

1 A bill to be entitled
2 An act relating to school choice; amending s. 212.099,
3 F.S.; conforming a cross-reference; amending s.
4 1002.394, F.S.; providing definitions; revising
5 student eligibility and ineligibility requirements for
6 the Family Empowerment Scholarship Program; revising
7 the authorized uses of scholarship funds; authorizing
8 a student participating in the program to be enrolled
9 in a home education program; providing that certain
10 scholarships remain in force until certain criteria
11 are met; requiring the closure of a scholarship
12 account and the reversion of funds to the state under
13 certain circumstances; authorizing reimbursements for
14 certain expenditures until certain criteria are met;
15 requiring scholarship funds to be deposited by funds
16 transfers, rather than through the endorsements of
17 warrants; providing requirements for parents of
18 students enrolled in a home education program under
19 the program; revising obligations of eligible
20 nonprofit scholarship-funding organizations; revising
21 and establishing certain limitations on the number of
22 scholarships funded by the program; revising
23 provisions for the calculation of an award amount for
24 certain students; prohibiting the transfer of funds to
25 an eligible student's account under certain

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

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

63
 64 Be It Enacted by the Legislature of the State of Florida:

65
 66 Section 1. Paragraph (c) of subsection (1) of section
 67 212.099, Florida Statutes, is amended to read:

68 212.099 Credit for contributions to eligible nonprofit
 69 scholarship-funding organizations.—

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

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

74 Section 2. Paragraphs (b), (c), and (d) of subsection (2)
 75 of section 1002.394, Florida Statutes, are redesignated as

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

87 1002.394 The Family Empowerment Scholarship Program.—

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

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

93 (f) "Eligible contribution" means a monetary contribution
 94 from a taxpayer, subject to the restrictions provided in s.
 95 1002.395, to an eligible nonprofit scholarship-funding
 96 organization pursuant to ss. 212.099, 212.1832, 1002.395, and
 97 1002.40. The taxpayer making the contribution may not designate
 98 a specific child as the beneficiary of the contribution.

99 (g)~~(e)~~ "Eligible nonprofit scholarship-funding
 100 organization" or "organization" has the same meaning as provided

101 in s. 1002.395(2) ~~s. 1002.395(2)(f)~~.

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

104 (3) SCHOLARSHIP ELIGIBILITY.—

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

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

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

116 ~~3. The student's household income level does not exceed~~
 117 ~~375 percent of the federal poverty level or an adjusted maximum~~
 118 ~~percent of the federal poverty level that is increased by 25~~
 119 ~~percentage points in the fiscal year following any fiscal year~~
 120 ~~in which more than 5 percent of the available scholarships~~
 121 ~~authorized under paragraph (12)(a) have not been funded;~~

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

125 ~~5. The student is a dependent child of a member of the~~

126 ~~United States Armed Forces; or~~

127 ~~6. The student is a dependent child of a law enforcement~~
 128 ~~officer.~~

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

132 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

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

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

140 3. Instructional materials, including digital materials
 141 and Internet resources.

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

143 5. Tuition and fees associated with full-time or part-time
 144 enrollment in a home education program, an eligible private
 145 school, an eligible postsecondary educational institution or a
 146 program offered by the postsecondary educational institution, a
 147 private tutoring program authorized under s. 1002.43, a virtual
 148 program offered by a department-approved private online provider
 149 that meets the provider qualifications specified in s.
 150 1002.45(2) (a), the Florida Virtual School as a private paying

151 student, or an approved online course offered pursuant to s.
152 1003.499 or s. 1004.0961.

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

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

162 8. Tuition and fees for part-time tutoring services
163 provided by a person who holds a valid Florida educator's
164 certificate pursuant to s. 1012.56, a person who holds an
165 adjunct teaching certificate pursuant to s. 1012.57, a person
166 who has a bachelor's degree or a graduate degree in the subject
167 area in which instruction is given, a person who has
168 demonstrated a mastery of subject area knowledge pursuant to s.
169 1012.56(5), or a person certified by a nationally or
170 internationally recognized research-based training program as
171 approved by the department. As used in this paragraph, the term
172 "part-time tutoring services" does not qualify as regular school
173 attendance as defined in s. 1003.01(13)(e) ~~if the student is~~
174 ~~determined eligible pursuant to subparagraph (3)(a)1. or~~
175 ~~subparagraph (3)(a)2.~~

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

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

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

182 b. The Commissioner of Education suspends or revokes
183 program participation or use of funds;

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

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

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

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

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

200 (II) Two consecutive fiscal years in which an account has

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201 been inactive.

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

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

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

221 (e) Participating in a private tutoring program pursuant
222 to s. 1002.43 unless he or she is enrolled in a home education
223 program pursuant to s. 1002.41 or determined eligible pursuant
224 to paragraph (3)(b); or

225 (f) Participating in virtual instruction pursuant to s.

226 | 1002.455 that receives state funding pursuant to the student's
 227 | participation.

228 | (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 229 | PARTICIPATION.—

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

234 | ~~a.1.~~ Select the private school and apply for the admission
 235 | of his or her student.

236 | ~~b.2.~~ Request the scholarship by a date established by the
 237 | organization, in a manner that creates a written or electronic
 238 | record of the request and the date of receipt of the request.

239 | ~~c.3.~~ Inform the applicable school district when the parent
 240 | withdraws his or her student from a public school to attend an
 241 | eligible private school.

242 | ~~d.4.~~ Require his or her student participating in the
 243 | program to remain in attendance throughout the school year
 244 | unless excused by the school for illness or other good cause.

