

26 | certain students; prohibiting the transfer of funds to
27 | an eligible student's account under certain
28 | conditions; providing obligations of choice navigators
29 | beginning on a specified date; conforming provisions
30 | and cross-references to changes made by the act;
31 | amending s. 1002.395, F.S.; defining the term "choice
32 | navigator"; revising student eligibility and
33 | ineligibility requirements for the Florida Tax Credit
34 | Scholarship Program; revising obligations of eligible
35 | nonprofit scholarship-funding organizations; revising
36 | and establishing certain limitations on the number of
37 | scholarships funded by the program; revising the
38 | approved uses of scholarship funds; deleting obsolete
39 | language; revising the amount of funds that must be
40 | expended through scholarships; providing requirements
41 | for parents of students participating in the program;
42 | requiring scholarship funds to be deposited by funds
43 | transfers, rather than through the endorsements of
44 | warrants; requiring choice navigators to report
45 | specified student scores to a certain state
46 | university; revising the requirements of a specified
47 | annual report; prohibiting the transfer of funds to an
48 | eligible student's account under certain conditions;
49 | providing that scholarships awarded through the
50 | program remain in force until certain criteria are

51 met; authorizing reimbursements for certain
 52 expenditures until certain criteria are met; requiring
 53 the closure of a scholarship account and the reversion
 54 of funds to the state under certain circumstances;
 55 providing obligations of choice navigators beginning
 56 on a specified date; conforming provisions and cross-
 57 references to changes made by the act; amending s.
 58 1002.40, F.S.; conforming cross-references; creating
 59 s. 1002.44, F.S.; authorizing public schools,
 60 including charter schools, to enroll certain students
 61 on a part-time basis; providing funding for such
 62 students; providing that such students are not
 63 considered to be in regular attendance at such
 64 schools; providing an effective date.

65

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

67

68 Section 1. Paragraph (c) of subsection (1) of section
 69 212.099, Florida Statutes, is amended to read:

70 212.099 Credit for contributions to eligible nonprofit
 71 scholarship-funding organizations.—

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

73 (c) "Eligible nonprofit scholarship-funding organization"
 74 or "organization" has the same meaning as provided in s.
 75 1002.395(2) ~~s. 1002.395(2)(f)~~.

76 Section 2. Paragraphs (b), (c), and (d) of subsection (2)
 77 of section 1002.394, Florida Statutes, are redesignated as
 78 paragraphs (c), (d), and (e), respectively, present paragraphs
 79 (e) through (m) of that subsection are redesignated as
 80 paragraphs (g) through (o), respectively, subsection (17) is
 81 renumbered as subsection (18), present paragraphs (e) and (g) of
 82 subsection (2), paragraph (a) of subsection (3), paragraph (a)
 83 of subsection (4), paragraph (a) of subsection (5), paragraphs
 84 (d), (e), and (f) of subsection (6), paragraphs (a) and (b) of
 85 subsection (10), paragraph (a) of subsection (11), and
 86 paragraphs (a) and (b) of subsection (12) are amended, new
 87 paragraphs (b) and (f) are added to subsection (2), paragraph
 88 (c) is added to subsection (8), and a new subsection (17) is
 89 added to that section, to read:

90 1002.394 The Family Empowerment Scholarship Program.—

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

92 (b) "Choice navigator" means an individual who assists
 93 parents with the selection of, application for, and enrollment
 94 in educational options that address the academic needs of their
 95 student.

96 (f) "Eligible contribution" means a monetary contribution
 97 from a taxpayer, subject to the restrictions provided in s.
 98 1002.395, to an eligible nonprofit scholarship-funding
 99 organization pursuant to ss. 212.099, 212.1832, 1002.395, and
 100 1002.40. The taxpayer making the contribution may not designate

101 a specific child as the beneficiary of the contribution.

102 ~~(g)(e)~~ "Eligible nonprofit scholarship-funding
 103 organization" or "organization" has the same meaning as provided
 104 in s. 1002.395(2) ~~s. 1002.395(2)(f)~~.

105 ~~(i)(g)~~ "Eligible private school" has the same meaning as
 106 provided in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.

107 (3) SCHOLARSHIP ELIGIBILITY.—

108 (a)1. A parent of a student may request and receive from
 109 the state a scholarship for the purposes specified in paragraph
 110 (4)(a) if the student is a resident of this state and is
 111 eligible to enroll in kindergarten through grade 12 in a public
 112 school in this state.÷

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

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

119 ~~3. The student's household income level does not exceed~~
 120 ~~375 percent of the federal poverty level or an adjusted maximum~~
 121 ~~percent of the federal poverty level that is increased by 25~~
 122 ~~percentage points in the fiscal year following any fiscal year~~
 123 ~~in which more than 5 percent of the available scholarships~~
 124 ~~authorized under paragraph (12)(a) have not been funded;~~

125 ~~4. The student is a sibling of a student who is~~

126 ~~participating in the scholarship program under this subsection~~
 127 ~~and such siblings reside in the same household;~~

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

130 ~~6. The student is a dependent child of a law enforcement~~
 131 ~~officer.~~

132 2. Priority must be given to a student whose household
 133 income level does not exceed 185 percent of the federal poverty
 134 level or who is in foster care or out-of-home care.

135 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

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

139 2. Transportation to a Florida public school in which a
 140 student is enrolled and that is different from the school to
 141 which the student was assigned or to a lab school as defined in
 142 s. 1002.32.

143 3. Instructional materials, including digital materials
 144 and Internet resources.

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

146 5. Tuition and fees associated with full-time or part-time
 147 enrollment in a home education program, an eligible private
 148 school, an eligible postsecondary educational institution or a
 149 program offered by the postsecondary educational institution, a
 150 private tutoring program authorized under s. 1002.43, a virtual

151 program offered by a department-approved private online provider
152 that meets the provider qualifications specified in s.
153 1002.45(2)(a), the Florida Virtual School as a private paying
154 student, or an approved online course offered pursuant to s.
155 1003.499 or s. 1004.0961.

156 6. Fees for nationally standardized, norm-referenced
157 achievement tests, Advanced Placement Examinations, industry
158 certification examinations, assessments related to postsecondary
159 education, or other assessments.

160 7. Contracted services provided by a public school or
161 school district, including classes. A student who receives
162 contracted services under this subparagraph is not considered
163 enrolled in a public school for eligibility purposes as
164 specified in subsection (6).

165 8. Tuition and fees for part-time tutoring services
166 provided by a person who holds a valid Florida educator's
167 certificate pursuant to s. 1012.56, a person who holds an
168 adjunct teaching certificate pursuant to s. 1012.57, a person
169 who has a bachelor's degree or a graduate degree in the subject
170 area in which instruction is given, a person who has
171 demonstrated a mastery of subject area knowledge pursuant to s.
172 1012.56(5), or a person certified by a nationally or
173 internationally recognized research-based training program as
174 approved by the department. As used in this paragraph, the term
175 "part-time tutoring services" does not qualify as regular school

176 attendance as defined in s. 1003.01(13)(e) if the student is
177 determined eligible pursuant to subparagraph (3)(a)1. or
178 subparagraph (3)(a)2.

