to receive scholarship payments until a satisfactory site visit has been conducted and the school is in compliance with all other requirements of this section.

~~10.7.~~ Coordinate with the State Fire Marshal to obtain access to fire inspection reports for private schools. The authority conducting the fire safety inspection shall certify to the State Fire Marshal that the annual inspection has been completed and that the school is in full compliance. The certification shall be made electronically or by such other means as directed by the State Fire Marshal.

~~11.8.~~ Upon the request of a participating private school authorized to administer statewide assessments, provide at no cost to the school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. Students at a private school may be assessed using the statewide assessments if the addition of those students and the school does not cause the state to exceed its contractual caps for the number of students tested and the number of testing sites. The state shall provide the same materials and support to a private school that it provides to a public school. A private school that chooses to administer statewide assessments under s. 1008.22 shall follow the requirements set forth in ss. 1008.22

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and 1008.24, rules adopted by the State Board of Education to implement those sections, and district-level testing policies established by the district school board.

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

13. Develop a standard withdrawal form for parents who are withdrawing their students from public school to enroll in a scholarship program under this chapter. The form must include the student's Florida student identification number, full name, date of birth, school or program from which the student is withdrawing, and date of withdrawal.

14. Annually report on the number of students withdrawing from each scholarship program and enrolling in a public school, and the number of students withdrawing from a public school and enrolling in a scholarship program, by scholarship type.

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

(c) At the direction of the Commissioner of Education, the department may:

1. Suspend or revoke program participation or use of program funds by the student or participation or eligibility of an organization, eligible postsecondary educational institution,

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1480 approved provider, or other party for a violation of this
1481 section.

1482 2. Determine the length of, and conditions for lifting, a
1483 suspension or revocation specified in this paragraph.

1484 3. Recover unexpended program funds or withhold payment of
1485 an equal amount of program funds to recover program funds that
1486 were not authorized for use.

1487
1488 In determining whether to suspend or revoke participation or
1489 lift a suspension or revocation in accordance with this
1490 paragraph, the department may consider factors that include, but
1491 are not limited to, acts or omissions that led to a previous
1492 suspension or revocation of participation in a state or federal
1493 program or an education scholarship program; failure to
1494 reimburse the organization for funds improperly received or
1495 retained; failure to reimburse government funds improperly
1496 received or retained; imposition of a prior criminal sanction
1497 related to the person or entity or its officers or employees;
1498 imposition of a civil fine or administrative fine, license
1499 revocation or suspension, or program eligibility suspension,
1500 termination, or revocation related to a person's or entity's
1501 management or operation; or other types of criminal proceedings
1502 in which the person or entity or its officers or employees were
1503 found guilty of, regardless of adjudication, or entered a plea
1504 of nolo contendere or guilty to, any offense involving fraud,
1505 deceit, dishonesty, or moral turpitude.

1506 (d) The department, in consultation with the organization,
1507 shall develop a uniform reimbursement process that organizations
1508 must use, beginning with the 2026-2027 school year, when

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processing reimbursement requests, including invoices, pursuant to s. 1002.394(11)(b) or s. 1002.395(6)(p). An organization must approve, deny, or request more information relating to a reimbursement request within 30 days after receipt of such request. The department shall coordinate with each organization to develop a process to collect input and feedback from parents, private schools, and providers before an organization may implement substantial modifications or enhancements to the reimbursement process.

(e) Annually, by December 15, the department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives its actions in implementing accountability in the scholarship programs under this section, both Florida Empowerment Scholarships and Florida Tax Credit Scholarships, any substantiated allegations or violations of law or rule by an eligible private school or organization under this section, and the corrective action taken.

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

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

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school's participation in the scholarship program.

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

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

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

2. Has operated an educational institution that closed during the school year. An individual may be removed from the disqualification list if the individual reimburses the department or eligible nonprofit scholarship-funding organization the amount of scholarship funds received by the educational institution during the school year in which it closed.

(d)1. In making such a determination, may consider factors

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that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial, suspension, or revocation of participation in a state or federal education scholarship program; an owner's or operator's failure to reimburse the department or scholarship-funding organization for scholarship funds improperly received or retained by a school; the imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; the imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

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

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

b. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice

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of proposed action to file with the department's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

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

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

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

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

3. Fraudulent activity on the part of the private school;

4. Fraudulent activity or failure to comply with this section on the part of an organization; or

5. Fraudulent activity or failure to comply with this section on the part of a scholarship recipient.

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Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

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

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

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

The commissioner's order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in subparagraph (d)2.

(12) SCHOOL DISTRICT OBLIGATIONS.-

(a) By January 1 of each year, a school district shall inform all households within the district receiving free or

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1654 reduced-priced meals under the National School Lunch Act of
1655 their eligibility to apply for a scholarship program established
1656 under this chapter. The form of such notice shall be provided by
1657 the department, and the school district shall include the
1658 provided form in any normal correspondence with eligible
1659 households. If an organization requests a special communication
1660 to be issued to households within the district receiving free or
1661 reduced-price meals under the National School Lunch Act, the
1662 organization shall reimburse the district for the cost of
1663 postage. Such notice is limited to once a year.

1664 (b) Upon the request of the department, a school district
1665 shall coordinate with the department to provide to a
1666 participating private school the statewide assessments
1667 administered under s. 1008.22 and any related materials for
1668 administering the assessments. For a student participating in a
1669 scholarship program established under this chapter whose parent
1670 requests that the student take the statewide assessments under
1671 s. 1008.22, the district in which the student attends a
1672 participating private school shall provide locations and times
1673 to take all statewide assessments. A school district is
1674 responsible for implementing test administrations at a
1675 participating private school, including:

- 1676 1. Providing training for private school staff on test
1677 security and assessment administration procedures;
- 1678 2. Distributing testing materials to a private school;
- 1679 3. Retrieving testing materials from a private school;
- 1680 4. Providing the required format for a private school to
1681 submit information to the district for test administration and
1682 enrollment purposes; and

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1683 5. Providing any required assistance, monitoring, or
1684 investigation at a private school.

1685 (c) Each school district must publish information about a
1686 scholarship program established under this chapter on the
1687 district's website homepage. At a minimum, the published
1688 information must include a website link to the scholarship
1689 programs published on the department's website as well as a
1690 telephone number and e-mail address that students and parents
1691 may use to contact relevant personnel in the school district to
1692 obtain information about the scholarship.

1693 (d) A school district, upon the request of a parent, must
1694 provide the parent of a student enrolled in a school in the
1695 school district the standard withdrawal form developed by the
1696 department. The school district must sign a completed form
1697 within 10 days after receipt. The school district must also
1698 publish the withdrawal form on its website in a downloadable
1699 format no later than 10 days after adoption by the department.

1700 ~~(4) The inclusion of eligible private schools within~~
1701 ~~options available to Florida public school students does not~~
1702 ~~expand the regulatory authority of the state, its officers, or~~
1703 ~~any school district to impose any additional regulation of~~
1704 ~~private schools beyond those reasonably necessary to enforce~~
1705 ~~requirements expressly set forth in this section.~~

1706 (13)(5) RULEMAKING.—The State Board of Education shall
1707 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
1708 this section, including rules to establish a deadline for
1709 private school applications for participation and timelines for
1710 the department to conduct site visits.