245 | ~~e.5.~~ Meet with the private school's principal or the
 246 | principal's designee to review the school's academic programs
 247 | and policies, customized educational programs, code of student
 248 | conduct, and attendance policies before ~~prior to~~ enrollment.

249 | ~~f.6.~~ Require that the student participating in the
 250 | scholarship program takes the norm-referenced assessment offered

251 by the private school. The parent may also choose to have the
252 student participate in the statewide assessments pursuant to
253 paragraph (7)(d). If the parent requests that the student
254 participating in the program take all statewide assessments
255 required pursuant to s. 1008.22, the parent is responsible for
256 transporting the student to the assessment site designated by
257 the school district.

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

267 2. A parent who applies for program participation under
268 paragraph (3)(a) whose student will be enrolled in a home
269 education program with the school district in which the student
270 resides must:

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

276 b. Sign an agreement with the organization and annually
277 submit a sworn compliance statement to the organization to
278 satisfy or maintain program eligibility, including eligibility
279 to receive and spend program payments, by:

280 (I) Affirming that the parent has established and
281 maintains a home education program in accordance with s.
282 1002.41.

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

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

291 c. Require the student to take a nationally norm-
292 referenced test identified by the department, or a statewide
293 assessment under s. 1008.22, and provide educational records and
294 assessment results to a choice navigator before the student's
295 program renewal.

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

298 (I) Discuss the academic needs and progress of the student
299 based on educational records submitted by the parent and annual
300 assessment results.

301 (II) Select educational options based on the academic
302 needs of the student.

303 e. Affirm that the student remains in good standing with
304 the provider or school if those options are selected by the
305 parent.

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

311 g. Procure the services necessary to educate the student.
312 When the student receives a scholarship, the district school
313 board is not obligated to provide the student with a free
314 appropriate public education.

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

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

324 2. Sign an agreement with the organization and annually
325 submit a sworn compliance statement to the organization to

326 satisfy or maintain program eligibility, including eligibility
327 to receive and spend program payments by:

328 a. Affirming that the student is enrolled in a program
329 that meets regular school attendance requirements as provided in
330 s. 1003.01(13)(b), (c), or (d).

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

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

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

344 (II) Providing an annual evaluation in accordance with s.
345 1002.41(1)(f); or

346 (III) Requiring the child to take any preassessments and
347 postassessments selected by the provider if the child is 4 years
348 of age and is enrolled in a program provided by an eligible
349 Voluntary Prekindergarten Education Program provider. A student
350 with disabilities for whom the physician or psychologist who

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351 issued the diagnosis or the IEP team determines that a
352 preassessment and postassessment is not appropriate is exempt
353 from this requirement. A participating provider shall report a
354 student's scores to the parent.

355 d. Affirming that the student remains in good standing
356 with the provider or school if those options are selected by the
357 parent.

358 e. Enrolling his or her child in a program from a
359 Voluntary Prekindergarten Education Program provider authorized
360 under s. 1002.55, a school readiness provider authorized under
361 s. 1002.88, or an eligible private school if either option is
362 selected by the parent.

363 f. Renewing participation in the program each year. A
364 student whose participation in the program is not renewed may
365 continue to spend scholarship funds that are in his or her
366 account from prior years unless the account must be closed
367 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
368 the student's IEP, a student who was previously eligible for
369 participation in the program shall remain eligible to apply for
370 renewal. However, for a high-risk child to continue to
371 participate in the program in the school year after he or she
372 reaches 6 years of age, the child's application for renewal of
373 program participation must contain documentation that the child
374 has a disability defined in paragraph (2)(e) ~~paragraph (2)(d)~~
375 other than high-risk status.

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

390 (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
391 ORGANIZATIONS.—

392 (a) An eligible nonprofit scholarship-funding organization
393 awarding scholarships to eligible students pursuant to paragraph
394 (3) (a):

395 1. Must receive applications, determine student
396 eligibility, notify parents in accordance with the requirements
397 of this section, and provide the department with information on
398 the student to enable the department to determine student
399 funding in accordance with paragraph (12) (a).

400 2. Shall verify the household income level of students

401 ~~pursuant to subparagraph (3)(a)1.~~ and submit the verified list
402 of students and related documentation to the department when
403 necessary.

404 3. Shall award scholarships in priority order pursuant to
405 paragraph (3)(a).

406 4. Shall establish and maintain separate empowerment
407 accounts for each eligible student. For each account, the
408 organization must maintain a record of accrued interest that is
409 retained in the student's account and available only for
410 authorized program expenditures.

411 5. May permit eligible students to use program funds for
412 the purposes listed in paragraph (4)(a) by paying for the
413 authorized use directly, then submitting a reimbursement request
414 to the eligible nonprofit scholarship-funding organization.
415 However, an eligible nonprofit scholarship-funding organization
416 may elect not to provide reimbursements and only allow direct
417 purchases using program funds.

418 6. May, from eligible contributions received pursuant to
419 s. 1002.395(6)(j)1., use an amount not to exceed 2.5 percent of
420 the total amount of all scholarships funded under this section
421 for administrative expenses associated with performing functions
422 under this section. Such administrative expense amount is
423 considered within the 3 percent limit on the total amount an
424 organization may use to administer scholarships under this
425 chapter.

426 ~~7.5.~~ Must, in a timely manner, submit any information
427 requested by the department relating to the scholarship under
428 this section.

