

26 conditions; deleting obsolete language; conforming
27 provisions and cross-references to changes made by the
28 act; amending s. 1002.395, F.S.; providing and
29 revising definitions; revising student eligibility and
30 ineligibility requirements for the Florida Tax Credit
31 Scholarship Program; revising obligations of eligible
32 nonprofit scholarship-funding organizations and the
33 department; establishing certain limitations on the
34 number of scholarships funded through the program;
35 revising the approved uses of scholarship funds;
36 revising requirements for the use of certain
37 contributions for administrative expenses; revising
38 the amount of funds that must be awarded through
39 scholarships; requiring the development of specified
40 guidelines; authorizing organizations to require the
41 use of an online platform for specified purchases so
42 long as such use does not limit specified choices;
43 requiring an organization to provide reimbursement in
44 specified circumstances; requiring organizations to
45 submit specified quarterly reports; revising
46 responsibilities of parents; requiring scholarship
47 funds to be deposited by funds transfers rather than
48 through warrant endorsement; requiring the department
49 to annually publish a list of specified tests;
50 revising the requirements of a specified annual

51 | report; requiring the department to notify school
52 | districts of specified estimates; prohibiting the
53 | transfer of funds to an eligible student's account
54 | under certain conditions; providing that certain
55 | scholarships remain in force until certain criteria
56 | are met; authorizing reimbursements for certain
57 | expenditures until certain criteria are met; requiring
58 | the closure of a scholarship account and the reversion
59 | of funds to the state under certain circumstances;
60 | requiring the Office of Independent Education and
61 | Parental Choice to provide a specified number of
62 | application periods for specified purposes; deleting
63 | obsolete language; conforming provisions and cross-
64 | references to changes made by the act; amending s.
65 | 1002.40, F.S.; conforming cross-references; amending
66 | s. 1002.421, F.S.; revising the eligibility criteria
67 | and obligations of private schools participating in
68 | certain educational scholarship programs; revising the
69 | criteria for the Commissioner of Education to
70 | permanently deny or revoke the authority of certain
71 | individuals to establish or operate a private school
72 | in the state; authorizing the commissioner to include
73 | specified individuals on a specified disqualification
74 | list; authorizing such individuals to be removed from
75 | such list if they provide specified reimbursements;

76 conforming cross-references; creating s. 1002.44,
 77 F.S.; authorizing public schools, including charter
 78 schools, to enroll certain students on a part-time
 79 basis; providing funding for such students;
 80 prohibiting certain students from being reported for
 81 funding; providing that such students are not
 82 considered to be in regular attendance at such
 83 schools; amending ss. 1003.01, 1003.27, 1003.485, and
 84 1009.30, F.S.; conforming provisions and cross-
 85 references to changes made by the act; providing an
 86 effective date.

87

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

89

90 Section 1. Paragraph (1) of subsection (2) of section
 91 11.45, Florida Statutes, is amended to read:

92 11.45 Definitions; duties; authorities; reports; rules.—

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

94 (1) At least once every 3 years, conduct operational
 95 audits of the accounts and records of eligible nonprofit
 96 scholarship-funding organizations receiving eligible
 97 contributions under s. 1002.395, including any contracts for
 98 services with related entities, to determine compliance with the
 99 provisions of that section. Such audits shall include, but not
 100 be limited to, a determination of the eligible nonprofit

101 scholarship-funding organization's compliance with s.
 102 1002.395(6)(1) ~~s. 1002.395(6)(j)~~. The Auditor General shall
 103 provide its report on the results of the audits to the Governor,
 104 the President of the Senate, the Speaker of the House of
 105 Representatives, the Chief Financial Officer, and the
 106 Legislative Auditing Committee, within 30 days of completion of
 107 the audit.

108
 109 The Auditor General shall perform his or her duties
 110 independently but under the general policies established by the
 111 Legislative Auditing Committee. This subsection does not limit
 112 the Auditor General's discretionary authority to conduct other
 113 audits or engagements of governmental entities as authorized in
 114 subsection (3).

115 Section 2. Paragraph (c) of subsection (1) and paragraph
 116 (c) of subsection (7) of section 212.099, Florida Statutes, are
 117 amended to read:

118 212.099 Credit for contributions to eligible nonprofit
 119 scholarship-funding organizations.—

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

121 (c) "Eligible nonprofit scholarship-funding organization"
 122 or "organization" has the same meaning as provided in s.
 123 1002.395(2) ~~s. 1002.395(2)(f)~~.

124 (7)

125 (c) The organization may, subject to the limitations of s.

126 1002.395(6)(l)1. ~~s. 1002.395(6)(j)1.~~, use eligible contributions
 127 received during the state fiscal year in which such
 128 contributions are collected for administrative expenses.