1711 Section 5. Subsections (2) through (12) of section

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1002.394, Florida Statutes, are amended to read:

1002.394 The Family Empowerment Scholarship Program.—

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

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

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

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

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

(e) ~~“Disability” means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063; Down syndrome, as defined in s. 393.063; an intellectual disability, as defined in s. 393.063; a speech impairment; a language impairment; an orthopedic impairment; any other health impairment; an emotional or a behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; Phelan-McDermid syndrome, as defined in s. 393.063; Prader-Willi syndrome, as defined in s. 393.063; spina bifida, as defined in s. 393.063; being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United~~

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1741 ~~States, as defined by the National Organization for Rare~~
1742 ~~Disorders; anaphylaxis; a hearing impairment, including~~
1743 ~~deafness; a visual impairment, including blindness; traumatic~~
1744 ~~brain injury; hospital or homebound; or identification as dual~~
1745 ~~sensory impaired, as defined by rules of the State Board of~~
1746 ~~Education and evidenced by reports from local school districts.~~
1747 ~~The term "hospital or homebound" includes a student who has a~~
1748 ~~medically diagnosed physical or psychiatric condition or~~
1749 ~~illness, as defined by the state board in rule, and who is~~
1750 ~~confined to the home or hospital for more than 6 months.~~

1751 ~~(f) "Eligible nonprofit scholarship funding organization"~~
1752 ~~or "organization" has the same meaning as in s. 1002.395(2).~~

1753 ~~(g) "Eligible postsecondary educational institution" means~~
1754 ~~a Florida College System institution; a state university; a~~
1755 ~~school district technical center; a school district adult~~
1756 ~~general education center; an independent college or university~~
1757 ~~that is eligible to participate in the William L. Boyd, IV,~~
1758 ~~Effective Access to Student Education Grant Program under s.~~
1759 ~~1009.89; or an accredited independent postsecondary educational~~
1760 ~~institution, as defined in s. 1005.02, which is licensed to~~
1761 ~~operate in this state under part III of chapter 1005 or is~~
1762 ~~approved to participate in a reciprocity agreement as defined in~~
1763 ~~s. 1000.35(2).~~

1764 ~~(h) "Eligible private school" has the same meaning as in s.~~
1765 ~~1002.395(2).~~

1766 ~~(i) "IEP" means an individual education plan, regardless of~~
1767 ~~whether the plan has been reviewed or revised within the last 12~~
1768 ~~months.~~

1769 ~~(j) "Inactive" means that no eligible expenditures have~~

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1770 ~~been made from an account funded pursuant to paragraph (12) (b).~~

1771 ~~(k) "Job coach" means an individual employed to help people~~
1772 ~~with disabilities learn, accommodate to, and perform their work~~
1773 ~~duties.~~

1774 ~~(l) "Law enforcement officer" has the same meaning as~~
1775 ~~provided in s. 943.10(1).~~

1776 ~~(m) "Parent" means a resident of this state who is a~~
1777 ~~parent, as defined in s. 1000.21.~~

1778 ~~(b)(n)~~ "Program" means the Family Empowerment Scholarship
1779 Program.

1780 (3) SCHOLARSHIP ELIGIBILITY.—

1781 (a)~~1.~~ A parent of a student may apply pursuant to s.
1782 1002.421 for and receive from the state a scholarship for the
1783 purposes specified in paragraph (4) (a) if the student:

1784 1.a. Is a resident of this state or the dependent child of
1785 an active duty member of the United States Armed Forces who has
1786 received permanent change of station orders to this state; and

1787 2.b. Is eligible to enroll in kindergarten through grade 12
1788 in a public school in this state or received a scholarship under
1789 the former Hope Scholarship Program in the 2023-2024 school
1790 year.

1791 ~~2. Priority must be given in the following order:~~

1792 ~~a. A student whose household income level does not exceed~~
1793 ~~185 percent of the federal poverty level or who is in foster~~
1794 ~~care or out-of-home care.~~

1795 ~~b. A student whose household income level exceeds 185~~
1796 ~~percent of the federal poverty level, but does not exceed 400~~
1797 ~~percent of the federal poverty level.~~

1798 (b) A parent of a student with a disability may apply

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pursuant to s. 1002.421 for and receive from the state a scholarship, which shall be referred to as the McKay-Gardiner Scholarship, for the purposes specified in paragraph (4)(b) if the student:

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

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

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

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

(4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

1. Tuition and fees at an eligible private school.

2. Instructional materials, including digital materials, digital devices, and Internet resources.

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

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1828 4. Tuition and fees associated with full-time or part-time
1829 enrollment in an eligible postsecondary educational institution
1830 or a program offered by the postsecondary educational
1831 institution, unless the program is subject to s. 1009.25 or
1832 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
1833 program as defined in s. 446.021(5) which is not subject to s.
1834 1009.25 and complies with all applicable requirements of the
1835 department pursuant to chapter 1005; a private tutoring program
1836 authorized under s. 1002.43; a virtual program offered by a
1837 department-approved private online provider that meets the
1838 provider qualifications specified in s. 1002.45(2)(a); the
1839 Florida Virtual School as a private paying student; or an
1840 approved online course offered pursuant to s. 1003.499 or s.
1841 1004.0961.

1842 5. Fees for nationally standardized, norm-referenced
1843 achievement tests, Advanced Placement Examinations, industry
1844 certification examinations, assessments related to postsecondary
1845 education, or other assessments.

1846 6. Contracted services provided by a public school or
1847 school district, including classes. A student who receives
1848 contracted services under this subparagraph is not considered
1849 enrolled in a public school for eligibility purposes as
1850 specified in subsection (6) but rather attending a public school
1851 on a part-time basis as authorized under s. 1002.44.

1852 7. Tuition and fees for part-time tutoring services or fees
1853 for services provided by a choice navigator. Such services must
1854 be provided by a person who holds a valid Florida educator's
1855 certificate pursuant to s. 1012.56, a person who holds an
1856 adjunct teaching certificate pursuant to s. 1012.57, a person

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who has a bachelor's degree or a graduate degree in the subject area or related subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the department. As used in this subparagraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(16)(e).

8. Membership dues and related activity fees for participation in career and technical student organizations.

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

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

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

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

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

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

c. Occupational therapy as defined in s. 468.203.

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

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

4. Tuition and fees associated with full-time or part-time enrollment in a home education program that meets all of the following requirements:

a. Provides educational courses or activities.

b. Has a publicly available description of courses and activities.

c. Has a tuition and fee schedule.

d. Makes the tuition and fees payable to a registered business entity.

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

~~6.5.~~ Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry

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

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

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

~~9.8.~~ Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area or related subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the department. As used in this subparagraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(16)(e).

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

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

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~~12.11.~~ Transition services provided by job coaches. Transition services are a coordinated set of activities which are focused on improving the academic and functional achievement of a student with a disability to facilitate the student's movement from school to postschool activities and are based on the student's needs.

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

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

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

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

17. Membership dues and related activity fees for participation in career and technical student organizations.

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

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

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

b. The Commissioner of Education suspends or revokes

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program participation or use of funds;

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

d. The student, who uses the scholarship for tuition and fees pursuant to subparagraph (4)(a)1., enrolls in a public school. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or

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

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

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

b.~~(II)~~ One fiscal year ~~Two consecutive fiscal years~~ in which an account has been inactive; ~~or~~

c.~~(III)~~ A student remains unenrolled in an eligible private school for 30 days while receiving a scholarship that requires full-time enrollment; or

d. A student's scholarship no longer remains in force due to any of the reasons provided in subparagraph 1.

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

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4. An organization must annually report to the department the total number of scholarship accounts that were closed pursuant to subparagraph 2. and the amount of funds, by account, which

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

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

a. The parent does not renew program eligibility;

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

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

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

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

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

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

3. A student's scholarship account must be closed and any remaining funds, including, but not limited to, contributions made to the Stanley G. Tate Florida Prepaid College Program or earnings from or contributions made to the Florida College Savings Program using program funds pursuant to subparagraph (4)(b)7. ~~(4)(b)6.~~, shall revert to the state after:

a. Denial or revocation of program eligibility by the

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

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

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

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

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

6. An organization must annually report to the department the total number of scholarship accounts that were closed pursuant to subparagraph 3. and the amount of funds by account that reverted to the state.

(c) Upon reasonable notice to the organization and the school district, the student's parent may remove the student from the participating private school and place the student in a public school in accordance with this section. Upon receipt of notification from the parent, the organization must notify the department of the student's withdrawal from the scholarship program and may not provide payments into the student's account. A violation of this paragraph by the organization results in

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liability on behalf of the organization pursuant to s.
1002.421(4)(d).

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

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

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

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

(c) Receiving any other educational scholarship pursuant to this chapter. ~~However, an eligible public school student receiving a scholarship under s. 1002.411 may receive a stipend for transportation pursuant to s. 1002.31(7);~~

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

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

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

(7) SCHOOL DISTRICT OBLIGATIONS.—

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

~~(b)~~1. The parent of a student with a disability who does not have an IEP in accordance with subparagraph (3)(b)4. or who seeks a reevaluation of an existing IEP may request an IEP meeting and evaluation from the school district in order to obtain or revise a matrix of services. The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 60 ~~30~~ days after receiving notice of the parent's request. The school district shall conduct a meeting and develop an IEP and a matrix of services within 60 ~~30~~ days after receipt of the parent's request in accordance with State Board of Education rules. The district must accept the diagnosis and consider the service plan of the licensed professional providing the diagnosis pursuant to subparagraph (3)(b)4. The school

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

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

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

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

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

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

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

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transportation to the public school selected by the parent.