429 ~~8.6.~~ Must notify the department about any violation of
430 this section ~~by a parent or a private school.~~

431 9. Must document each student's eligibility for a fiscal
432 year before granting a scholarship for that fiscal year. A
433 student is ineligible for a scholarship if the student's account
434 has been inactive for 2 consecutive fiscal years.

435 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

436 (a)1. Once all scholarships have been funded pursuant to
437 s. 1002.395(6)(d)1., up to 10,000 scholarships for students who
438 are enrolled in a home education program may be funded for the
439 2023-2024 school year. The number of scholarships funded for
440 such students may increase by 20,000 in each subsequent school
441 year. This subparagraph is repealed July 1, 2027 ~~determined~~
442 ~~eligible pursuant to paragraph (3)(a) are established for up to~~
443 ~~18,000 students annually beginning in the 2019-2020 school year.~~
444 ~~Beginning in the 2020-2021 school year, the maximum number of~~
445 ~~students participating in the scholarship program under this~~
446 ~~section shall annually increase by 1.0 percent of the state's~~
447 ~~total full-time equivalent student membership. An eligible~~
448 ~~student who meets any of the following requirements shall be~~
449 ~~excluded from the maximum number of students if the student:~~
450 a. ~~Is a dependent child of a law enforcement officer or a~~

451 ~~member of the United States Armed Forces, a foster child, or an~~
452 ~~adopted child; or~~

453 ~~b. Is determined eligible pursuant to subparagraph~~
454 ~~(3)(a)1. or subparagraph (3)(a)2. and either spent the prior~~
455 ~~school year in attendance at a Florida public school; or,~~
456 ~~beginning in the 2022-2023 school year, is eligible to enroll in~~
457 ~~kindergarten. For purposes of this subparagraph, the term "prior~~
458 ~~school year in attendance" means that the student was enrolled~~
459 ~~and reported by a school district for funding during either the~~
460 ~~preceding October or February full-time equivalent student~~
461 ~~membership surveys in kindergarten through grade 12, which~~
462 ~~includes time spent in a Department of Juvenile Justice~~
463 ~~commitment program if funded under the Florida Education Finance~~
464 ~~Program.~~

465 ~~2. The scholarship amount provided to a student for any~~
466 ~~single school year shall be for tuition and fees for an eligible~~
467 ~~private school, not to exceed annual limits, which shall be~~
468 ~~determined in accordance with this subparagraph. The calculated~~
469 ~~scholarship amount for a participating student determined~~
470 ~~eligible pursuant to paragraph (3)(a) shall be based upon the~~
471 ~~grade level and school district in which the student was~~
472 ~~assigned as 100 percent of the funds per unweighted full-time~~
473 ~~equivalent in the Florida Education Finance Program for a~~
474 ~~student in the basic program established pursuant to s.~~
475 ~~1011.62(1)(c)1., plus a per-full-time equivalent share of funds~~

476 for all categorical programs, except for the exceptional student
477 education guaranteed allocation established pursuant to s.
478 1011.62 (1) (e).

479 ~~3. The amount of the scholarship shall be the calculated~~
480 ~~amount or the amount of the private school's tuition and fees,~~
481 ~~whichever is less. The amount of any assessment fee required by~~
482 ~~the participating private school and any costs to provide a~~
483 ~~digital device, including Internet access, if necessary, to the~~
484 ~~student may be paid from the total amount of the scholarship.~~

485 3.4. A scholarship of \$750 or an amount equal to the
486 school district expenditure per student riding a school bus, as
487 determined by the department, whichever is greater, may be
488 awarded to an eligible a student who is ~~determined eligible~~
489 ~~pursuant to subparagraph (3) (a)1. or subparagraph (3) (a)2. and~~
490 enrolled in a Florida public school that is different from the
491 school to which the student was assigned or in a lab school as
492 defined in s. 1002.32 if the school district does not provide
493 the student with transportation to the school.

494 ~~4.5.~~ The organization must provide the department with the
495 documentation necessary to verify the student's participation.
496 Upon receiving the documentation, the department shall transfer,
497 from state funds only, the amount calculated pursuant to
498 subparagraph 2. to the organization for quarterly disbursement
499 to parents of participating students each school year in which
500 the scholarship is in force. For a student exiting a Department

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501 of Juvenile Justice commitment program who chooses to
502 participate in the scholarship program, the amount of the Family
503 Empowerment Scholarship calculated pursuant to subparagraph 2.
504 must be transferred from the school district in which the
505 student last attended a public school before commitment to the
506 Department of Juvenile Justice. When a student enters the
507 scholarship program, the organization must receive all
508 documentation required for the student's participation,
509 including the private school's and the student's fee schedules,
510 at least 30 days before the first quarterly scholarship payment
511 is made for the student.

512 5.6- The initial payment shall be made after the
513 organization's verification of admission acceptance, and
514 subsequent payments shall be made upon verification of continued
515 enrollment and attendance at the private school. Payment must be
516 ~~by individual warrant made payable to the student's parent or by~~
517 funds transfer or any other means of payment that the department
518 deems to be commercially viable or cost-effective. ~~If the~~
519 ~~payment is made by warrant, the warrant must be delivered by the~~
520 ~~organization to the private school of the parent's choice, and~~
521 ~~the parent shall restrictively endorse the warrant to the~~
522 ~~private school.~~ An organization shall ensure that the parent ~~to~~
523 ~~whom the warrant is made has restrictively endorsed the warrant~~
524 ~~to the private school for deposit into the account of the~~
525 ~~private school or that the parent has approved a funds transfer~~

526 before any scholarship funds are deposited.