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

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

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

185 b. The Commissioner of Education suspends or revokes
186 program participation or use of funds;

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

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

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

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

198 (I) Denial or revocation of program eligibility by the
199 commissioner for fraud or abuse, including, but not limited to,
200 the student or student's parent accepting any payment, refund,

201 or rebate, in any manner, from a provider of any services
202 received pursuant to paragraph (4)(a); or
203 (II) Two consecutive fiscal years in which an account has
204 been inactive.

205 b. Reimbursements for program expenditures may continue
206 until the account balance is expended or remaining funds have
207 reverted to the state ~~student returns to a public school,~~
208 ~~graduates from high school, or reaches the age of 21, whichever~~
209 ~~occurs first. A scholarship student who enrolls in a public~~
210 ~~school or public school program is considered to have returned~~
211 ~~to a public school for the purpose of determining the end of the~~
212 ~~scholarship's term. However, if a student enters a Department of~~
213 ~~Juvenile Justice detention center for a period of no more than~~
214 ~~21 days, the student is not considered to have returned to a~~
215 ~~public school for that purpose.~~

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

218 (d) Not having regular and direct contact with his or her
219 private school teachers pursuant to s. 1002.421(1)(i) ~~7~~ unless he
220 or she is ~~eligible pursuant to paragraph (3)(b) and enrolled in~~
221 ~~the private school's transition-to-work program pursuant to~~
222 ~~subsection (16) or a home education program pursuant to s.~~
223 ~~1002.41;~~

224 (e) Participating in a private tutoring program pursuant
225 to s. 1002.43 unless he or she is enrolled in a home education

226 program pursuant to s. 1002.41 or determined eligible pursuant
 227 to paragraph (3)(b); or

228 (f) Participating in virtual instruction pursuant to s.
 229 1002.455 that receives state funding pursuant to the student's
 230 participation.

231 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

232 (c) The department shall notify each school district of
 233 the official information relating to the number of full-time
 234 equivalent students in the Family Empowerment Scholarship
 235 program developed pursuant to s. 216.136(4)(a).

236 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 237 PARTICIPATION.—

238 (a)1. A parent who applies for program participation under
 239 paragraph (3)(a) whose student will be enrolled full time ~~is~~
 240 ~~exercising his or her parental option to place his or her child~~
 241 ~~in a private school and~~ must:

242 ~~a.1.~~ Select the private school and apply for the admission
 243 of his or her student.

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

247 ~~c.3.~~ Inform the applicable school district when the parent
 248 withdraws his or her student from a public school to attend an
 249 eligible private school.

250 ~~d.4.~~ Require his or her student participating in the

251 program to remain in attendance throughout the school year
252 unless excused by the school for illness or other good cause.

253 ~~e.5.~~ Meet with the private school's principal or the
254 principal's designee to review the school's academic programs
255 and policies, customized educational programs, code of student
256 conduct, and attendance policies before ~~prior to~~ enrollment.

257 ~~f.6.~~ Require that the student participating in the
258 scholarship program takes the norm-referenced assessment offered
259 by the private school. The parent may also choose to have the
260 student participate in the statewide assessments pursuant to
261 paragraph (7)(d). If the parent requests that the student
262 participating in the program take all statewide assessments
263 required pursuant to s. 1008.22, the parent is responsible for
264 transporting the student to the assessment site designated by
265 the school district.

266 ~~g.7.~~ Approve each payment before the scholarship funds may
267 be deposited by funds transfer ~~Restrictively endorse the~~
268 ~~warrant, issued in the name of the parent pursuant to~~
269 ~~subparagraph (12)(a)5. (12)(a)6., to the private school for~~
270 ~~deposit into the private school's account.~~ The parent may not
271 designate any entity or individual associated with the
272 participating private school as the parent's attorney in fact to
273 approve a funds transfer. A participant who fails to comply with
274 this paragraph forfeits the ~~endorse a scholarship warrant.~~

275 2. A parent who applies for program participation under

276 paragraph (3)(a) whose student will be enrolled in a home
277 education program with the school district in which the student
278 resides must:

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

284 b. Sign an agreement with the organization and annually
285 submit a sworn compliance statement to the organization to
286 satisfy or maintain program eligibility, including eligibility
287 to receive and spend program payments, by:

288 (I) Affirming that the parent has established and
289 maintains a home education program in accordance with s.
290 1002.41.

291 (II) Affirming that the program funds are used only for
292 authorized purposes serving the student's educational needs, as
293 described in paragraph (4)(a), and that they will not receive a
294 payment, refund, or rebate of any funds provided under this
295 section.

296 (III) Affirming that the parent is responsible for all
297 eligible expenses in excess of the amount of the scholarship and
298 for the education of his or her student.

299 c. Require the student to take a nationally norm-
300 referenced test identified by the department, or a statewide

301 assessment under s. 1008.22, and provide educational records and
302 assessment results to a choice navigator before the student's
303 program renewal.

304 d. Meet with a choice navigator at least annually before
305 the student's program renewal to:

306 (I) Discuss the academic needs and progress of the student
307 based on educational records submitted by the parent and annual
308 assessment results.

309 (II) Select educational options based on the academic
310 needs of the student.

311 e. Affirm that the student remains in good standing with
312 the provider or school if those options are selected by the
313 parent.

314 f. Renew participation in the program each year. A student
315 whose participation in the program is not renewed may continue
316 to spend scholarship funds that are in his or her account from
317 prior years unless the account must be closed pursuant to
318 subparagraph (5)(a)2.

319 g. Procure the services necessary to educate the student.
320 When the student receives a scholarship, the district school
321 board is not obligated to provide the student with a free
322 appropriate public education.

323 (b) A parent who applies for program participation under
324 paragraph (3)(b) is exercising his or her parental option to
325 determine the appropriate placement or the services that best

326 | meet the needs of his or her child and must:

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

332 | 2. Sign an agreement with the organization and annually
 333 | submit a sworn compliance statement to the organization to
 334 | satisfy or maintain program eligibility, including eligibility
 335 | to receive and spend program payments by:

336 | a. Affirming that the student is enrolled in a program
 337 | that meets regular school attendance requirements as provided in
 338 | s. 1003.01(13)(b), (c), or (d).

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

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

350 | (I) Requiring the student to take an assessment in

351 accordance with paragraph (9) (c);

352 (II) Providing an annual evaluation in accordance with s.
353 1002.41 (1) (f); or

354 (III) Requiring the child to take any preassessments and
355 postassessments selected by the provider if the child is 4 years
356 of age and is enrolled in a program provided by an eligible
357 Voluntary Prekindergarten Education Program provider. A student
358 with disabilities for whom the physician or psychologist who
359 issued the diagnosis or the IEP team determines that a
360 preassessment and postassessment is not appropriate is exempt
361 from this requirement. A participating provider shall report a
362 student's scores to the parent.