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

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

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

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

(8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

~~(a) The department shall:~~

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

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

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

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

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2205 (a)5- Deny or terminate program participation upon a
2206 parent's failure to comply with the scholarship program
2207 requirements ~~subsection (10)~~.

2208 ~~6. Notify the parent and the organization when a~~
2209 ~~scholarship account is closed and program funds revert to the~~
2210 ~~state.~~

2211 ~~7. Notify an eligible nonprofit scholarship-funding~~
2212 ~~organization of any of the organization's or other~~
2213 ~~organization's identified students who are receiving~~
2214 ~~scholarships under this chapter.~~

2215 (b)8- Maintain on its website a list of approved providers
2216 as required by s. 1002.66, eligible postsecondary educational
2217 institutions, eligible private schools, and eligible
2218 organizations and may identify or provide links to lists of
2219 other approved providers.

2220 ~~9. Require each organization to verify eligible~~
2221 ~~expenditures before the distribution of funds for any~~
2222 ~~expenditures made pursuant to subparagraphs (4) (b)1. and 2.~~
2223 ~~Review of expenditures made for services specified in~~
2224 ~~subparagraphs (4) (b)3.-15. may be completed after the purchase~~
2225 ~~is made.~~

2226 (c)10- Investigate any written complaint of a violation of
2227 this section by a parent, a student, a participating private
2228 school, a public school, a school district, an organization, a
2229 provider, or another appropriate party in accordance with the
2230 process established under s. 1002.421.

2231 (d)11- Require quarterly reports by an organization, which
2232 must include, at a minimum, the number of students participating
2233 in the program; the demographics of program participants; the

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

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

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

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

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

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2263 ~~section.~~

2264 ~~2. Determine the length of, and conditions for lifting, a~~
2265 ~~suspension or revocation specified in this paragraph.~~

2266 ~~3. Recover unexpended program funds or withhold payment of~~
2267 ~~an equal amount of program funds to recover program funds that~~
2268 ~~were not authorized for use.~~

2269
2270 ~~In determining whether to suspend or revoke participation or~~
2271 ~~lift a suspension or revocation in accordance with this~~
2272 ~~paragraph, the department may consider factors that include, but~~
2273 ~~are not limited to, acts or omissions that led to a previous~~
2274 ~~suspension or revocation of participation in a state or federal~~
2275 ~~program or an education scholarship program; failure to~~
2276 ~~reimburse the organization for funds improperly received or~~
2277 ~~retained; failure to reimburse government funds improperly~~
2278 ~~received or retained; imposition of a prior criminal sanction~~
2279 ~~related to the person or entity or its officers or employees;~~
2280 ~~imposition of a civil fine or administrative fine, license~~
2281 ~~revocation or suspension, or program eligibility suspension,~~
2282 ~~termination, or revocation related to a person's or entity's~~
2283 ~~management or operation; or other types of criminal proceedings~~
2284 ~~in which the person or entity or its officers or employees were~~
2285 ~~found guilty of, regardless of adjudication, or entered a plea~~
2286 ~~of nolo contendere or guilty to, any offense involving fraud,~~
2287 ~~deceit, dishonesty, or moral turpitude.~~

2288 ~~(e)(e)~~ The department shall Notify each school district of
2289 the full-time equivalent student consensus estimate of students
2290 participating in the program developed pursuant to s.
2291 216.136(4)(a).

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

(g) Develop guidance for students eligible pursuant to paragraph (3)(b) which details the available transition services, including postsecondary education, employment, and independent living, for which scholarship funds may be used.

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

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

~~(b) Provide to the organization all documentation required for a student's participation, including confirmation of the student's admission to the private school, the private school's and student's fee schedules, and any other information required by the organization to process scholarship payment under subparagraph (12)(a)3. Such information must be provided by the deadlines established by the organization and in accordance with the requirements of this section. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet the deadline.~~

~~(c)1. Annually administer or make provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests that are identified by the department pursuant to paragraph (8)(a) or to take the statewide assessments pursuant to s. 1008.22. Students with~~

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~~disabilities for whom the physician or psychologist who issued the diagnosis or the IEP team determines that standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to his or her parent. By August 15 of each year, a participating private school must report the scores of all participating students to a state university as described in s.~~

~~1002.395(9)(f).~~

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

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

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

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

(a) A parent who applies for a scholarship under paragraph

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(3) (a) whose student will be enrolled full time in an eligible private school must:

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

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

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

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

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

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

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

~~7. Require his or her student participating in the program to take the norm-referenced assessment offered by the eligible private school. The parent may also choose to have the student participate in the statewide assessments pursuant to paragraph~~

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~~(7)(d). If the parent requests that the student participating in the program take all statewide assessments required pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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2437 c.~~(III)~~ Requiring the child to take any preassessments and
2438 postassessments selected by the provider if the child is 4 years
2439 of age and is enrolled in a program provided by an eligible
2440 Voluntary Prekindergarten Education Program provider. A student
2441 with disabilities for whom the physician or psychologist who
2442 issued the diagnosis or the IEP team determines that a
2443 preassessment and postassessment is not appropriate is exempt
2444 from this requirement. A participating provider shall report a
2445 student's scores to the parent.

2446 4.d. Affirming that the student remains in good standing
2447 with the provider or school if those options are selected by the
2448 parent.

2449 5.e. Enrolling his or her child in a program from a
2450 Voluntary Prekindergarten Education Program provider authorized
2451 under s. 1002.55, a school readiness provider authorized under
2452 s. 1002.88, a prekindergarten program offered by an eligible
2453 private school, or an eligible private school if selected by the
2454 parent.

2455 6.f. Comply with the scholarship application and renewal
2456 processes and requirements established by the organization. A
2457 student whose participation in the program is not renewed may
2458 continue to spend scholarship funds that are in his or her
2459 account from prior years unless the account must be closed
2460 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
2461 the student's IEP, a student who was previously eligible for
2462 participation in the program shall remain eligible to apply for
2463 renewal. However, for a high-risk child to continue to
2464 participate in the program in the school year after he or she
2465 reaches 6 years of age, the child's application for renewal of

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program participation must contain documentation that the child has a disability ~~defined in paragraph (2)(c)~~ other than high-risk status.

7.g. ~~Procuring the services necessary to educate the student.~~

a. If such services include enrollment in an eligible private school, the parent must meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before his or her student is enrolled. ~~The parent must also approve each payment to the eligible private school before the scholarship funds may be deposited by funds transfer pursuant to subparagraph (12)(a)3. The parent may not designate any entity or individual associated with the eligible private school as the parent's attorney in fact to approve a funds transfer.~~ When the student receives a scholarship, the district school board is not obligated to provide the student with a free appropriate public education. For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an IEP or matrix level of services.

b. If such services include enrollment in Florida Virtual School as a private paying student, the parent must agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment to the Florida Virtual School before

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using scholarship account funds for additional uses under
paragraph (4) (b).