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

530 (b)1. Scholarships for students determined eligible
531 pursuant to paragraph (3)(b) are established for up to 26,500
532 students annually beginning in the 2022-2023 school year.
533 Beginning in the 2023-2024 school year, the maximum number of
534 students participating in the scholarship program under this
535 section shall annually increase by 3.0 ~~1.0~~ percent of the
536 state's total exceptional student education full-time equivalent
537 student membership, not including gifted students. An eligible
538 student who meets any of the following requirements shall be
539 excluded from the maximum number of students if the student:

540 a. Received specialized instructional services under the
541 Voluntary Prekindergarten Education Program pursuant to s.
542 1002.66 during the previous school year and the student has a
543 current IEP developed by the district school board in accordance
544 with rules of the State Board of Education;

545 b. Is a dependent child of a law enforcement officer or a
546 member of the United States Armed Forces, a foster child, or an
547 adopted child;

548 c. Spent the prior school year in attendance at a Florida
549 public school or the Florida School for the Deaf and the Blind.
550 For purposes of this subparagraph, the term "prior school year

551 in attendance" means that the student was enrolled and reported
552 by:

553 (I) A school district for funding during either the
554 preceding October or February full-time equivalent student
555 membership surveys in kindergarten through grade 12, which
556 includes time spent in a Department of Juvenile Justice
557 commitment program if funded under the Florida Education Finance
558 Program;

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

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

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

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

576 plus a per full-time equivalent share of funds for all
577 categorical programs, as funded in the General Appropriations
578 Act, except that for the exceptional student education
579 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
580 2., the funds must be allocated based on the school district's
581 average exceptional student education guaranteed allocation
582 funds per exceptional student education full-time equivalent
583 student.

584 3. For a student with a Level IV or Level V matrix of
585 services, the calculated scholarship amount must be based upon
586 the school district to which the student would have been
587 assigned as the total funds per full-time equivalent for the
588 Level IV or Level V exceptional student education program
589 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
590 equivalent share of funds for all categorical programs, as
591 funded in the General Appropriations Act.

592 4. For a student who received a Gardiner Scholarship
593 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
594 shall be the greater of the amount calculated pursuant to
595 subparagraph 2. or the amount the student received for the 2020-
596 2021 school year.

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

601 2021 school year.

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

604 7. Upon receiving the documentation, the department shall
605 release, from state funds only, the student's scholarship funds
606 to the organization, to be deposited into the student's account
607 in four equal amounts no later than September 1, November 1,
608 February 1, and April 1 of each school year in which the
609 scholarship is in force.

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

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

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

625 ~~11.10.~~ Moneys received pursuant to this section do not

626 constitute taxable income to the qualified student or the parent
627 of the qualified student.

628 (17) OBLIGATIONS OF CHOICE NAVIGATOR.—Beginning January 1,
629 2024, a choice navigator must:

630 (a) Review educational records and assessment results to
631 determine the academic needs of a student.

632 (b) Identify educational options authorized under
633 paragraph (4)(a) to address the academic needs of a student.

634 (c) Provide guidance to enable parents to choose the best
635 educational options for their student.

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

638 Section 3. Paragraphs (b) through (k) of subsection (2) of
639 section 1002.395, Florida Statutes, are redesignated as
640 paragraphs (c) through (l), respectively, paragraph (b) of
641 subsection (3), subsection (4), paragraphs (b), (d), (j), and
642 (o) of subsection (6), subsection (7), and paragraphs (a), (b),
643 and (f) of subsection (9), and paragraph (b) of subsection (11)
644 are amended, and a new paragraph (b) is added to subsection (2),
645 paragraphs (r) and (s) are added to subsection (6), paragraphs
646 (e) through (h) are added to subsection (11), and subsection
647 (16) is added to that section, to read:

648 1002.395 Florida Tax Credit Scholarship Program.—

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

650 (b) "Choice navigator" means an individual who assists

651 parents with the selection of, application for, and enrollment
 652 in educational options that address the academic needs of their
 653 student.

654 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

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

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

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

667 2. Priority must be given to a student whose household
 668 income level does not exceed 185 percent of the federal poverty
 669 level or who is in foster care or out-of-home care. ~~A student~~
 670 ~~who initially receives a scholarship based on eligibility under~~
 671 ~~this paragraph remains eligible to participate until he or she~~
 672 ~~graduates from high school or attains the age of 21 years,~~
 673 ~~whichever occurs first, regardless of the student's household~~
 674 ~~income level. A sibling of a student who is participating in the~~
 675 ~~scholarship program under this subsection is eligible for a~~

676 ~~scholarship if the student resides in the same household as the~~
677 ~~sibling.~~

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

680 (a) Enrolled in a public school, including, but not
681 limited to, the Florida School for the Deaf and the Blind, the
682 College-Preparatory Boarding Academy, a developmental research
683 school authorized under s. 1002.32, or a charter school
684 authorized under this chapter. For purposes of this paragraph, a
685 3- or 4-year-old child who receives services funded through the
686 Florida Education Finance Program is considered a student
687 enrolled in a public school;

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

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

693 (c) Receiving any other ~~an~~ educational scholarship
694 pursuant to this chapter;

695 (d) Not having regular and direct contact with his or her
696 private school teachers pursuant to s. 1002.421(1)(i) unless he
697 or she is enrolled in a home education program pursuant to s.
698 1002.41;

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

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

704 (f) Participating in a virtual instruction pursuant to s.
 705 1002.455 school, correspondence school, or distance learning
 706 ~~program~~ that receives state funding pursuant to the student's
 707 participation ~~unless the participation is limited to no more~~
 708 ~~than two courses per school year; or~~