363 d. Affirming that the student remains in good standing
364 with the provider or school if those options are selected by the
365 parent.

366 e. Enrolling his or her child in a program from a
367 Voluntary Prekindergarten Education Program provider authorized
368 under s. 1002.55, a school readiness provider authorized under
369 s. 1002.88, or an eligible private school if either option is
370 selected by the parent.

371 f. Renewing participation in the program each year. A
372 student whose participation in the program is not renewed may
373 continue to spend scholarship funds that are in his or her
374 account from prior years unless the account must be closed
375 pursuant to subparagraph (5) (b)3. Notwithstanding any changes to

376 the student's IEP, a student who was previously eligible for
377 participation in the program shall remain eligible to apply for
378 renewal. However, for a high-risk child to continue to
379 participate in the program in the school year after he or she
380 reaches 6 years of age, the child's application for renewal of
381 program participation must contain documentation that the child
382 has a disability defined in paragraph (2) (e) ~~paragraph (2) (d)~~
383 other than high-risk status.

384 g. Procuring the services necessary to educate the
385 student. ~~If a parent does not procure the necessary educational~~
386 ~~services for the student and the student's account has been~~
387 ~~inactive for 2 consecutive fiscal years, the student is~~
388 ~~ineligible for additional scholarship payments until the~~
389 ~~scholarship-funding organization verifies that expenditures from~~
390 ~~the account have occurred.~~ When the student receives a
391 scholarship, the district school board is not obligated to
392 provide the student with a free appropriate public education.
393 For purposes of s. 1003.57 and the Individuals with Disabilities
394 in Education Act, a participating student has only those rights
395 that apply to all other unilaterally parentally placed students,
396 except that, when requested by the parent, school district
397 personnel must develop an IEP or matrix level of services.

398 (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
399 ORGANIZATIONS.—

400 (a) An eligible nonprofit scholarship-funding organization

401 awarding scholarships to eligible students pursuant to paragraph
402 (3) (a):

403 1. Must receive applications, determine student
404 eligibility, notify parents in accordance with the requirements
405 of this section, and provide the department with information on
406 the student to enable the department to determine student
407 funding in accordance with paragraph (12) (a).

408 2. Shall verify the household income level of students
409 ~~pursuant to subparagraph (3) (a)1.~~ and submit the verified list
410 of students and related documentation to the department when
411 necessary.

412 3. Shall award scholarships in priority order pursuant to
413 paragraph (3) (a).

414 4. Shall establish and maintain separate empowerment
415 accounts for each eligible student. For each account, the
416 organization must maintain a record of accrued interest that is
417 retained in the student's account and available only for
418 authorized program expenditures.

419 5. May permit eligible students to use program funds for
420 the purposes listed in paragraph (4) (a) by paying for the
421 authorized use directly, then submitting a reimbursement request
422 to the eligible nonprofit scholarship-funding organization.
423 However, an eligible nonprofit scholarship-funding organization
424 may elect not to provide reimbursements and only allow direct
425 purchases using program funds.

426 6. May, from eligible contributions received pursuant to
427 s. 1002.395(6)(j)1., use an amount not to exceed 2.5 percent of
428 the total amount of all scholarships funded under this section
429 for administrative expenses associated with performing functions
430 under this section. Such administrative expense amount is
431 considered within the 3 percent limit on the total amount an
432 organization may use to administer scholarships under this
433 chapter.

434 ~~7.5.~~ Must, in a timely manner, submit any information
435 requested by the department relating to the scholarship under
436 this section.

437 ~~8.6.~~ Must notify the department about any violation of
438 this section ~~by a parent or a private school.~~

439 9. Must document each student's eligibility for a fiscal
440 year before granting a scholarship for that fiscal year. A
441 student is ineligible for a scholarship if the student's account
442 has been inactive for 2 consecutive fiscal years.

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

445 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

446 (a)1. Once all scholarships have been funded pursuant to
447 s. 1002.395(6)(d)1., up to 10,000 scholarships for students who
448 are enrolled in a home education program may be funded for the
449 2023-2024 school year. The number of scholarships funded for
450 such students may increase by 20,000 in each subsequent school

451 year. This subparagraph is repealed July 1, 2027 ~~determined~~
 452 ~~eligible pursuant to paragraph (3) (a) are established for up to~~
 453 ~~18,000 students annually beginning in the 2019-2020 school year.~~
 454 ~~Beginning in the 2020-2021 school year, the maximum number of~~
 455 ~~students participating in the scholarship program under this~~
 456 ~~section shall annually increase by 1.0 percent of the state's~~
 457 ~~total full-time equivalent student membership. An eligible~~
 458 ~~student who meets any of the following requirements shall be~~
 459 ~~excluded from the maximum number of students if the student:~~
 460 ~~a. Is a dependent child of a law enforcement officer or a~~
 461 ~~member of the United States Armed Forces, a foster child, or an~~
 462 ~~adopted child; or~~
 463 ~~b. Is determined eligible pursuant to subparagraph~~
 464 ~~(3) (a)1. or subparagraph (3) (a)2. and either spent the prior~~
 465 ~~school year in attendance at a Florida public school; or,~~
 466 ~~beginning in the 2022-2023 school year, is eligible to enroll in~~
 467 ~~kindergarten. For purposes of this subparagraph, the term "prior~~
 468 ~~school year in attendance" means that the student was enrolled~~
 469 ~~and reported by a school district for funding during either the~~
 470 ~~preceding October or February full-time equivalent student~~
 471 ~~membership surveys in kindergarten through grade 12, which~~
 472 ~~includes time spent in a Department of Juvenile Justice~~
 473 ~~commitment program if funded under the Florida Education Finance~~
 474 ~~Program.~~
 475 2. ~~The scholarship amount provided to a student for any~~

476 ~~single school year shall be for tuition and fees for an eligible~~
477 ~~private school, not to exceed annual limits, which shall be~~
478 ~~determined in accordance with this subparagraph.~~ The calculated
479 scholarship amount for a participating student determined
480 eligible pursuant to paragraph (3)(a) shall be based upon the
481 grade level and school district in which the student was
482 assigned as 100 percent of the funds per unweighted full-time
483 equivalent in the Florida Education Finance Program for a
484 student in the basic program established pursuant to s.
485 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
486 for all categorical programs, except for the exceptional student
487 education guaranteed allocation established pursuant to s.
488 1011.62(1)(e).