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

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

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

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

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

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

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~~scholarship award in the subsequent fiscal year. The process must require that parents confirm that the scholarship is being accepted or declined by December 15.~~

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

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

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

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

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

~~8. Notify the department about any violation of this~~

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2553 ~~section.~~

2554 ~~9. Document each student's eligibility for a fiscal year~~
2555 ~~before granting a scholarship for that fiscal year. A student is~~
2556 ~~ineligible for a scholarship if the student's account has been~~
2557 ~~inactive for 2 consecutive fiscal years.~~

2558 ~~10. Notify each parent that participation in the~~
2559 ~~scholarship program does not guarantee enrollment.~~

2560 ~~11. Commit scholarship funds on behalf of the student for~~
2561 ~~tuition and fees for which the parent is responsible for payment~~
2562 ~~at the participating private school before using scholarship~~
2563 ~~account funds for additional authorized uses under paragraph~~
2564 ~~(4)(a).~~

2565 ~~(b) For students An eligible nonprofit scholarship-funding~~
2566 ~~organization awarding scholarships to eligible students pursuant~~
2567 ~~to paragraph (3)(b) shall:~~

2568 ~~1. Establish a process for parents who are in compliance~~
2569 ~~with paragraph (10)(b) to renew their students' scholarships.~~
2570 ~~Renewal applications for the 2025-2026 school year and~~
2571 ~~thereafter must provide for a renewal timeline beginning~~
2572 ~~February 1 of the prior school year and ending April 30 of the~~
2573 ~~prior school year. A student's renewal is contingent upon an~~
2574 ~~eligible private school providing confirmation of student~~
2575 ~~admission pursuant to subsection (9), if applicable. The process~~
2576 ~~must require that parents confirm that the scholarship is being~~
2577 ~~renewed or declined by May 31.~~

2578 ~~2. Establish a process that allows a parent to apply for a~~
2579 ~~new scholarship. The process may begin no earlier than February~~
2580 ~~1 of the prior school year and must authorize the submission of~~
2581 ~~applications until November 15. The process must be in a manner~~

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~~that creates a written or electronic record of the application request and the date of receipt of the application request. Applications received after the deadline may be considered for scholarship award in the subsequent fiscal year. The process must require that parents confirm that the scholarship is being accepted or declined by December 15.~~

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

~~a. Renewing students from the previous school year.~~

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

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

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

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

~~7. Notify the parent about the availability of, and the requirements associated with requesting, an initial IEP or IEP reevaluation every 3 years for each student participating in the program.~~

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

~~9. In a timely manner, submit to the department the~~

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~~verified list of eligible scholarship students and any information requested by the department relating to the scholarship under this section.~~

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

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

~~(d)(e)~~ An eligible nonprofit scholarship funding organization may, from eligible contributions received pursuant to s. 1002.395(6)(1)1., Use an amount, from eligible contributions received pursuant to s. 1002.395(6)(1)1., not to exceed 1.5 ~~2.5~~ percent of the total amount of all verified eligible scholarships funded under this section for administrative expenses associated with performing functions under this section. An organization that, for the prior fiscal year, has complied with the expenditure requirements of s. 1002.395(6)(i)3. ~~s. 1002.395(6)(1)3.~~ may use an amount not to exceed 2 ~~3~~ percent. Such administrative expense amount is considered within the 2-percent ~~3-percent~~ limit on the total amount an organization may use to administer scholarships under this chapter.

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

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~~(11)(12)~~ SCHOLARSHIP FUNDING AND PAYMENT.—

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

~~2.a. For renewing scholarship students, the organization must verify the student's continued eligibility to participate in the scholarship program at least 30 days before each payment. Upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. to the organization for deposit into the student's account in quarterly payments no later than August 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.~~

~~b. For new scholarship students, the organization must verify the student's eligibility to participate in the scholarship program at least 30 days before each payment. Upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. to the organization for deposit into the student's account in quarterly payments no later than September 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force. For a~~

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~~student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount calculated pursuant to subparagraph 1. must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice.~~

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

~~3. The initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the participating private school. Payments for tuition and fees for full-time enrollment shall be made within 7 business days after approval by the parent pursuant to paragraph (10)(a) and the private school pursuant to paragraph (9)(b). Payment must be by funds transfer or any other means of payment that the department deems to be commercially viable or cost effective. An organization shall ensure that the parent has approved a funds transfer before any scholarship funds are deposited.~~

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

~~(b)1.~~ For the 2024-2025 school year, the maximum number of scholarships funded under paragraph (3)(b) shall be 72,615. Beginning in the 2025-2026 school year, the maximum number of

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scholarships funded under paragraph (3) (b) shall annually increase by 5 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students. The maximum number of scholarships funded shall increase by 1 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students, in the school year following any school year in which the number of scholarships funded exceeds 95 percent of the number of available scholarships for that school year. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

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

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

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

1.~~(1)~~ A school district for funding during either the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice

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commitment program if funded under the Florida Education Finance Program;

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

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

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

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

~~3. For a student with a Level IV or Level V matrix of services, the calculated scholarship amount must be based upon the school district to which the student would have been~~

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~~assigned as the total funds per full-time equivalent for the Level IV or Level V exceptional student education program pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time equivalent share of funds for the categorical programs established in s. 1011.62(5), (7)(a), and (16), as funded in the General Appropriations Act.~~

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

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

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

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

~~b. For new scholarship students, upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated~~

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~~pursuant to subparagraph 1. to the organization for deposit into the student's account in quarterly payments no later than September 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.~~

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

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

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

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

~~12. Moneys received pursuant to this section do not~~

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2814 ~~constitute taxable income to the qualified student or the parent~~
2815 ~~of the qualified student.~~

2816 ~~(c) An organization may not submit a new scholarship~~
2817 ~~student for funding after February 1.~~

2818 ~~(d) Within 30 days after the release of state funds~~
2819 ~~pursuant to paragraphs (a) and (b), the eligible scholarship-~~
2820 ~~funding organization shall certify to the department the amount~~
2821 ~~of funds distributed for student scholarships. If the amount of~~
2822 ~~funds released by the department is more than the amount~~
2823 ~~distributed by the organization, the department is authorized to~~
2824 ~~adjust the amount of the overpayment in the subsequent quarterly~~
2825 ~~payment release.~~

2826 Section 6. Subsections (2), (3), (4), and (6) through (11)
2827 and paragraph (e) of subsection (15) of section 1002.395,
2828 Florida Statutes, are amended to read:

2829 1002.395 Florida Tax Credit Scholarship Program.—

2830 (2) DEFINITIONS.—As used in this section, the term:

2831 (a) "Annual tax credit amount" means, for any state fiscal
2832 year, the sum of the amount of tax credits approved under
2833 paragraph (5)(b), including tax credits to be taken under s.
2834 220.1875 or s. 624.51055, which are approved for a taxpayer
2835 whose taxable year begins on or after January 1 of the calendar
2836 year preceding the start of the applicable state fiscal year.

2837 (b) ~~"Choice navigator" means an individual who meets the~~
2838 ~~requirements of sub-subparagraph (6)(d)4.g. and who provides~~
2839 ~~consultations, at a mutually agreed upon location, on the~~
2840 ~~selection of, application for, and enrollment in educational~~
2841 ~~options addressing the academic needs of a student; curriculum~~
2842 ~~selection; and advice on career and postsecondary education~~

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~~opportunities. However, nothing in this section authorizes a choice navigator to oversee or exercise control over the curricula or academic programs of a personalized education program.~~

~~(e)~~ "Department" means the Department of Revenue.

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

(d)~~(e)~~ "Division" means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

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

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

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

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

3. Complies with subsections (6) and (13) ~~(15)~~.

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

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

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

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

~~1. An owner, president, officer, or director of an eligible nonprofit scholarship funding organization or a person with~~

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~~equivalent decisionmaking authority over an eligible nonprofit scholarship funding organization.~~

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

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

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

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

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

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

(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

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

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

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2930 (a)~~a.~~ Is a resident of this state or the dependent child of
2931 an active duty member of the United States Armed Forces who has
2932 received permanent change of station orders to this state or, at
2933 the time of renewal, whose home of record or state of legal
2934 residence is Florida; and

2935 (b)~~b.~~ Is eligible to enroll in kindergarten through grade
2936 12 in a public school in this state or received a scholarship
2937 under the former Hope Scholarship Program in the 2023-2024
2938 school year.