709 ~~(g) Enrolled in the Florida School for the Deaf and the~~
 710 ~~Blind.~~

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

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

716 1. All owners and operators as defined in subparagraph
 717 (2)(j)1. ~~(2)(i)1.~~ are, before employment or engagement to
 718 provide services, subject to level 2 background screening as
 719 provided under chapter 435. The fingerprints for the background
 720 screening must be electronically submitted to the Department of
 721 Law Enforcement and can be taken by an authorized law
 722 enforcement agency or by an employee of the eligible nonprofit
 723 scholarship-funding organization or a private company who is
 724 trained to take fingerprints. However, the complete set of
 725 fingerprints of an owner or operator may not be taken by the

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

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

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

751 and entered in the statewide automated biometric identification
752 system authorized by s. 943.05(2)(b). The fingerprints must
753 thereafter be available for all purposes and uses authorized for
754 arrest fingerprints entered in the statewide automated biometric
755 identification system pursuant to s. 943.051.

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

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

776 eligible to provide scholarships under this section.

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

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

- 791 a. Any authorizing statutes, if the offense was a felony.
792 b. This chapter, if the offense was a felony.
793 c. Section 409.920, relating to Medicaid provider fraud.
794 d. Section 409.9201, relating to Medicaid fraud.
795 e. Section 741.28, relating to domestic violence.
796 f. Section 817.034, relating to fraudulent acts through
797 mail, wire, radio, electromagnetic, photoelectronic, or
798 photooptical systems.
799 g. Section 817.234, relating to false and fraudulent
800 insurance claims.

801 h. Section 817.505, relating to patient brokering.

802 i. Section 817.568, relating to criminal use of personal

803 identification information.

804 j. Section 817.60, relating to obtaining a credit card

805 through fraudulent means.

806 k. Section 817.61, relating to fraudulent use of credit

807 cards, if the offense was a felony.

808 l. Section 831.01, relating to forgery.

809 m. Section 831.02, relating to uttering forged

810 instruments.

811 n. Section 831.07, relating to forging bank bills, checks,

812 drafts, or promissory notes.

813 o. Section 831.09, relating to uttering forged bank bills,

814 checks, drafts, or promissory notes.

815 p. Section 831.30, relating to fraud in obtaining

816 medicinal drugs.

817 q. Section 831.31, relating to the sale, manufacture,

818 delivery, or possession with the intent to sell, manufacture, or

819 deliver any counterfeit controlled substance, if the offense was

820 a felony.

821 (d)1. For the 2023-2024 school year, may fund no more than

822 10,000 scholarships for students who are enrolled in a home

823 education program. The number of scholarships funded for such

824 students may increase by 20,000 in each subsequent school year.

825 This subparagraph is repealed July 1, 2027.

826 2. Must establish and maintain separate empowerment
827 accounts from eligible contributions for each eligible student.
828 For each account, the organization must maintain a record of
829 accrued interest that is retained in the student's account. The
830 organization must verify that scholarship funds are used for
831 ~~provide scholarships, from eligible contributions, to eligible~~
832 ~~students for the cost of:~~

833 a.1. Tuition and fees for an eligible private school. ~~or~~
834 b.2. Transportation to a Florida public school in which a
835 student is enrolled and that is different from the school to
836 which the student was assigned or to a lab school as defined in
837 s. 1002.32.

838 c. Instructional materials, including digital materials
839 and Internet resources.

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

841 e. Tuition and fees associated with full-time or part-time
842 enrollment in a home education program, an eligible private
843 school, an eligible postsecondary educational institution or a
844 program offered by the postsecondary educational institution, a
845 private tutoring program authorized under s. 1002.43, a virtual
846 program offered by a Department of Education-approved private
847 online provider that meets the provider qualifications specified
848 in s. 1002.45(2)(a), the Florida Virtual School as a private
849 paying student, or an approved online course offered pursuant to
850 s. 1003.499 or s. 1004.0961.

851 f. Fees for nationally standardized, norm-referenced
852 achievement tests, Advanced Placement Examinations, industry
853 certification examinations, assessments related to postsecondary
854 education, or other assessments.

855 g. Contracted services provided by a public school or
856 school district, including classes. A student who receives
857 contracted services under this sub-subparagraph is not
858 considered enrolled in a public school for eligibility purposes
859 as specified in subsection (11).

860 h. Tuition and fees for part-time tutoring services
861 provided by a person who holds a valid Florida educator's
862 certificate pursuant to s. 1012.56, a person who holds an
863 adjunct teaching certificate pursuant to s. 1012.57, a person
864 who has a bachelor's degree or a graduate degree in the subject
865 area in which instruction is given, a person who has
866 demonstrated a mastery of subject area knowledge pursuant to s.
867 1012.56(5), or a person certified by a nationally or
868 internationally recognized research-based training program as
869 approved by the Department of Education. As used in this
870 paragraph, the term "part-time tutoring services" does not
871 qualify as regular school attendance as defined in s.
872 1003.01(13)(e).