489 ~~3. The amount of the scholarship shall be the calculated~~
490 ~~amount or the amount of the private school's tuition and fees,~~
491 ~~whichever is less. The amount of any assessment fee required by~~
492 ~~the participating private school and any costs to provide a~~
493 ~~digital device, including Internet access, if necessary, to the~~
494 ~~student may be paid from the total amount of the scholarship.~~

495 3.4. A scholarship of \$750 or an amount equal to the
496 school district expenditure per student riding a school bus, as
497 determined by the department, whichever is greater, may be
498 awarded to an eligible a student who is ~~determined eligible~~
499 ~~pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and~~
500 enrolled in a Florida public school that is different from the

501 school to which the student was assigned or in a lab school as
502 defined in s. 1002.32 if the school district does not provide
503 the student with transportation to the school.

504 ~~4.5.~~ The organization must provide the department with the
505 documentation necessary to verify the student's participation.
506 Upon receiving the documentation, the department shall transfer,
507 from state funds only, the amount calculated pursuant to
508 subparagraph 2. to the organization for quarterly disbursement
509 to parents of participating students each school year in which
510 the scholarship is in force. For a student exiting a Department
511 of Juvenile Justice commitment program who chooses to
512 participate in the scholarship program, the amount of the Family
513 Empowerment Scholarship calculated pursuant to subparagraph 2.
514 must be transferred from the school district in which the
515 student last attended a public school before commitment to the
516 Department of Juvenile Justice. When a student enters the
517 scholarship program, the organization must receive all
518 documentation required for the student's participation,
519 including the private school's and the student's fee schedules,
520 at least 30 days before the first quarterly scholarship payment
521 is made for the student.

522 ~~5.6.~~ The initial payment shall be made after the
523 organization's verification of admission acceptance, and
524 subsequent payments shall be made upon verification of continued
525 enrollment and attendance at the private school. Payment must be

526 ~~by individual warrant made payable to the student's parent or by~~
527 ~~funds transfer or any other means of payment that the department~~
528 ~~deems to be commercially viable or cost-effective. If the~~
529 ~~payment is made by warrant, the warrant must be delivered by the~~
530 ~~organization to the private school of the parent's choice, and~~
531 ~~the parent shall restrictively endorse the warrant to the~~
532 ~~private school. An organization shall ensure that the parent to~~
533 ~~whom the warrant is made has restrictively endorsed the warrant~~
534 ~~to the private school for deposit into the account of the~~
535 ~~private school or that the parent has approved a funds transfer~~
536 before any scholarship funds are deposited.

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

540 (b)1. Scholarships for students determined eligible
541 pursuant to paragraph (3) (b) are established for up to 26,500
542 students annually beginning in the 2022-2023 school year.
543 Beginning in the 2023-2024 school year, the maximum number of
544 students participating in the scholarship program under this
545 section shall annually increase by 3.0 ~~1.0~~ percent of the
546 state's total exceptional student education full-time equivalent
547 student membership, not including gifted students. An eligible
548 student who meets any of the following requirements shall be
549 excluded from the maximum number of students if the student:

550 a. Received specialized instructional services under the

551 Voluntary Prekindergarten Education Program pursuant to s.
 552 1002.66 during the previous school year and the student has a
 553 current IEP developed by the district school board in accordance
 554 with rules of the State Board of Education;

555 b. Is a dependent child of a law enforcement officer or a
 556 member of the United States Armed Forces, a foster child, or an
 557 adopted child;

558 c. Spent the prior school year in attendance at a Florida
 559 public school or the Florida School for the Deaf and the Blind.
 560 For purposes of this subparagraph, the term "prior school year
 561 in attendance" means that the student was enrolled and reported
 562 by:

563 (I) A school district for funding during either the
 564 preceding October or February full-time equivalent student
 565 membership surveys in kindergarten through grade 12, which
 566 includes time spent in a Department of Juvenile Justice
 567 commitment program if funded under the Florida Education Finance
 568 Program;

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

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

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

578 2. For a student who has a Level I to Level III matrix of
579 services or a diagnosis by a physician or psychologist, the
580 calculated scholarship amount for a student participating in the
581 program must be based upon the grade level and school district
582 in which the student would have been enrolled as the total funds
583 per unweighted full-time equivalent in the Florida Education
584 Finance Program for a student in the basic exceptional student
585 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
586 plus a per full-time equivalent share of funds for all
587 categorical programs, as funded in the General Appropriations
588 Act, except that for the exceptional student education
589 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
590 2., the funds must be allocated based on the school district's
591 average exceptional student education guaranteed allocation
592 funds per exceptional student education full-time equivalent
593 student.

594 3. For a student with a Level IV or Level V matrix of
595 services, the calculated scholarship amount must be based upon
596 the school district to which the student would have been
597 assigned as the total funds per full-time equivalent for the
598 Level IV or Level V exceptional student education program
599 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
600 equivalent share of funds for all categorical programs, as

601 funded in the General Appropriations Act.

602 4. For a student who received a Gardiner Scholarship
603 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
604 shall be the greater of the amount calculated pursuant to
605 subparagraph 2. or the amount the student received for the 2020-
606 2021 school year.

607 5. For a student who received a John M. McKay Scholarship
608 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
609 shall be the greater of the amount calculated pursuant to
610 subparagraph 2. or the amount the student received for the 2020-
611 2021 school year.

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

614 7. Upon receiving the documentation, the department shall
615 release, from state funds only, the student's scholarship funds
616 to the organization, to be deposited into the student's account
617 in four equal amounts no later than September 1, November 1,
618 February 1, and April 1 of each school year in which the
619 scholarship is in force.

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

623 9. The organization may develop a system for payment of
624 benefits by funds transfer, including, but not limited to, debit
625 cards, electronic payment cards, or any other means of payment

626 | which the department deems to be commercially viable or cost-
627 | effective. A student's scholarship award may not be reduced for
628 | debit card or electronic payment fees. Commodities or services
629 | related to the development of such a system must be procured by
630 | competitive solicitation unless they are purchased from a state
631 | term contract pursuant to s. 287.056.

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

635 | ~~11.10.~~ Moneys received pursuant to this section do not
636 | constitute taxable income to the qualified student or the parent
637 | of the qualified student.

638 | (17) OBLIGATIONS OF CHOICE NAVIGATOR.—Beginning January 1,
639 | 2024, a choice navigator must:

640 | (a) Review educational records and assessment results to
641 | determine the academic needs of a student.

642 | (b) Identify educational options authorized under
643 | paragraph (4)(a) to address the academic needs of a student.

644 | (c) Provide guidance to enable parents to choose the best
645 | educational options for their student.

646 | (d) Report the scores of all participating students to a
647 | state university as described in s. 1002.395(9)(f).