2939 ~~2. Priority must be given in the following order:~~

2940 ~~a. A student whose household income level does not exceed~~
2941 ~~185 percent of the federal poverty level or who is in foster~~
2942 ~~care or out-of-home care.~~

2943 ~~b. A student whose household income level exceeds 185~~
2944 ~~percent of the federal poverty level, but does not exceed 400~~
2945 ~~percent of the federal poverty level.~~

2946 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
2947 a scholarship while he or she is:

2948 (a) Enrolled full time in a public school, including, but
2949 not limited to, the Florida School for the Deaf and the Blind,
2950 the College-Preparatory Boarding Academy, the Florida Virtual
2951 School, the Florida Scholars Academy, a developmental research
2952 school authorized under s. 1002.32, or a charter school
2953 authorized under this chapter. For purposes of this paragraph, a
2954 3- or 4-year-old child who receives services funded through the
2955 Florida Education Finance Program is considered a student
2956 enrolled full time in a public school;

2957 (b) Enrolled in a school operating for the purpose of
2958 providing educational services to youth in a Department of

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Juvenile Justice commitment program;

(c) Receiving any other educational scholarship pursuant to this chapter. ~~However, an eligible public school student receiving a scholarship under s. 1002.411 may receive a stipend for transportation pursuant to s. 1002.31(7);~~

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

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

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

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

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

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

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

~~1. All owners and operators as defined in subparagraph (2)(k)1. are, before employment or engagement to provide services, subject to level 2 background screening as provided under chapter 435. The fingerprints for the background screening must be electronically submitted to the Department of Law~~

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2988 ~~Enforcement and can be taken by an authorized law enforcement~~
2989 ~~agency or by an employee of the eligible nonprofit scholarship-~~
2990 ~~funding organization or a private company who is trained to take~~
2991 ~~fingerprints. However, the complete set of fingerprints of an~~
2992 ~~owner or operator may not be taken by the owner or operator. The~~
2993 ~~results of the state and national criminal history check shall~~
2994 ~~be provided to the Department of Education for screening under~~
2995 ~~chapter 435. The cost of the background screening may be borne~~
2996 ~~by the eligible nonprofit scholarship funding organization or~~
2997 ~~the owner or operator.~~

2998 ~~2. Every 5 years following employment or engagement to~~
2999 ~~provide services or association with an eligible nonprofit~~
3000 ~~scholarship funding organization, each owner or operator must~~
3001 ~~meet level 2 screening standards as described in s. 435.04, at~~
3002 ~~which time the nonprofit scholarship funding organization shall~~
3003 ~~request the Department of Law Enforcement to forward the~~
3004 ~~fingerprints to the Federal Bureau of Investigation for level 2~~
3005 ~~screening. If the fingerprints of an owner or operator are not~~
3006 ~~retained by the Department of Law Enforcement under subparagraph~~
3007 ~~3., the owner or operator must electronically file a complete~~
3008 ~~set of fingerprints with the Department of Law Enforcement. Upon~~
3009 ~~submission of fingerprints for this purpose, the eligible~~
3010 ~~nonprofit scholarship funding organization shall request that~~
3011 ~~the Department of Law Enforcement forward the fingerprints to~~
3012 ~~the Federal Bureau of Investigation for level 2 screening, and~~
3013 ~~the fingerprints shall be retained by the Department of Law~~
3014 ~~Enforcement under subparagraph 3.~~

3015 ~~3. Fingerprints submitted to the Department of Law~~
3016 ~~Enforcement as required by this paragraph must be retained by~~

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the Department of Law Enforcement in a manner approved by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b). The fingerprints must thereafter be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051.

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

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

6. A nonprofit scholarship funding organization whose owner or operator in the last 7 years has filed for personal

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~~bankruptcy or corporate bankruptcy in a corporation of which he or she owned more than 20 percent shall not be eligible to provide scholarships under this section.~~

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

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

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

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

~~d. Section 409.9201, relating to Medicaid fraud.~~

~~e. Section 741.28, relating to domestic violence.~~

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

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

~~h. Section 817.505, relating to patient brokering.~~

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

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

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

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3075 ~~l. Section 831.01, relating to forgery.~~
3076 ~~m. Section 831.02, relating to uttering forged instruments.~~
3077 ~~n. Section 831.07, relating to forging bank bills, checks,~~
3078 ~~drafts, or promissory notes.~~
3079 ~~o. Section 831.09, relating to uttering forged bank bills,~~
3080 ~~checks, drafts, or promissory notes.~~
3081 ~~p. Section 831.30, relating to fraud in obtaining medicinal~~
3082 ~~drugs.~~
3083 ~~q. Section 831.31, relating to the sale, manufacture,~~
3084 ~~delivery, or possession with the intent to sell, manufacture, or~~
3085 ~~deliver any counterfeit controlled substance, if the offense was~~
3086 ~~a felony.~~
3087 ~~(b)(e)~~ Must not have an owner or operator, ~~as defined in~~
3088 ~~subparagraph (2)(k)1.~~, who owns or operates an eligible private
3089 school that is participating in the scholarship program.
3090 ~~(c)(d)1.~~ For the 2023-2024 school year, may fund no more
3091 than 20,000 scholarships for students who are enrolled pursuant
3092 to subsection (7) ~~paragraph (7)(b).~~ The number of scholarships
3093 funded for such students may increase by 40,000 in each
3094 subsequent school year. This paragraph ~~subparagraph~~ is repealed
3095 July 1, 2027.
3096 ~~2. Shall establish a process for parents who are in~~
3097 ~~compliance with paragraph (7)(a) to renew their students'~~
3098 ~~scholarships. Renewal applications for the 2025-2026 school year~~
3099 ~~and thereafter must provide for a renewal timeline beginning~~
3100 ~~February 1 of the prior school year and ending April 30 of the~~
3101 ~~prior school year. A student's renewal is contingent upon an~~
3102 ~~eligible private school providing confirmation of admission~~
3103 ~~pursuant to subsection (8). The process must require that~~

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parents confirm that the scholarship is being renewed or declined by May 31.

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

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

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

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

2.b. Instructional materials, including digital materials, digital devices, and Internet resources.

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

4.d. Tuition and fees associated with full-time or part-time enrollment in a home education instructional program that meets all of the following requirements:

a. Provides educational courses or activities.

b. Has a publicly available description of courses and activities.

c. Has a tuition and fee schedule.

d. Makes the tuition and fees payable to a registered business entity.

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

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3133 enrollment in, an eligible postsecondary educational institution
3134 or a program offered by the postsecondary educational
3135 institution, unless the program is subject to s. 1009.25 or
3136 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
3137 program as defined in s. 446.021(5) which is not subject to s.
3138 1009.25 and complies with all applicable requirements of the
3139 Department of Education pursuant to chapter 1005; a private
3140 tutoring program authorized under s. 1002.43; a virtual program
3141 offered by a department-approved private online provider that
3142 meets the provider qualifications specified in s. 1002.45(2)(a);
3143 the Florida Virtual School as a private paying student; or an
3144 approved online course offered pursuant to s. 1003.499 or s.
3145 1004.0961.

3146 6.e. Fees for nationally standardized, norm-referenced
3147 achievement tests, Advanced Placement Examinations, industry
3148 certification examinations, assessments related to postsecondary
3149 education, or other assessments.

3150 7.f. Contracted services provided by a public school or
3151 school district, including classes. A student who receives
3152 contracted services under this subparagraph ~~sub-subparagraph~~ is
3153 not considered enrolled in a public school for eligibility
3154 purposes as specified in subsection (9) ~~(11)~~ but rather
3155 attending a public school on a part-time basis as authorized
3156 under s. 1002.44.

3157 8.g. Tuition and fees for part-time tutoring services or
3158 fees for services provided by a choice navigator. Such services
3159 must be provided by a person who holds a valid Florida
3160 educator's certificate pursuant to s. 1012.56, a person who
3161 holds an adjunct teaching certificate pursuant to s. 1012.57, a

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person who has a bachelor's degree or a graduate degree in the subject area or related subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the Department of Education. As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(16)(e).

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

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

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

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

~~1.3.~~ Maintain a signed agreement from the parent which constitutes compliance with the attendance requirements under

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ss. 1003.01(16) and 1003.21(1).

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

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

4.6. Upon submission by the parent of an annual student learning plan, fund a scholarship for a student determined eligible.