873 (j)1. May use eligible contributions received pursuant to
874 this section and ss. 212.099, 212.1832, and 1002.40 during the
875 state fiscal year in which such contributions are collected for

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876 administrative expenses if the organization has operated as an
877 eligible nonprofit scholarship-funding organization for at least
878 the preceding 3 fiscal years and did not have any findings of
879 material weakness or material noncompliance in its most recent
880 audit under paragraph (m). Administrative expenses from eligible
881 contributions may not exceed 3 percent of the total amount of
882 all scholarships funded by an eligible scholarship-funding
883 organization under this chapter. Such administrative expenses
884 must be reasonable and necessary for the organization's
885 management and distribution of scholarships funded under this
886 chapter. Administrative expenses may include developing or
887 contracting with rideshare programs or facilitating carpool
888 strategies for recipients of a transportation scholarship. No
889 funds authorized under this subparagraph shall be used for
890 lobbying or political activity or expenses related to lobbying
891 or political activity. Up to one-third of the funds authorized
892 for administrative expenses under this subparagraph may be used
893 for expenses related to the recruitment of contributions from
894 taxpayers. An eligible nonprofit scholarship-funding
895 organization may not charge an application fee.

896 2. Must expend for annual or partial-year scholarships an
897 amount equal to or greater than 75 percent of all ~~the~~ net
898 eligible contributions remaining after administrative expenses
899 during the state fiscal year in which such contributions are
900 collected. No more than 25 percent of such net eligible

901 contributions may be carried forward to the following state
902 fiscal year. All amounts carried forward, for audit purposes,
903 must be specifically identified for particular students, by
904 student name and the name of the school to which the student is
905 admitted, subject to the requirements of ss. 1002.22 and
906 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and
907 regulations issued pursuant thereto. Any amounts carried forward
908 shall be expended for annual or partial-year scholarships in the
909 following state fiscal year. No later than September 30 of each
910 year, net eligible contributions remaining on June 30 of each
911 year that are in excess of the 25 percent that may be carried
912 forward shall be used to provide scholarships to eligible
913 students or transferred to other eligible nonprofit scholarship-
914 funding organizations to provide scholarships for eligible
915 students. All transferred funds must be deposited by each
916 eligible nonprofit scholarship-funding organization receiving
917 such funds into its scholarship account. All transferred amounts
918 received by any eligible nonprofit scholarship-funding
919 organization must be separately disclosed in the annual
920 financial audit required under paragraph (m).

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

925 (o)1.a. Must participate in the joint development of

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926 | agreed-upon procedures during the 2009-2010 state fiscal year.
927 | The agreed-upon procedures must uniformly apply to all private
928 | schools and must determine, at a minimum, whether the private
929 | school has been verified as eligible by the Department of
930 | Education under s. 1002.421; has an adequate accounting system,
931 | system of financial controls, and process for deposit and
932 | classification of scholarship funds; and has properly expended
933 | scholarship funds for education-related expenses. During the
934 | development of the procedures, the participating scholarship-
935 | funding organizations shall specify guidelines governing the
936 | materiality of exceptions that may be found during the
937 | accountant's performance of the procedures. The procedures and
938 | guidelines shall be provided to private schools and the
939 | Commissioner of Education by March 15, 2011.

940 | b. Must participate in a joint review of the agreed-upon
941 | procedures and guidelines developed under sub-subparagraph a.,
942 | by February of each biennium, if the scholarship-funding
943 | organization provided more than \$250,000 in scholarship funds ~~to~~
944 | ~~an eligible private school~~ under this chapter during the state
945 | fiscal year preceding the biennial review. If the procedures and
946 | guidelines are revised, the revisions must be provided to
947 | private schools and the Commissioner of Education by March 15 of
948 | the year in which the revisions were completed. The revised
949 | agreed-upon procedures and guidelines shall take effect the
950 | subsequent school year. ~~For the 2018-2019 school year only, the~~

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951 ~~joint review of the agreed-upon procedures must be completed and~~
952 ~~the revisions submitted to the commissioner no later than~~
953 ~~September 15, 2018. The revised procedures are applicable to the~~
954 ~~2018-2019 school year.~~

955 c. Must monitor the compliance of a private school with s.
956 1002.421(1)(q) if the scholarship-funding organization provided
957 the majority of the scholarship funding to the school. For each
958 private school subject to s. 1002.421(1)(q), the appropriate
959 scholarship-funding organization shall annually notify the
960 Commissioner of Education by October 30 of:

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

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

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

971 (r) Must participate in the joint development of agreed-
972 upon purchasing guidelines for authorized uses of scholarship
973 funds under this chapter. The purchasing guidelines shall be
974 provided to the Commissioner of Education and posted on the
975 eligible nonprofit scholarship-funding organization's website by

976 December 31, 2023, and annually thereafter.

977 (s) May permit eligible students to use program funds for
 978 the purposes listed in paragraph (d) by paying for the
 979 authorized use directly, then submitting a reimbursement request
 980 to the eligible nonprofit scholarship-funding organization.

981 However, an eligible nonprofit scholarship-funding organization
 982 may elect not to provide reimbursements and only allow direct
 983 purchases using program funds.

984

985 Information and documentation provided to the Department of
 986 Education and the Auditor General relating to the identity of a
 987 taxpayer that provides an eligible contribution under this
 988 section shall remain confidential at all times in accordance
 989 with s. 213.053.

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

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

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

996 2. ~~(b) The parent must~~ Inform the child's school district
 997 when the parent withdraws his or her child to attend an eligible
 998 private school.

999 3. ~~(c) Require his or her any~~ student participating in the
 1000 scholarship program ~~to~~ must remain in attendance throughout the

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1001 school year unless excused by the school for illness or other
 1002 good cause and-

1003 ~~(d) Each parent and each student has an obligation to the~~
 1004 ~~private school to~~ comply with the private school's published
 1005 policies.