648 | Section 3. Paragraphs (b) through (k) of subsection (2) of
649 | section 1002.395, Florida Statutes, are redesignated as
650 | paragraphs (c) through (l), respectively, paragraph (b) of

651 subsection (3), subsection (4), paragraphs (b), (d), (j), and
652 (o) of subsection (6), subsection (7), and paragraphs (a), (b),
653 and (f) of subsection (9), and paragraph (b) of subsection (11)
654 are amended, and a new paragraph (b) is added to subsection (2),
655 paragraphs (r), (s), and (t) are added to subsection (6),
656 paragraphs (e) through (h) are added to subsection (11), and
657 subsection (16) is added to that section, to read:

658 1002.395 Florida Tax Credit Scholarship Program.—

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

660 (b) "Choice navigator" means an individual who assists
661 parents with the selection of, application for, and enrollment
662 in educational options that address the academic needs of their
663 student.

664 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

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

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

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

676 ~~care as defined in s. 39.01.~~

677 2. Priority must be given to a student whose household
678 income level does not exceed 185 percent of the federal poverty
679 level or who is in foster care or out-of-home care. ~~A student~~
680 ~~who initially receives a scholarship based on eligibility under~~
681 ~~this paragraph remains eligible to participate until he or she~~
682 ~~graduates from high school or attains the age of 21 years,~~
683 ~~whichever occurs first, regardless of the student's household~~
684 ~~income level. A sibling of a student who is participating in the~~
685 ~~scholarship program under this subsection is eligible for a~~
686 ~~scholarship if the student resides in the same household as the~~
687 ~~sibling.~~

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

690 (a) Enrolled in a public school, including, but not
691 limited to, the Florida School for the Deaf and the Blind, the
692 College-Preparatory Boarding Academy, a developmental research
693 school authorized under s. 1002.32, or a charter school
694 authorized under this chapter. For purposes of this paragraph, a
695 3- or 4-year-old child who receives services funded through the
696 Florida Education Finance Program is considered a student
697 enrolled in a public school;

698 (b)-(a) Enrolled in a school operating for the purpose of
699 providing educational services to youth in a Department of
700 Juvenile Justice commitment program ~~programs;~~

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

703 (c) Receiving any other ~~an~~ educational scholarship
 704 pursuant to this chapter;

705 (d) Not having regular and direct contact with his or her
 706 private school teachers pursuant to s. 1002.421(1)(i) unless he
 707 or she is enrolled in a home education program pursuant to s.
 708 1002.41;

709 ~~(d) Participating in a home education program as defined~~
 710 ~~in s. 1002.01(1);~~

711 (e) Participating in a private tutoring program pursuant
 712 to s. 1002.43 unless he or she is enrolled in a home education
 713 program pursuant to s. 1002.41; or

714 (f) Participating in ~~a~~ virtual instruction pursuant to s.
 715 1002.455 school, correspondence school, or distance learning
 716 ~~program~~ that receives state funding pursuant to the student's
 717 participation ~~unless the participation is limited to no more~~
 718 ~~than two courses per school year; or~~

719 ~~(g) Enrolled in the Florida School for the Deaf and the~~
 720 ~~Blind.~~

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

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

726 1. All owners and operators as defined in subparagraph
727 (2)(j)1. ~~(2)(i)1.~~ are, before employment or engagement to
728 provide services, subject to level 2 background screening as
729 provided under chapter 435. The fingerprints for the background
730 screening must be electronically submitted to the Department of
731 Law Enforcement and can be taken by an authorized law
732 enforcement agency or by an employee of the eligible nonprofit
733 scholarship-funding organization or a private company who is
734 trained to take fingerprints. However, the complete set of
735 fingerprints of an owner or operator may not be taken by the
736 owner or operator. The results of the state and national
737 criminal history check shall be provided to the Department of
738 Education for screening under chapter 435. The cost of the
739 background screening may be borne by the eligible nonprofit
740 scholarship-funding organization or the owner or operator.

741 2. Every 5 years following employment or engagement to
742 provide services or association with an eligible nonprofit
743 scholarship-funding organization, each owner or operator must
744 meet level 2 screening standards as described in s. 435.04, at
745 which time the nonprofit scholarship-funding organization shall
746 request the Department of Law Enforcement to forward the
747 fingerprints to the Federal Bureau of Investigation for level 2
748 screening. If the fingerprints of an owner or operator are not
749 retained by the Department of Law Enforcement under subparagraph
750 3., the owner or operator must electronically file a complete

751 set of fingerprints with the Department of Law Enforcement. Upon
752 submission of fingerprints for this purpose, the eligible
753 nonprofit scholarship-funding organization shall request that
754 the Department of Law Enforcement forward the fingerprints to
755 the Federal Bureau of Investigation for level 2 screening, and
756 the fingerprints shall be retained by the Department of Law
757 Enforcement under subparagraph 3.

758 3. Fingerprints submitted to the Department of Law
759 Enforcement as required by this paragraph must be retained by
760 the Department of Law Enforcement in a manner approved by rule
761 and entered in the statewide automated biometric identification
762 system authorized by s. 943.05(2)(b). The fingerprints must
763 thereafter be available for all purposes and uses authorized for
764 arrest fingerprints entered in the statewide automated biometric
765 identification system pursuant to s. 943.051.

766 4. The Department of Law Enforcement shall search all
767 arrest fingerprints received under s. 943.051 against the
768 fingerprints retained in the statewide automated biometric
769 identification system under subparagraph 3. Any arrest record
770 that is identified with an owner's or operator's fingerprints
771 must be reported to the Department of Education. The Department
772 of Education shall participate in this search process by paying
773 an annual fee to the Department of Law Enforcement and by
774 informing the Department of Law Enforcement of any change in the
775 employment, engagement, or association status of the owners or

776 operators whose fingerprints are retained under subparagraph 3.
777 The Department of Law Enforcement shall adopt a rule setting the
778 amount of the annual fee to be imposed upon the Department of
779 Education for performing these services and establishing the
780 procedures for the retention of owner and operator fingerprints
781 and the dissemination of search results. The fee may be borne by
782 the owner or operator of the nonprofit scholarship-funding
783 organization.

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

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

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

- 801 a. Any authorizing statutes, if the offense was a felony.
- 802 b. This chapter, if the offense was a felony.
- 803 c. Section 409.920, relating to Medicaid provider fraud.
- 804 d. Section 409.9201, relating to Medicaid fraud.
- 805 e. Section 741.28, relating to domestic violence.
- 806 f. Section 817.034, relating to fraudulent acts through
- 807 mail, wire, radio, electromagnetic, photoelectronic, or
- 808 photooptical systems.
- 809 g. Section 817.234, relating to false and fraudulent
- 810 insurance claims.
- 811 h. Section 817.505, relating to patient brokering.
- 812 i. Section 817.568, relating to criminal use of personal
- 813 identification information.
- 814 j. Section 817.60, relating to obtaining a credit card
- 815 through fraudulent means.
- 816 k. Section 817.61, relating to fraudulent use of credit
- 817 cards, if the offense was a felony.
- 818 l. Section 831.01, relating to forgery.
- 819 m. Section 831.02, relating to uttering forged
- 820 instruments.
- 821 n. Section 831.07, relating to forging bank bills, checks,
- 822 drafts, or promissory notes.
- 823 o. Section 831.09, relating to uttering forged bank bills,
- 824 checks, drafts, or promissory notes.
- 825 p. Section 831.30, relating to fraud in obtaining

826 medicinal drugs.