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

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

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

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

~~(2)(k)1.~~

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

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

(i)1. ~~(1)1.~~ May use eligible contributions received pursuant to this section and ss. 212.099, 212.1831, and 212.1832 during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under paragraph (k) ~~(e)~~ or is in good standing in each state in which it administers a scholarship program and the audited financial statements for the preceding 3 fiscal years are free of material misstatements and going concern issues. Administrative expenses from eligible contributions may not exceed 2 ~~3~~ percent of the total amount of all scholarships and stipends funded by an eligible scholarship-funding organization under this chapter. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships funded under this chapter. Administrative expenses may include developing or contracting

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with rideshare programs or facilitating carpool strategies for recipients of a transportation stipend under s. 1002.31(7). No funds authorized under this subparagraph shall be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. ~~An eligible nonprofit scholarship funding organization may not charge an application fee.~~

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

3. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of all net eligible contributions, ~~as defined in subsection (2),~~ remaining after administrative expenses during the state fiscal year in which such eligible contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. Eligible contributions remaining on June 30 of each year that are in excess of the 25 percent that may be carried forward shall be used to provide scholarships to eligible students or transferred

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to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under paragraph (k) ~~(o)~~.

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

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

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

(k) ~~(o)~~ Must provide to the Auditor General and the Department of Education access to its accounts and records and a

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report on the results of an annual financial audit of its accounts and records conducted by an independent certified public accountant in accordance with auditing standards generally accepted in the United States, government auditing standards, and rules promulgated by the Auditor General. The audit report must include a report on financial statements presented in accordance with generally accepted accounting principles. Audit reports must be provided to the Auditor General and the Department of Education within 180 days after completion of the eligible nonprofit scholarship-funding organization's fiscal year. The Auditor General shall review all audit reports submitted pursuant to this paragraph. The Auditor General shall request any significant items that were omitted in violation of a rule adopted by the Auditor General. The items must be provided within 45 days after the date of the request. If the scholarship-funding organization does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee.

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

(l) 1.a. (q) 1.a. Must participate in the joint development of agreed-upon procedures during the 2009-2010 state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the private school has been verified as eligible by the Department of

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Education under s. 1002.421; has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education-related expenses. During the development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

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

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

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

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

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

(m) ~~(r)~~ Must maintain the surety bond or letter of credit required by subsection (13) ~~(15)~~. The amount of the surety bond or letter of credit may be adjusted quarterly to equal the actual amount of undisbursed funds based upon submission by the organization of a statement from a certified public accountant verifying the amount of undisbursed funds. The requirements of this paragraph are waived if the cost of acquiring a surety bond or letter of credit exceeds the average 10-year cost of acquiring a surety bond or letter of credit by 200 percent. The requirements of this paragraph are waived for a state university; or an independent college or university which is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

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

(o) 1. ~~(t) 1.~~ Must develop a purchasing handbook that includes

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3394 policies for authorized uses of scholarship funds under
3395 paragraph (d) and s. 1002.394(4)(a). The handbook must include,
3396 at a minimum, a routinely updated list of prohibited items and
3397 services, and items or services that require preauthorization or
3398 additional documentation. Annually, by August 1, 2024, and by
3399 ~~each~~ July 1 ~~thereafter~~, the purchasing handbook must be provided
3400 to the Commissioner of Education and published on the eligible
3401 nonprofit scholarship-funding organization's website. Any
3402 revisions must be provided to the commissioner and published on
3403 the organization's website within 30 days after such revisions.

3404 2. The organization shall assist the Florida Center for
3405 Students with Unique Abilities established under s. 1004.6495
3406 with the development of purchasing guidelines, which must
3407 include a routinely updated list of prohibited items and
3408 services, and items or services for which preauthorization or
3409 additional documentation is required, for authorized uses of
3410 scholarship funds under s. 1002.394(4)(b) and publish the
3411 guidelines on the organization's website. Any approval or denial
3412 of items and services must be consistent with the purchasing
3413 guidelines developed by the center.

3414 3. If the organization fails to submit the purchasing
3415 handbook required by subparagraph 1., the Department of
3416 Education may assess a financial penalty, not to exceed \$10,000,
3417 as prescribed by State Board of Education rule. This
3418 subparagraph expires July 1, 2026.

3419 (p) ~~(u)~~ May permit eligible students to use program funds
3420 for the purposes specified in paragraph (d), as authorized in
3421 the organization's purchasing handbook, by paying for the
3422 authorized use directly, then submitting a reimbursement request

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to the eligible nonprofit scholarship-funding organization.
However, an eligible nonprofit scholarship-funding organization
may require the use of an online platform for direct purchases
of products so long as such use does not limit a parent's choice
of curriculum or academic programs. If a parent purchases a
product identical to one offered by an organization's online
platform for a lower price, the organization shall reimburse the
parent the cost of the product.

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

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

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

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

Information and documentation provided to the Department of
Education and the Auditor General relating to the identity of a
taxpayer that provides an eligible contribution under this
section shall remain confidential at all times in accordance

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with s. 213.053.

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

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

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

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

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

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

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

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

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

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

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

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

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

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the scholarship.

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

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

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

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

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

(b) If the student is enrolled in Florida Virtual School as a private paying student, agreeing to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment to the Florida Virtual School before using scholarship account

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3539 funds for additional uses under paragraph (6) (d).

3540 (c)~~b.~~ Affirming that the parent is responsible for all
3541 eligible expenses in excess of the amount of the scholarship and
3542 for the education of his or her student.

3543 (d)~~e.~~ Submitting a student learning plan to the
3544 organization and revising the plan at least annually before
3545 program renewal.

3546 (e)~~d.~~ Requiring his or her student to take a nationally
3547 norm-referenced test identified by the Department of Education,
3548 or a statewide assessment under s. 1008.22, and provide
3549 assessment results to the organization before the student's
3550 program renewal.

3551 ~~e. Complying with the scholarship application and renewal~~
3552 ~~processes and requirements established by the organization. A~~
3553 ~~student whose participation in the program is not renewed may~~
3554 ~~continue to spend scholarship funds that are in his or her~~
3555 ~~account from prior years unless the account must be closed~~
3556 ~~pursuant to s. 1002.394(5)(a)2.~~

3557 (f)~~f.~~ Procuring the services necessary to educate the
3558 student. When the student receives a scholarship, the district
3559 school board is not obligated to provide the student with a free
3560 appropriate public education.

3561
3562 For purposes of this subsection ~~paragraph~~, full-time enrollment
3563 does not include enrollment at a private school that addresses
3564 regular and direct contact with teachers through the student
3565 learning plan in accordance with s. 1002.421(9)(i) ~~s.~~
3566 ~~1002.421(1)(i).~~

3567 ~~(c) A parent may not apply for multiple scholarships under~~

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~~this section and s. 1002.394 for an individual student at the same time.~~

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

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

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

~~(b) Provide to the organization all documentation required for a student's participation, including confirmation of the student's admission to the private school, the private school's and student's fee schedules, and any other information required by the organization to process scholarship payment pursuant to paragraph (11)(c). Such information must be provided by the deadlines established by the organization and in accordance with the requirements of this section. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet the deadline.~~

~~(c)1. Annually administer or make provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A~~

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~~participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to a state university described in paragraph (9) (f).~~

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

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

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

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

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

(c) Annually verify the eligibility of expenditures as provided in paragraph (6) (d) or paragraph (6) (i) using the audit

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required by paragraph (6) (k) ~~(6) (o)~~.

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

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

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

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

a. On a statewide basis. The report shall also include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public

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3655 school students with socioeconomic backgrounds similar to those
3656 of students participating in the scholarship program. To
3657 minimize costs and reduce time required for the state
3658 university's analysis and evaluation, the Department of
3659 Education shall coordinate with the state university to provide
3660 data to the state university in order to conduct analyses of
3661 matched students from public school assessment data and
3662 calculate control group student performance using an agreed-upon
3663 methodology with the state university; and

3664 b. On an individual school basis for students enrolled full
3665 time in a private school. The annual report must include student
3666 performance for each participating private school in which
3667 enrolled students in the private school participated in a
3668 scholarship program under this section ~~or s. 1002.394(12)(a)~~ in
3669 the prior school year. The report shall be according to each
3670 participating private school, and for participating students, in
3671 which there are at least 30 participating students who have
3672 scores for tests administered. If the state university
3673 determines that the 30-participating-student cell size may be
3674 reduced without disclosing personally identifiable information,
3675 as described in 34 C.F.R. s. 99.12, of a participating student,
3676 the state university may reduce the participating-student cell
3677 size, but the cell size must not be reduced to less than 10
3678 participating students. The department shall provide each
3679 participating private school's prior school year's student
3680 enrollment information to the state university no later than
3681 June 15 of each year, or as requested by the state university.