129 Section 3. Paragraph (c) of subsection (1) of section
 130 327.371, Florida Statutes, is amended to read:

131 327.371 Human-powered vessels regulated.—

132 (1) A person may operate a human-powered vessel within the
 133 boundaries of the marked channel of the Florida Intracoastal
 134 Waterway as defined in s. 327.02:

135 (c) When participating in practices or competitions for
 136 interscholastic, intercollegiate, intramural, or club rowing
 137 teams affiliated with an educational institution identified in
 138 s. 1000.21, s. 1002.01(3) ~~s. 1002.01(2)~~, s. 1003.01(2), s.
 139 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of
 140 the marked channel is not suitable for such practice or
 141 competition. The teams must use their best efforts to make use
 142 of the adjacent area outside of the marked channel. The
 143 commission must be notified in writing of the details of any
 144 such competition, and the notification must include, but need
 145 not be limited to, the date, time, and location of the
 146 competition.

147 Section 4. Section 1002.01, Florida Statutes, is amended
 148 to read:

149 1002.01 Definitions.—

150 (1) A "home education program" means the sequentially

151 progressive instruction of a student directed by his or her
 152 parent ~~in order~~ to satisfy the attendance requirements of ss.
 153 1002.41, 1003.01(13), and 1003.21(1).

154 (2) A "personalized education program" means the
 155 sequentially progressive instruction of a student directed by
 156 his or her parent to satisfy the attendance requirements of ss.
 157 1003.01(13) and 1003.21(1) while registered with an eligible
 158 nonprofit scholarship-funding organization pursuant to s.
 159 1002.395. A personalized education student shall be provided the
 160 same flexibility and opportunities as provided in s. 1002.41(3) -
 161 (12).

162 (3)~~(2)~~ A "private school" is a nonpublic school defined as
 163 an individual, association, copartnership, or corporation, or
 164 department, division, or section of such organizations, that
 165 designates itself as an educational center that includes
 166 kindergarten or a higher grade or as an elementary, secondary,
 167 business, technical, or trade school below college level or any
 168 organization that provides instructional services that meet the
 169 intent of s. 1003.01(13) or that gives preemployment or
 170 supplementary training in technology or in fields of trade or
 171 industry or that offers academic, literary, or career training
 172 below college level, or any combination of the above, including
 173 an institution that performs the functions of the above schools
 174 through correspondence or extension, except those licensed under
 175 the provisions of chapter 1005. A private school may be a

176 | parochial, religious, denominational, for-profit, or nonprofit
 177 | school. This definition does not include home education programs
 178 | conducted in accordance with s. 1002.41.

179 | Section 5. Paragraphs (b) through (m) of subsection (2) of
 180 | section 1002.394, Florida Statutes, are redesignated as
 181 | paragraphs (c) through (n), respectively, present paragraphs
 182 | (e), (f), and (g) of subsection (2), paragraph (a) of subsection
 183 | (3), subsection (4), paragraph (a) of subsection (5), paragraph
 184 | (f) of subsection (6), paragraphs (b), (d), (f), and (g) of
 185 | subsection (7), paragraph (a) of subsection (8), paragraphs (a)
 186 | and (b) of subsection (10), paragraph (a) of subsection (11),
 187 | and subsection (12) are amended, and a new paragraph (b) is
 188 | added to subsection (2), paragraph (c) is added to subsection
 189 | (8), and paragraph (d) is added to subsection (9) of that
 190 | section, to read:

191 | 1002.394 The Family Empowerment Scholarship Program.—

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

193 | (b) "Choice navigator" has the same meaning as in s.
 194 | 1002.395(2).

195 | (f)-(e) "Eligible nonprofit scholarship-funding
 196 | organization" or "organization" has the same meaning as ~~provided~~
 197 | in s. 1002.395(2) ~~s. 1002.395(2)(f)~~.

198 | (g)-(f) "Eligible postsecondary educational institution"
 199 | means a Florida College System institution; a state university;
 200 | a school district technical center; a school district adult

201 general education center; an independent college or university
 202 that is eligible to participate in the William L. Boyd, IV,
 203 Effective Access to Student Education Grant Program under s.
 204 1009.89; or an accredited independent postsecondary educational
 205 institution, as defined in s. 1005.02, which is licensed to
 206 operate in this state under part III of chapter 1005 or is
 207 approved to participate in a reciprocity agreement as defined in
 208 s. 1000.35(2).