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

831 (d)1. For the 2023-2024 school year, may fund no more than
832 10,000 scholarships for students who are enrolled in a home
833 education program. The number of scholarships funded for such
834 students may increase by 20,000 in each subsequent school year.
835 This subparagraph is repealed July 1, 2027.

836 2. Must establish and maintain separate empowerment
837 accounts from eligible contributions for each eligible student.
838 For each account, the organization must maintain a record of
839 accrued interest that is retained in the student's account. The
840 organization must verify that scholarship funds are used for
841 ~~provide scholarships, from eligible contributions, to eligible~~
842 ~~students for the cost of:~~

843 ~~a.1. Tuition and fees for an eligible private school.~~~~;~~ ~~or~~

844 ~~b.2. Transportation to a Florida public school in which a~~
845 ~~student is enrolled and that is different from the school to~~
846 ~~which the student was assigned or to a lab school as defined in~~
847 ~~s. 1002.32.~~

848 c. Instructional materials, including digital materials
849 and Internet resources.

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

851 e. Tuition and fees associated with full-time or part-time
852 enrollment in a home education program, an eligible private
853 school, an eligible postsecondary educational institution or a
854 program offered by the postsecondary educational institution, a
855 private tutoring program authorized under s. 1002.43, a virtual
856 program offered by a Department of Education-approved private
857 online provider that meets the provider qualifications specified
858 in s. 1002.45(2)(a), the Florida Virtual School as a private
859 paying student, or an approved online course offered pursuant to
860 s. 1003.499 or s. 1004.0961.

861 f. Fees for nationally standardized, norm-referenced
862 achievement tests, Advanced Placement Examinations, industry
863 certification examinations, assessments related to postsecondary
864 education, or other assessments.

865 g. Contracted services provided by a public school or
866 school district, including classes. A student who receives
867 contracted services under this sub-subparagraph is not
868 considered enrolled in a public school for eligibility purposes
869 as specified in subsection (11).

870 h. Tuition and fees for part-time tutoring services
871 provided by a person who holds a valid Florida educator's
872 certificate pursuant to s. 1012.56, a person who holds an
873 adjunct teaching certificate pursuant to s. 1012.57, a person
874 who has a bachelor's degree or a graduate degree in the subject
875 area in which instruction is given, a person who has

876 demonstrated a mastery of subject area knowledge pursuant to s.
877 1012.56(5), or a person certified by a nationally or
878 internationally recognized research-based training program as
879 approved by the Department of Education. As used in this
880 paragraph, the term "part-time tutoring services" does not
881 qualify as regular school attendance as defined in s.
882 1003.01(13)(e).

883 (j)1. May use eligible contributions received pursuant to
884 this section and ss. 212.099, 212.1832, and 1002.40 during the
885 state fiscal year in which such contributions are collected for
886 administrative expenses if the organization has operated as an
887 eligible nonprofit scholarship-funding organization for at least
888 the preceding 3 fiscal years and did not have any findings of
889 material weakness or material noncompliance in its most recent
890 audit under paragraph (m). Administrative expenses from eligible
891 contributions may not exceed 3 percent of the total amount of
892 all scholarships funded by an eligible scholarship-funding
893 organization under this chapter. Such administrative expenses
894 must be reasonable and necessary for the organization's
895 management and distribution of scholarships funded under this
896 chapter. Administrative expenses may include developing or
897 contracting with rideshare programs or facilitating carpool
898 strategies for recipients of a transportation scholarship. No
899 funds authorized under this subparagraph shall be used for
900 lobbying or political activity or expenses related to lobbying

901 or political activity. Up to one-third of the funds authorized
 902 for administrative expenses under this subparagraph may be used
 903 for expenses related to the recruitment of contributions from
 904 taxpayers. An eligible nonprofit scholarship-funding
 905 organization may not charge an application fee.

906 2. Must expend for annual or partial-year scholarships an
 907 amount equal to or greater than 75 percent of all ~~the~~ net
 908 eligible contributions remaining after administrative expenses
 909 during the state fiscal year in which such contributions are
 910 collected. No more than 25 percent of such net eligible
 911 contributions may be carried forward to the following state
 912 fiscal year. All amounts carried forward, for audit purposes,
 913 must be specifically identified for particular students, by
 914 student name and the name of the school to which the student is
 915 admitted, subject to the requirements of ss. 1002.22 and
 916 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and
 917 regulations issued pursuant thereto. Any amounts carried forward
 918 shall be expended for annual or partial-year scholarships in the
 919 following state fiscal year. No later than September 30 of each
 920 year, net eligible contributions remaining on June 30 of each
 921 year that are in excess of the 25 percent that may be carried
 922 forward shall be used to provide scholarships to eligible
 923 students or transferred to other eligible nonprofit scholarship-
 924 funding organizations to provide scholarships for eligible
 925 students. All transferred funds must be deposited by each

926 eligible nonprofit scholarship-funding organization receiving
927 such funds into its scholarship account. All transferred amounts
928 received by any eligible nonprofit scholarship-funding
929 organization must be separately disclosed in the annual
930 financial audit required under paragraph (m).

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

935 (o)1.a. Must participate in the joint development of
936 agreed-upon procedures during the 2009-2010 state fiscal year.
937 The agreed-upon procedures must uniformly apply to all private
938 schools and must determine, at a minimum, whether the private
939 school has been verified as eligible by the Department of
940 Education under s. 1002.421; has an adequate accounting system,
941 system of financial controls, and process for deposit and
942 classification of scholarship funds; and has properly expended
943 scholarship funds for education-related expenses. During the
944 development of the procedures, the participating scholarship-
945 funding organizations shall specify guidelines governing the
946 materiality of exceptions that may be found during the
947 accountant's performance of the procedures. The procedures and
948 guidelines shall be provided to private schools and the
949 Commissioner of Education by March 15, 2011.

950 b. Must participate in a joint review of the agreed-upon

951 procedures and guidelines developed under sub-subparagraph a.,
 952 by February of each biennium, if the scholarship-funding
 953 organization provided more than \$250,000 in scholarship funds ~~to~~
 954 ~~an eligible private school~~ under this chapter during the state
 955 fiscal year preceding the biennial review. If the procedures and
 956 guidelines are revised, the revisions must be provided to
 957 private schools and the Commissioner of Education by March 15 of
 958 the year in which the revisions were completed. The revised
 959 agreed-upon procedures and guidelines shall take effect the
 960 subsequent school year. ~~For the 2018-2019 school year only, the~~
 961 ~~joint review of the agreed-upon procedures must be completed and~~
 962 ~~the revisions submitted to the commissioner no later than~~
 963 ~~September 15, 2018. The revised procedures are applicable to the~~
 964 ~~2018-2019 school year.~~

965 c. Must monitor the compliance of a private school with s.
 966 1002.421(1)(q) if the scholarship-funding organization provided
 967 the majority of the scholarship funding to the school. For each
 968 private school subject to s. 1002.421(1)(q), the appropriate
 969 scholarship-funding organization shall annually notify the
 970 Commissioner of Education by October 30 of:

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

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

975 2. Must seek input from the accrediting associations that

976 are members of the Florida Association of Academic Nonpublic
977 Schools and the Department of Education when jointly developing
978 the agreed-upon procedures and guidelines under sub-subparagraph
979 1.a. and conducting a review of those procedures and guidelines
980 under sub-subparagraph 1.b.