3682 2. The sharing and reporting of student performance data
3683 under this paragraph must be in accordance with requirements of

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ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and the applicable rules and regulations issued pursuant thereto, and shall be for the sole purpose of creating the annual report required by subparagraph 1. All parties must preserve the confidentiality of such information as required by law. The annual report must not disaggregate data to a level that will identify individual participating schools, except as required under sub-subparagraph 1.b., or disclose the academic level of individual students.

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

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

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

~~(i) Require quarterly reports by an eligible nonprofit scholarship funding organization regarding the number of students participating in the program; the private schools at which the students are enrolled; the number of scholarship applications received, the number of applications processed within 30 days after receipt, and the number of incomplete applications received; data related to reimbursement submissions, including the average number of days for a reimbursement to be reviewed and the average number of days for a reimbursement to be approved; any parent input and feedback~~

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collected regarding the program; and any other information
deemed necessary by the Department of Education.

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

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

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

~~(a) Upon the request of any eligible nonprofit scholarship-
funding organization, a school district shall inform all
households within the district receiving free or reduced-priced
meals under the National School Lunch Act of their eligibility
to apply for a tax credit scholarship. The form of such notice
shall be provided by the eligible nonprofit scholarship-funding
organization, and the district shall include the provided form,
if requested by the organization, in any normal correspondence
with eligible households. If an eligible nonprofit scholarship-
funding organization requests a special communication to be
issued to households within the district receiving free or
reduced-price meals under the National School Lunch Act, the
organization shall reimburse the district for the cost of
postage. Such notice is limited to once a year.~~

~~(b) Upon the request of the Department of Education, a
school district shall coordinate with the department to provide
to a participating private school the statewide assessments
administered under s. 1008.22 and any related materials for~~

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3742 ~~administering the assessments. A school district is responsible~~
3743 ~~for implementing test administrations at a participating private~~
3744 ~~school, including the:~~

3745 ~~1. Provision of training for participating private school~~
3746 ~~staff on test security and assessment administration procedures;~~

3747 ~~2. Distribution of testing materials to a participating~~
3748 ~~private school;~~

3749 ~~3. Retrieval of testing materials from a participating~~
3750 ~~private school;~~

3751 ~~4. Provision of the required format for a participating~~
3752 ~~private school to submit information to the district for test~~
3753 ~~administration and enrollment purposes; and~~

3754 ~~5. Provision of any required assistance, monitoring, or~~
3755 ~~investigation at a participating private school.~~

3756 ~~(9) (11)~~ SCHOLARSHIP AMOUNT AND PAYMENT.-

3757 (a) The scholarship amount provided to any student for any
3758 single school year by an eligible nonprofit scholarship-funding
3759 organization from eligible contributions shall be for total
3760 costs authorized under paragraph (6) (c) ~~(6) (d)~~, not to exceed
3761 annual limits, ~~which shall be determined as follows:~~

3762 ~~1. For a student who received a scholarship in the 2018-~~
3763 ~~2019 school year, who remains eligible, and who is enrolled in~~
3764 ~~an eligible private school, the amount shall be the greater~~
3765 ~~amount calculated pursuant to subparagraph 2. or a percentage of~~
3766 ~~the unweighted FTE funding amount for the 2018-2019 state fiscal~~
3767 ~~year and thereafter as follows:~~

3768 ~~a. Eighty-eight percent for a student enrolled in~~
3769 ~~kindergarten through grade 5.~~

3770 ~~b. Ninety-two percent for a student enrolled in grade 6~~

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3771 ~~through grade 8.~~

3772 ~~e. Ninety-six percent for a student enrolled in grade 9~~
3773 ~~through grade 12.~~

3774 ~~2. For students initially eligible in the 2019-2020 school~~
3775 ~~year or thereafter, the calculated amount for a student to~~
3776 ~~attend an eligible private school shall be calculated in~~
3777 ~~accordance with s. 1002.394(12) (a).~~

3778 ~~(b) Payment of the scholarship by the eligible nonprofit~~
3779 ~~scholarship funding organization shall be by funds transfer,~~
3780 ~~including, but not limited to, debit cards, electronic payment~~
3781 ~~cards, or any other means of payment that the department deems~~
3782 ~~to be commercially viable or cost effective. An eligible~~
3783 ~~nonprofit scholarship funding organization shall ensure that the~~
3784 ~~parent has approved a funds transfer before any scholarship~~
3785 ~~funds are deposited.~~

3786 ~~(c) If a scholarship student is attending an eligible~~
3787 ~~private school full time, the initial payment shall be made~~
3788 ~~after the organization's verification of admission acceptance,~~
3789 ~~and subsequent payments shall be made upon verification of~~
3790 ~~continued enrollment and attendance at the eligible private~~
3791 ~~school. Payments shall be made within 7 business days after~~
3792 ~~approval by the parent pursuant to paragraph (7) (a) and the~~
3793 ~~private school pursuant to paragraph (8) (b).~~

3794 ~~(d) Payment of the scholarship shall be made by the~~
3795 ~~eligible nonprofit scholarship funding organization no less~~
3796 ~~frequently than on a quarterly basis.~~

3797 ~~(e) An eligible nonprofit scholarship funding organization~~
3798 ~~may not transfer any funds to an account of a student determined~~
3799 ~~eligible under this section which has a balance in excess of~~

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3800 ~~\$24,000.~~

3801 (b)~~(f)~~ A scholarship awarded to an eligible student shall
3802 remain in force until:

3803 1. The organization determines that the student is not
3804 eligible for program renewal;

3805 2. The Commissioner of Education suspends or revokes
3806 program participation or use of funds;

3807 3. The student's parent has forfeited participation in the
3808 program for failure to comply with subsection (7);

3809 4. The student who uses the scholarship for full-time
3810 tuition and fees at an eligible private school ~~pursuant to~~
3811 ~~paragraph (7)(a)~~ enrolls full time in a public school. However,
3812 if a student enters a Department of Juvenile Justice detention
3813 center for a period of no more than 21 days, the student is not
3814 considered to have returned to a public school on a full-time
3815 basis for that purpose; or

3816 5. The student graduates from high school, completes a home
3817 education program as defined in the student's personalized
3818 education plan, or attains 21 years of age, whichever occurs
3819 first.

3820 ~~(g) Reimbursements for program expenditures may continue~~
3821 ~~until the account balance is expended or remaining funds have~~
3822 ~~reverted to the state.~~

3823 (c)~~(h)~~ A student's scholarship account must be closed and
3824 any remaining funds shall revert to the state after:

3825 1. Denial or revocation of program eligibility by the
3826 commissioner for fraud or abuse, including, but not limited to,
3827 the student or student's parent accepting any payment, refund,
3828 or rebate, in any manner, from a provider of any services

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received pursuant to paragraph (6) (d);

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

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

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

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

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

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

(e) If the State Board of Education disapproves the renewal of a nonprofit scholarship-funding organization, the organization must notify the affected eligible students and parents of the decision within 15 days after disapproval. An eligible student affected by the disapproval of an

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organization's participation remains eligible under this section until the end of the school year in which the organization was disapproved. The student must apply and be accepted by another eligible nonprofit scholarship-funding organization for the upcoming school year. The student shall be given priority in accordance with s. 1002.421(2)(d)3. ~~paragraph (6)(g).~~

Section 7. Paragraph (1) of subsection (4) of section 1003.485, Florida Statutes, is amended to read:

1003.485 The New Worlds Reading Initiative.—

(4) ADMINISTRATOR RESPONSIBILITIES.—The administrator shall:

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

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

Section 8. Paragraph (d) of subsection (5) of section 1008.25, Florida Statutes, is amended to read:

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

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(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

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

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

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

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

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

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

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

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ready for grade promotion.

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

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

9. Information about the student's eligibility for the New Worlds Reading Initiative under s. 1003.485 ~~and the New Worlds Scholarship Accounts under s. 1002.411~~ and information on parent training modules and other reading engagement resources available through the initiative.

After initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement. Upon the request of the parent, the teacher or school administrator shall meet to discuss the student's progress. The parent may request more frequent notification of the student's progress, more frequent interventions or supports, and earlier implementation of the

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additional interventions or supports described in the initial notification.