209 ~~(h)(g)~~ "Eligible private school" has the same meaning as
 210 ~~provided in s. 1002.395(2) s. 1002.395(2)(g).~~

211 (3) SCHOLARSHIP ELIGIBILITY.—

212 (a)1. A parent of a student may request and receive from
 213 the state a scholarship for the purposes specified in paragraph
 214 (4)(a) if the student is a resident of this state and is
 215 eligible to enroll in kindergarten through grade 12 in a public
 216 school in this state.‡

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

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

223 ~~3. The student's household income level does not exceed~~
 224 ~~375 percent of the federal poverty level or an adjusted maximum~~
 225 ~~percent of the federal poverty level that is increased by 25~~

226 ~~percentage points in the fiscal year following any fiscal year~~
 227 ~~in which more than 5 percent of the available scholarships~~
 228 ~~authorized under paragraph (12)(a) have not been funded;~~

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

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

234 ~~6. The student is a dependent child of a law enforcement~~
 235 ~~officer.~~

236 2. Priority must be given in the following order: to

237 a. A student whose household income level does not exceed
 238 185 percent of the federal poverty level or who is in foster
 239 care or out-of-home care.

240 b. A student whose household income level exceeds 185
 241 percent of the federal poverty level, but does not exceed 400
 242 percent of the federal poverty level.

243 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

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

247 2. Transportation to a Florida public school in which a
 248 student is enrolled and that is different from the school to
 249 which the student was assigned or to a lab school as defined in
 250 s. 1002.32.

- 251 3. Instructional materials, including digital materials
252 and Internet resources.
- 253 4. Curriculum as defined in subsection (2).
- 254 5. Tuition and fees associated with full-time or part-time
255 enrollment in an eligible postsecondary educational institution
256 or a program offered by the postsecondary educational
257 institution, unless the program is subject to s. 1009.25 or
258 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
259 program as defined in s. 446.021(5) which is not subject to s.
260 1009.25 and complies with all applicable requirements of the
261 department pursuant to chapter 1005; a private tutoring program
262 authorized under s. 1002.43; a virtual program offered by a
263 department-approved private online provider that meets the
264 provider qualifications specified in s. 1002.45(2)(a); the
265 Florida Virtual School as a private paying student; or an
266 approved online course offered pursuant to s. 1003.499 or s.
267 1004.0961.
- 268 6. Fees for nationally standardized, norm-referenced
269 achievement tests, Advanced Placement Examinations, industry
270 certification examinations, assessments related to postsecondary
271 education, or other assessments.
- 272 7. Contracted services provided by a public school or
273 school district, including classes. A student who receives
274 contracted services under this subparagraph is not considered
275 enrolled in a public school for eligibility purposes as

276 specified in subsection (6) but rather attending a public school
 277 on a part-time basis as authorized under s. 1002.44.

278 8. Tuition and fees for part-time tutoring services or
 279 fees for services provided by a choice navigator. Such services
 280 must be provided by a person who holds a valid Florida
 281 educator's certificate pursuant to s. 1012.56, a person who
 282 holds an adjunct teaching certificate pursuant to s. 1012.57, a
 283 person who has a bachelor's degree or a graduate degree in the
 284 subject area in which instruction is given, a person who has
 285 demonstrated a mastery of subject area knowledge pursuant to s.
 286 1012.56(5), or a person certified by a nationally or
 287 internationally recognized research-based training program as
 288 approved by the department. As used in this subparagraph, the
 289 term "part-time tutoring services" does not qualify as regular
 290 school attendance as defined in s. 1003.01(13)(e) ~~if the student~~
 291 ~~is determined eligible pursuant to subparagraph (3)(a)1. or~~
 292 ~~subparagraph (3)(a)2.~~

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

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

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

302 3. Specialized services by approved providers or by a

303 hospital in this state which are selected by the parent. These

304 specialized services may include, but are not limited to:

305 a. Applied behavior analysis services as provided in ss.

306 627.6686 and 641.31098.

307 b. Services provided by speech-language pathologists as

308 defined in s. 468.1125(8).

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

310 d. Services provided by physical therapists as defined in

311 s. 486.021(8).

312 e. Services provided by listening and spoken language

313 specialists and an appropriate acoustical environment for a

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

315 has received an implant or assistive hearing device.

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

317 time enrollment in a home education program;; an eligible

318 private school;; an eligible postsecondary educational

319 institution or a program offered by the postsecondary

320 educational institution, unless the program is subject to s.

321 1009.25 or reimbursed pursuant to s. 1009.30; an approved

322 preapprenticeship program as defined in s. 446.021(5) which is

323 not subject to s. 1009.25 and complies with all applicable

324 requirements of the department pursuant to chapter 1005; a

325 private tutoring program authorized under s. 1002.43;; a virtual

326 program offered by a department-approved private online provider
327 that meets the provider qualifications specified in s.
328 1002.45(2)(a) ~~;~~ the Florida Virtual School as a private paying
329 student; ~~;~~ or an approved online course offered pursuant to s.
330 1003.499 or s. 1004.0961.