981 (r) Must participate in the joint development of agreed-
982 upon purchasing guidelines for authorized uses of scholarship
983 funds under this chapter. The purchasing guidelines shall be
984 provided to the Commissioner of Education and posted on the
985 eligible nonprofit scholarship-funding organization's website by
986 December 31, 2023, and annually thereafter.

987 (s) May permit eligible students to use program funds for
988 the purposes listed in paragraph (d) by paying for the
989 authorized use directly, then submitting a reimbursement request
990 to the eligible nonprofit scholarship-funding organization.
991 However, an eligible nonprofit scholarship-funding organization
992 may elect not to provide reimbursements and only allow direct
993 purchases using program funds.

994 (t) Must notify each parent that participation in the
995 scholarship program does not guarantee enrollment.

996
997 Information and documentation provided to the Department of
998 Education and the Auditor General relating to the identity of a
999 taxpayer that provides an eligible contribution under this
1000 section shall remain confidential at all times in accordance

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1001 with s. 213.053.

1002 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 1003 PARTICIPATION.—

1004 (a) A parent whose student will be enrolled full time in a
 1005 private school must:

1006 1. The parent must Select an eligible private school and
 1007 apply for the admission of his or her child.

1008 2.(b) The parent must Inform the child's school district
 1009 when the parent withdraws his or her child to attend an eligible
 1010 private school.

1011 3.(e) Require his or her any student participating in the
 1012 ~~scholarship~~ program to must remain in attendance throughout the
 1013 school year unless excused by the school for illness or other
 1014 good cause and-

1015 ~~(d) Each parent and each student has an obligation to the~~
 1016 ~~private school to~~ comply with the private school's published
 1017 policies.

1018 4.(e) Require his or her The parent shall ensure that the
 1019 student participating in the ~~scholarship~~ program to take takes
 1020 the norm-referenced assessment offered by the private school.
 1021 The parent may also choose to have the student participate in
 1022 the statewide assessments pursuant to s. 1008.22. If the parent
 1023 requests that the student participating in the scholarship
 1024 program take statewide assessments pursuant to s. 1008.22 and
 1025 the private school has not chosen to offer and administer the

1026 statewide assessments, the parent is responsible for
1027 transporting the student to the assessment site designated by
1028 the school district.

1029 ~~5.(f) Upon receipt of a scholarship warrant from the~~
1030 ~~eligible nonprofit scholarship-funding organization, the parent~~
1031 ~~to whom the warrant is made must restrictively endorse the~~
1032 ~~warrant to the private school for deposit into the account of~~
1033 ~~the private school. If payments are made by funds transfer, the~~
1034 ~~parent must~~ Approve each payment before the scholarship funds
1035 may be deposited by funds transfer. The parent may not designate
1036 any entity or individual associated with the participating
1037 private school as the parent's attorney in fact to ~~endorse a~~
1038 ~~scholarship warrant or~~ approve a funds transfer. A participant
1039 who fails to comply with this paragraph forfeits the
1040 scholarship.

1041 ~~6.(g) The parent shall~~ Authorize the nonprofit
1042 scholarship-funding organization to access information needed
1043 for income eligibility determination and verification held by
1044 other state or federal agencies, including the Department of
1045 Revenue, the Department of Children and Families, the Department
1046 of Education, the Department of Economic Opportunity, and the
1047 Agency for Health Care Administration.

1048 (b) A parent whose student will be enrolled in a home
1049 education program with the school district in which the student
1050 resides must:

1051 1. Apply to an eligible nonprofit scholarship-funding
1052 organization to participate in the program by a date set by the
1053 organization. The request must be communicated directly to the
1054 organization in a manner that creates a written or electronic
1055 record of the request and the date of receipt of the request.

1056 2. Sign an agreement with the organization and annually
1057 submit a sworn compliance statement to the organization to
1058 satisfy or maintain program eligibility, including eligibility
1059 to receive and spend program payments, by:

1060 a. Affirming that the parent has established and maintains
1061 a home education program in accordance with s. 1002.41.

1062 b. Affirming that the program funds are used only for
1063 authorized purposes serving the student's educational needs, as
1064 described in paragraph (6)(d), and that they will not receive a
1065 payment, refund, or rebate of any funds provided under this
1066 section.

1067 c. Affirming that the parent is responsible for all
1068 eligible expenses in excess of the amount of the scholarship and
1069 for the education of his or her student.

1070 3. Require the student to take a nationally norm-
1071 referenced test identified by the Department of Education, or a
1072 statewide assessment under s. 1008.22, and provide educational
1073 records and assessment results to a choice navigator before the
1074 student's program renewal.

1075 4. Meet with a choice navigator at least annually before

1076 | the student's program renewal to:

1077 | a. Discuss the academic needs and progress of the student

1078 | based on educational records submitted by the parent and annual

1079 | assessment results.

1080 | b. Select educational options based on the academic needs

1081 | of the student.

1082 | 5. Affirm that the student remains in good standing with

1083 | the provider or school if those options are selected by the

1084 | parent.

1085 | 6. Renew participation in the program each year. A student

1086 | whose participation in the program is not renewed may continue

1087 | to spend scholarship funds that are in his or her account from

1088 | prior years unless the account must be closed pursuant to s.

1089 | 1002.394(5)(a)2.

1090 | 7. Procure the services necessary to educate the student.

1091 | When the student receives a scholarship, the district school

1092 | board is not obligated to provide the student with a free

1093 | appropriate public education.

1094 | (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of

1095 | Education shall:

1096 | (a) Annually submit to the department and division, by

1097 | March 15, a list of eligible nonprofit scholarship-funding

1098 | organizations that meet the requirements of paragraph (2)(g)

1099 | ~~(2)(f)~~.

1100 | (b) Annually verify the eligibility of nonprofit

1101 scholarship-funding organizations that meet the requirements of
 1102 paragraph (2)(g) ~~(2)(f)~~.

1103 (f) Issue a project grant award to a state university, to
 1104 which participating private schools and choice navigators must
 1105 report the scores of participating students on the nationally
 1106 norm-referenced tests or the statewide assessments administered
 1107 by the private school in grades 3 through 10. The project term
 1108 is 2 years, and the amount of the project is up to \$250,000 per
 1109 year. The project grant award must be reissued in 2-year
 1110 intervals in accordance with this paragraph.