Section 9. Section 1010.305, Florida Statutes, is amended to read:

1010.305 Audit of student enrollment.—

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

(2) If it is determined that the approved criteria and procedures for the placement of students and the conduct of programs have not been followed by the district or eligible nonprofit scholarship-funding organization, appropriate adjustments in the full-time equivalent student count for that district or eligible nonprofit scholarship-funding organization must be made, and any excess funds must be deducted from subsequent allocations of state funds to that district or eligible nonprofit scholarship-funding organization. As provided for by rule, if errors in a specific program of a district or eligible nonprofit scholarship-funding organization recur in consecutive years due to lack of corrective action by the district or eligible nonprofit scholarship-funding organization, adjustments may be made based upon statistical estimates of error projected to the overall district or scholarship program.

Section 10. Subsection (4) of section 1011.61, Florida

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Statutes, is amended to read:

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

(4) The “Florida Education Finance Program” includes all programs and costs as provided in ss. 1003.03, 1011.62, 1011.68, ~~and 1011.685, 1011.687, and 1011.689~~, as applicable.

Section 11. Paragraph (a) of subsection (1), paragraph (a) of subsection (15), and subsections (16) and (19) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASE FLORIDA EDUCATION FINANCE PROGRAM.—The following procedure shall be followed in determining the base Florida Education Finance Program funds for each district:

(a) *Determination of full-time equivalent membership.*—

~~1.~~ During the fiscal year, including scheduled intersessions of a year-round school program during the fiscal year, each district shall complete full-time equivalent surveys by aggregating the full-time equivalent student membership of each program by school. The department shall establish the number and interval of membership calculations. The district’s full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner.

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~~2. All final reported full-time equivalent survey data must include the unduplicated count of both school district full-time equivalent students and full-time equivalent Family Empowerment Scholarship students.~~

(15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT.—The total annual state allocation to each district for current operation for the Florida Education Finance Program shall be distributed to districts pursuant to s. 1011.66 and based on the results of the full-time equivalent membership surveys established in paragraph (1)(a).

(a) When the Florida Education Finance Program allocation is recalculated, if the gross state Florida Education Finance Program funds are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. To calculate the gross state and local Florida Education Finance Program funding, add the base Florida Education Finance Program and the categorical funds, except for the categorical funding provided in ~~subsection (16)~~ and s. 1011.685.

2. To calculate the gross state Florida Education Finance Program funding, subtract the required local effort in subsection (4) from the gross and local Florida Education Finance Program funding.

3. To determine the amount that must be prorated among all school districts, subtract the gross state Florida Education Finance Program and any prior year adjustments pursuant to paragraph (b) from the corresponding amount of state funds appropriated in the General Appropriations Act.

4. Each school district's amount of the proration is

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calculated based on its proportionate share of the gross state and local Florida Education Finance Program funding.

~~(16) STATE-FUNDED DISCRETIONARY SUPPLEMENT.~~

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

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

~~2. Beginning in fiscal year 2024-2025 and thereafter, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the school district where the student is reported~~

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for purposes of the Florida Education Finance Program as appropriated in the General Appropriations Act; divide the result by the school district's total unweighted full-time equivalent membership as appropriated in the General Appropriations Act; and multiply the result by the total unweighted full-time equivalent membership associated with the number of Family Empowerment Scholarship students. The prior year's base amount shall be adjusted based on changes in the eligible number of unweighted full-time equivalent membership associated with the number of Family Empowerment Scholarship students.

(b) The state-funded discretionary supplement shall be recalculated during the fiscal year based on actual full-time equivalent student membership.

(19) EDUCATIONAL ENROLLMENT STABILIZATION PROGRAM.—

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

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

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

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

Section 12. Paragraph (1) of subsection (2) of section 11.45, Florida Statutes, is amended, and paragraph (o) is added to that subsection, to read:

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

(2) DUTIES.—The Auditor General shall:

(1) At least once every 3 years, conduct operational audits of the accounts and records of eligible nonprofit scholarship-funding organizations receiving eligible contributions under s. 1002.395, including any contracts for services with related entities, to determine compliance with the provisions of that section. Such audits shall include, but not be limited to, a determination of the eligible nonprofit scholarship-funding organization's compliance with s. 1002.395(6)(i), including whether the organization's expenditures are reasonable and necessary ~~s. 1002.395(6)(1)~~. The Auditor General shall provide its report on the results of the audits to the Governor, the

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President of the Senate, the Speaker of the House of Representatives, the Chief Financial Officer, and the Legislative Auditing Committee, within 30 days of completion of the audit.

(o) Beginning July 1, 2027, annually conduct an audit of records of eligible scholarship-funding organizations regarding the background screening results in s. 1002.421(8) (a).

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

Section 13. Paragraph (c) of subsection (7) of section 212.099, Florida Statutes, is amended to read:

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

(7)

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

Section 14. Subsection (6) of section 402.22, Florida Statutes, is amended to read:

402.22 Education program for students who reside in residential care facilities operated by the Department of Children and Families or the Agency for Persons with Disabilities.—

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(6) Notwithstanding the provisions of s. 1001.42(4)(m), the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public educational agencies. The annual state allocation to any such agency shall be computed pursuant to s. 1011.62(1), (2), and (17) ~~(18)~~ and allocated in the amount that would have been provided the local school district in which the residential facility is located.

Section 15. Paragraph (b) of subsection (6) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

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

(b) Students enrolled in a virtual instruction program shall be funded in the Florida Education Finance Program as provided in the General Appropriations Act. The calculation to determine the amount of funds for each student through the Florida Education Finance Program shall include the sum of the basic amount for current operations established in s. 1011.62(1)(n) and all categorical programs except for the categorical programs established in ss. 1011.62(7) and ~~7~~ (12), ~~and (16)~~, 1011.68, ~~and~~ 1011.685, and 1011.687. Students residing outside of the school district reporting the full-time equivalent virtual student shall be funded from state funds only.

Section 16. Subsection (3) of section 1003.4935, Florida Statutes, is amended to read:

1003.4935 Middle grades career and professional academy

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courses and career-themed courses.—

(3) CAPE industry certifications offered in the middle grades that are included on the CAPE Industry Certification Funding List, if earned by students, are eligible for additional funding pursuant to s. 1011.62(16) ~~s. 1011.62(17)~~.

Section 17. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 1010.20, Florida Statutes, are amended to read:

1010.20 Cost accounting and reporting for school districts.—

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 1011.62(3) and for categorical programs as provided in s. 1011.62(18).

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(b) Funds for inservice training established in s. 1011.62(3) and for categorical programs established in s. 1011.62(17) ~~s. 1011.62(18)~~ shall be expended for the costs of the identified programs as provided by law and in accordance with the rules of the State Board of Education.

Section 18. (1) No later than December 1, 2026, the Department of Education shall provide recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives to improve the efficiency and effectiveness of the implementation of the scholarship programs created pursuant to chapter 1002, Florida Statutes, for implementation beginning in the 2028-2029 school year.

(2) At a minimum, the Department of Education must include

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recommendations which include the following scholarship program components:

(a) The costs to contract with scholarship-funding organizations, not to exceed five scholarship-funding organizations, or to administer the scholarship program wholly or partly within the Department of Education, school districts, or educational consortiums including, but not limited to, costs associated with:

1. The scholarship application process pursuant to s. 1002.421(2), Florida Statutes.

2. The scholarship enrollment and verification process pursuant to s. 1002.421(3), Florida Statutes.

3. The scholarship payment and reimbursement process and the scholarship account requirements pursuant to s. 1002.421(5) and (6), Florida Statutes.

4. Communicating with parents regarding the different scholarship programs and how to apply to a scholarship program and assisting parents with additional scholarship-related questions and issues.

5. A reasonable administration fee by various program component.

(b) The administration of the scholarship-funding tax credits program pursuant s. 1002.395(5).

(c) The requirements to be an approved scholarship-funding organization.

(d) A plan to ensure that the results from required background screening for education providers who are licensed or who are exempt from licensure through the Department of Children and Families are shared with the Department of Education.

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Section 19. This act shall take effect July 1, 2026.