1006 4.(e) Require his or her ~~The parent shall ensure that the~~
 1007 student participating in the ~~scholarship~~ program to take ~~takes~~
 1008 the norm-referenced assessment offered by the private school.
 1009 The parent may also choose to have the student participate in
 1010 the statewide assessments pursuant to s. 1008.22. If the parent
 1011 requests that the student participating in the scholarship
 1012 program take statewide assessments pursuant to s. 1008.22 and
 1013 the private school has not chosen to offer and administer the
 1014 statewide assessments, the parent is responsible for
 1015 transporting the student to the assessment site designated by
 1016 the school district.

1017 5.(f) Upon receipt of a scholarship warrant from the
 1018 ~~eligible nonprofit scholarship funding organization, the parent~~
 1019 ~~to whom the warrant is made must restrictively endorse the~~
 1020 ~~warrant to the private school for deposit into the account of~~
 1021 ~~the private school. If payments are made by funds transfer, the~~
 1022 ~~parent must~~ Approve each payment before the scholarship funds
 1023 may be deposited by funds transfer. The parent may not designate
 1024 any entity or individual associated with the participating
 1025 private school as the parent's attorney in fact to ~~endorse a~~

1026 ~~scholarship warrant or~~ approve a funds transfer. A participant
1027 who fails to comply with this paragraph forfeits the
1028 scholarship.

1029 6.(g) ~~The parent shall~~ Authorize the nonprofit
1030 scholarship-funding organization to access information needed
1031 for income eligibility determination and verification held by
1032 other state or federal agencies, including the Department of
1033 Revenue, the Department of Children and Families, the Department
1034 of Education, the Department of Economic Opportunity, and the
1035 Agency for Health Care Administration.

1036 (b) A parent whose student will be enrolled in a home
1037 education program with the school district in which the student
1038 resides must:

1039 1. Apply to an eligible nonprofit scholarship-funding
1040 organization to participate in the program by a date set by the
1041 organization. The request must be communicated directly to the
1042 organization in a manner that creates a written or electronic
1043 record of the request and the date of receipt of the request.

1044 2. Sign an agreement with the organization and annually
1045 submit a sworn compliance statement to the organization to
1046 satisfy or maintain program eligibility, including eligibility
1047 to receive and spend program payments, by:

1048 a. Affirming that the parent has established and maintains
1049 a home education program in accordance with s. 1002.41.

1050 b. Affirming that the program funds are used only for

1051 authorized purposes serving the student's educational needs, as
1052 described in paragraph (6)(d), and that they will not receive a
1053 payment, refund, or rebate of any funds provided under this
1054 section.

1055 c. Affirming that the parent is responsible for all
1056 eligible expenses in excess of the amount of the scholarship and
1057 for the education of his or her student.

1058 3. Require the student to take a nationally norm-
1059 referenced test identified by the Department of Education, or a
1060 statewide assessment under s. 1008.22, and provide educational
1061 records and assessment results to a choice navigator before the
1062 student's program renewal.

1063 4. Meet with a choice navigator at least annually before
1064 the student's program renewal to:

1065 a. Discuss the academic needs and progress of the student
1066 based on educational records submitted by the parent and annual
1067 assessment results.

1068 b. Select educational options based on the academic needs
1069 of the student.

1070 5. Affirm that the student remains in good standing with
1071 the provider or school if those options are selected by the
1072 parent.

1073 6. Renew participation in the program each year. A student
1074 whose participation in the program is not renewed may continue
1075 to spend scholarship funds that are in his or her account from

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1076 prior years unless the account must be closed pursuant to s.
 1077 1002.394(5)(a)2.

1078 7. Procure the services necessary to educate the student.
 1079 When the student receives a scholarship, the district school
 1080 board is not obligated to provide the student with a free
 1081 appropriate public education.

1082 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
 1083 Education shall:

1084 (a) Annually submit to the department and division, by
 1085 March 15, a list of eligible nonprofit scholarship-funding
 1086 organizations that meet the requirements of paragraph (2)(g)
 1087 ~~(2)(f)~~.

1088 (b) Annually verify the eligibility of nonprofit
 1089 scholarship-funding organizations that meet the requirements of
 1090 paragraph (2)(g) ~~(2)(f)~~.

1091 (f) Issue a project grant award to a state university, to
 1092 which participating private schools and choice navigators must
 1093 report the scores of participating students on the nationally
 1094 norm-referenced tests or the statewide assessments administered
 1095 by the private school in grades 3 through 10. The project term
 1096 is 2 years, and the amount of the project is up to \$250,000 per
 1097 year. The project grant award must be reissued in 2-year
 1098 intervals in accordance with this paragraph.

1099 1. The state university must annually report to the
 1100 Department of Education on the student performance of

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1101 participating students:

1102 a. On a statewide basis. The report shall also include, to
1103 the extent possible, a comparison of scholarship students'
1104 performance to the statewide student performance of public
1105 school students with socioeconomic backgrounds similar to those
1106 of students participating in the scholarship program. To
1107 minimize costs and reduce time required for the state
1108 university's analysis and evaluation, the Department of
1109 Education shall coordinate with the state university to provide
1110 data to the state university in order to conduct analyses of
1111 matched students from public school assessment data and
1112 calculate control group student performance using an agreed-upon
1113 methodology with the state university; and

1114 b. On an individual school basis. The annual report must
1115 include student performance for each participating private
1116 school in which ~~at least 51 percent of the total~~ enrolled
1117 students in the private school participated in a scholarship
1118 program under this section or s. 1002.394(12)(a) the Florida Tax
1119 Credit Scholarship Program in the prior school year. The report
1120 shall be according to each participating private school, and for
1121 participating students, in which there are at least 30
1122 participating students who have scores for tests administered.
1123 If the state university determines that the 30-participating-
1124 student cell size may be reduced without disclosing personally
1125 identifiable information, as described in 34 C.F.R. s. 99.12, of

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1126 a participating student, the state university may reduce the
1127 participating-student cell size, but the cell size must not be
1128 reduced to less than 10 participating students. The department
1129 shall provide each private school's prior school year's student
1130 enrollment information to the state university no later than
1131 June 15 of each year, or as requested by the state university.