1111 1. The state university must annually report to the
 1112 Department of Education on the student performance of
 1113 participating students:

1114 a. On a statewide basis. The report shall also include, to
 1115 the extent possible, a comparison of scholarship students'
 1116 performance to the statewide student performance of public
 1117 school students with socioeconomic backgrounds similar to those
 1118 of students participating in the scholarship program. To
 1119 minimize costs and reduce time required for the state
 1120 university's analysis and evaluation, the Department of
 1121 Education shall coordinate with the state university to provide
 1122 data to the state university in order to conduct analyses of
 1123 matched students from public school assessment data and
 1124 calculate control group student performance using an agreed-upon
 1125 methodology with the state university; and

1126 b. On an individual school basis. The annual report must
 1127 include student performance for each participating private
 1128 school in which ~~at least 51 percent of the total~~ enrolled
 1129 students in the private school participated in a scholarship
 1130 program under this section or s. 1002.394(12) (a) ~~the Florida Tax~~
 1131 ~~Credit Scholarship Program~~ in the prior school year. The report
 1132 shall be according to each participating private school, and for
 1133 participating students, in which there are at least 30
 1134 participating students who have scores for tests administered.
 1135 If the state university determines that the 30-participating-
 1136 student cell size may be reduced without disclosing personally
 1137 identifiable information, as described in 34 C.F.R. s. 99.12, of
 1138 a participating student, the state university may reduce the
 1139 participating-student cell size, but the cell size must not be
 1140 reduced to less than 10 participating students. The department
 1141 shall provide each private school's prior school year's student
 1142 enrollment information to the state university no later than
 1143 June 15 of each year, or as requested by the state university.

1144 2. The sharing and reporting of student performance data
 1145 under this paragraph must be in accordance with requirements of
 1146 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
 1147 Educational Rights and Privacy Act, and the applicable rules and
 1148 regulations issued pursuant thereto, and shall be for the sole
 1149 purpose of creating the annual report required by subparagraph
 1150 1. All parties must preserve the confidentiality of such

1151 information as required by law. The annual report must not
 1152 disaggregate data to a level that will identify individual
 1153 participating schools, except as required under sub-subparagraph
 1154 1.b., or disclose the academic level of individual students.

1155 3. The annual report required by subparagraph 1. shall be
 1156 published by the Department of Education on its website.

1157 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1158 (b) Payment of the scholarship by the eligible nonprofit
 1159 scholarship-funding organization shall be ~~by individual warrant~~
 1160 ~~made payable to the student's parent or~~ by funds transfer,
 1161 including, but not limited to, debit cards, electronic payment
 1162 cards, or any other means of payment that the department deems
 1163 to be commercially viable or cost-effective. ~~If the payment is~~
 1164 ~~made by warrant, the warrant must be delivered by the eligible~~
 1165 ~~nonprofit scholarship-funding organization to the private school~~
 1166 ~~of the parent's choice, and the parent shall restrictively~~
 1167 ~~endorse the warrant to the private school.~~ An eligible nonprofit
 1168 scholarship-funding organization shall ensure ~~that the parent to~~
 1169 ~~whom the warrant is made restrictively endorsed the warrant to~~
 1170 ~~the private school for deposit into the account of the private~~
 1171 ~~school or~~ that the parent has approved a funds transfer before
 1172 any scholarship funds are deposited.

1173 (e) An eligible nonprofit scholarship-funding organization
 1174 may not transfer any funds to an account of a student determined
 1175 eligible under this section which has a balance in excess of

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1176 \$24,000.

1177 (f) A scholarship awarded to an eligible student shall
1178 remain in force until:

1179 1. The organization determines that the student is not
1180 eligible for program renewal;

1181 2. The Commissioner of Education suspends or revokes
1182 program participation or use of funds;

1183 3. The student's parent has forfeited participation in the
1184 program for failure to comply with subsection (7);

1185 4. The student enrolls in a public school. However, if a
1186 student enters a Department of Juvenile Justice detention center
1187 for a period of no more than 21 days, the student is not
1188 considered to have returned to a public school on a full-time
1189 basis for that purpose; or

1190 5. The student graduates from high school or attains 21
1191 years of age, whichever occurs first.

1192 (g) Reimbursements for program expenditures may continue
1193 until the account balance is expended or remaining funds have
1194 reverted to the state.

1195 (h) A student's scholarship account must be closed and any
1196 remaining funds shall revert to the state after:

1197 1. Denial or revocation of program eligibility by the
1198 commissioner for fraud or abuse, including, but not limited to,
1199 the student or student's parent accepting any payment, refund,
1200 or rebate, in any manner, from a provider of any services

1201 received pursuant to paragraph (6)(d); or
 1202 2. Two consecutive fiscal years in which an account has
 1203 been inactive.
 1204 (16) OBLIGATIONS OF CHOICE NAVIGATOR.—Beginning January 1,
 1205 2024, a choice navigator must:
 1206 (a) Review educational records and assessment results to
 1207 determine the academic needs of a student.
 1208 (b) Identify educational options authorized under
 1209 paragraph (6)(d) to address the academic needs of a student.
 1210 (c) Provide guidance to enable parents to choose the best
 1211 option or options for their student.
 1212 (d) Report the scores of all participating students to a
 1213 state university as described in paragraph (9)(f).
 1214 Section 4. Paragraphs (e) and (f) of subsection (2) of
 1215 section 1002.40, Florida Statutes, are amended to read:
 1216 1002.40 The Hope Scholarship Program.—
 1217 (2) DEFINITIONS.—As used in this section, the term:
 1218 (e) "Eligible nonprofit scholarship-funding organization"
 1219 or "organization" has the same meaning as provided in s.
 1220 1002.395(2) s. ~~1002.395(2)(f)~~.
 1221 (f) "Eligible private school" has the same meaning as
 1222 provided in s. 1002.395(2) s. ~~1002.395(2)(g)~~.
 1223 Section 5. Section 1002.44, Florida Statutes, is created
 1224 to read:
 1225 1002.44 Part-time public school enrollment.—

1226 (1) Any public school in this state, including a charter
1227 school, may enroll a student who meets the regular school
1228 attendance criteria in s. 1003.01(13)(b)-(e) on a part-time
1229 basis, subject to space and availability according to the
1230 school's capacity determined pursuant to s. 1002.31(2)(b).

1231 (2) A student attending a public school on a part-time
1232 basis pursuant to this section shall generate full-time
1233 equivalent student membership as described in s. 1011.61(1)(b).

1234 (3) A student attending a public school on a part-time
1235 basis pursuant to this section is not considered to be in
1236 regular attendance at a public school as defined in s.
1237 1003.01(13)(a).

1238 Section 6. This act shall take effect July 1, 2023.