1132 2. The sharing and reporting of student performance data
1133 under this paragraph must be in accordance with requirements of
1134 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
1135 Educational Rights and Privacy Act, and the applicable rules and
1136 regulations issued pursuant thereto, and shall be for the sole
1137 purpose of creating the annual report required by subparagraph
1138 1. All parties must preserve the confidentiality of such
1139 information as required by law. The annual report must not
1140 disaggregate data to a level that will identify individual
1141 participating schools, except as required under sub-subparagraph
1142 1.b., or disclose the academic level of individual students.

1143 3. The annual report required by subparagraph 1. shall be
1144 published by the Department of Education on its website.

1145 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1146 (b) Payment of the scholarship by the eligible nonprofit
1147 scholarship-funding organization shall be ~~by individual warrant~~
1148 ~~made payable to the student's parent or~~ by funds transfer,
1149 including, but not limited to, debit cards, electronic payment
1150 cards, or any other means of payment that the department deems

1151 to be commercially viable or cost-effective. ~~If the payment is~~
1152 ~~made by warrant, the warrant must be delivered by the eligible~~
1153 ~~nonprofit scholarship-funding organization to the private school~~
1154 ~~of the parent's choice, and the parent shall restrictively~~
1155 ~~endorse the warrant to the private school.~~ An eligible nonprofit
1156 scholarship-funding organization shall ensure ~~that the parent to~~
1157 ~~whom the warrant is made restrictively endorsed the warrant to~~
1158 ~~the private school for deposit into the account of the private~~
1159 ~~school or~~ that the parent has approved a funds transfer before
1160 any scholarship funds are deposited.

1161 (e) An eligible nonprofit scholarship-funding organization
1162 may not transfer any funds to an account of a student determined
1163 eligible under this section which has a balance in excess of
1164 \$24,000.

1165 (f) A scholarship awarded to an eligible student shall
1166 remain in force until:

1167 1. The organization determines that the student is not
1168 eligible for program renewal;

1169 2. The Commissioner of Education suspends or revokes
1170 program participation or use of funds;

1171 3. The student's parent has forfeited participation in the
1172 program for failure to comply with subsection (7);

1173 4. The student enrolls in a public school. However, if a
1174 student enters a Department of Juvenile Justice detention center
1175 for a period of no more than 21 days, the student is not

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1176 considered to have returned to a public school on a full-time
1177 basis for that purpose; or

1178 5. The student graduates from high school or attains 21
1179 years of age, whichever occurs first.

1180 (g) Reimbursements for program expenditures may continue
1181 until the account balance is expended or remaining funds have
1182 reverted to the state.

1183 (h) A student's scholarship account must be closed and any
1184 remaining funds shall revert to the state after:

1185 1. Denial or revocation of program eligibility by the
1186 commissioner for fraud or abuse, including, but not limited to,
1187 the student or student's parent accepting any payment, refund,
1188 or rebate, in any manner, from a provider of any services
1189 received pursuant to paragraph (6)(d); or

1190 2. Two consecutive fiscal years in which an account has
1191 been inactive.

1192 (16) OBLIGATIONS OF CHOICE NAVIGATOR.—Beginning January 1,
1193 2024, a choice navigator must:

1194 (a) Review educational records and assessment results to
1195 determine the academic needs of a student.

1196 (b) Identify educational options authorized under
1197 paragraph (6)(d) to address the academic needs of a student.

1198 (c) Provide guidance to enable parents to choose the best
1199 option or options for their student.

1200 (d) Report the scores of all participating students to a

1201 state university as described in paragraph (9)(f).

1202 Section 4. Paragraphs (e) and (f) of subsection (2) of
 1203 section 1002.40, Florida Statutes, are amended to read:

1204 1002.40 The Hope Scholarship Program.—

1205 (2) DEFINITIONS.—As used in this section, the term:

1206 (e) "Eligible nonprofit scholarship-funding organization"
 1207 or "organization" has the same meaning as provided in s.

1208 1002.395(2) ~~s. 1002.395(2)(f)~~.

1209 (f) "Eligible private school" has the same meaning as
 1210 provided in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.

1211 Section 5. Section 1002.44, Florida Statutes, is created
 1212 to read:

1213 1002.44 Part-time public school enrollment.—

1214 (1) Any public school in this state, including a charter
 1215 school, may enroll a student who meets the regular school
 1216 attendance criteria in s. 1003.01(13)(b)-(e) on a part-time
 1217 basis, subject to space and availability according to the
 1218 school's capacity determined pursuant to s. 1002.31(2)(b).

1219 (2) A student attending a public school on a part-time
 1220 basis pursuant to this section shall generate full-time
 1221 equivalent student membership as described in s. 1011.61(1)(b).

1222 (3) A student attending a public school on a part-time
 1223 basis pursuant to this section is not considered to be in
 1224 regular attendance at a public school as defined in s.
 1225 1003.01(13)(a).

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