331 5. Fees for nationally standardized, norm-referenced
332 achievement tests, Advanced Placement Examinations, industry
333 certification examinations, assessments related to postsecondary
334 education, or other assessments.

335 6. Contributions to the Stanley G. Tate Florida Prepaid
336 College Program pursuant to s. 1009.98 or the Florida College
337 Savings Program pursuant to s. 1009.981 for the benefit of the
338 eligible student.

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

345 8. Tuition and fees for part-time tutoring services or
346 fees for services provided by a choice navigator. Such services
347 must be provided by a person who holds a valid Florida
348 educator's certificate pursuant to s. 1012.56, a person who
349 holds an adjunct teaching certificate pursuant to s. 1012.57, a
350 person who has a bachelor's degree or a graduate degree in the

351 subject area in which instruction is given, a person who has
 352 demonstrated a mastery of subject area knowledge pursuant to s.
 353 1012.56(5), or a person certified by a nationally or
 354 internationally recognized research-based training program as
 355 approved by the department. As used in this subparagraph
 356 ~~paragraph~~, the term "part-time tutoring services" does not
 357 qualify as regular school attendance as defined in s.
 358 1003.01(13)(e).

- 359 9. Fees for specialized summer education programs.
- 360 10. Fees for specialized after-school education programs.
- 361 11. Transition services provided by job coaches.
- 362 12. Fees for an annual evaluation of educational progress
 363 by a state-certified teacher under s. 1002.41(1)(f), if this
 364 option is chosen for a home education student.
- 365 13. Tuition and fees associated with programs offered by
 366 Voluntary Prekindergarten Education Program providers approved
 367 pursuant to s. 1002.55 and school readiness providers approved
 368 pursuant to s. 1002.88.
- 369 14. Fees for services provided at a center that is a
 370 member of the Professional Association of Therapeutic
 371 Horsemanship International.
- 372 15. Fees for services provided by a therapist who is
 373 certified by the Certification Board for Music Therapists or
 374 credentialed by the Art Therapy Credentials Board, Inc.
- 375 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of

376 educational choice:

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

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

381 b. The Commissioner of Education suspends or revokes
382 program participation or use of funds;

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

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

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

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

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

399 (II) Two consecutive fiscal years in which an account has
400 been inactive.

401 b. Reimbursements for program expenditures may continue
402 until the account balance is expended or remaining funds have
403 reverted to the state ~~student returns to a public school,~~
404 ~~graduates from high school, or reaches the age of 21, whichever~~
405 ~~occurs first. A scholarship student who enrolls in a public~~
406 ~~school or public school program is considered to have returned~~
407 ~~to a public school for the purpose of determining the end of the~~
408 ~~scholarship's term. However, if a student enters a Department of~~
409 ~~Juvenile Justice detention center for a period of no more than~~
410 ~~21 days, the student is not considered to have returned to a~~
411 ~~public school for that purpose.~~

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

414 (f) Participating in virtual instruction pursuant to s.
415 1002.455 that receives state funding pursuant to the student's
416 participation.

417 (7) SCHOOL DISTRICT OBLIGATIONS.—

418 (b)1. The parent of a student with a disability who does
419 not have an IEP in accordance with subparagraph (3)(b)4. or who
420 seeks a reevaluation of an existing IEP may request an IEP
421 meeting and evaluation from the school district in order to
422 obtain or revise a matrix of services. The school district shall
423 notify a parent who has made a request for an IEP that the
424 district is required to complete the IEP and matrix of services
425 within 30 days after receiving notice of the parent's request.

426 The school district shall conduct a meeting and develop an IEP
427 and a matrix of services within 30 days after receipt of the
428 parent's request in accordance with State Board of Education
429 rules. The district must accept the diagnosis and consider the
430 service plan of the licensed professional providing the
431 diagnosis pursuant to subparagraph (3)(b)4. The school district
432 must complete a matrix that assigns the student to one of the
433 levels of service as they existed before the 2000-2001 school
434 year. For a nonpublic school student without an IEP, the school
435 district is authorized to use evaluation reports and plans of
436 care developed by the licensed professionals under subparagraph
437 (4)(b)3. to complete the matrix of services.

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

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

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

448 ~~(d) The school district in which a participating student~~
449 ~~resides must notify the student and his or her parent about the~~
450 ~~locations and times to take all statewide assessments under s.~~

451 ~~1008.22 if the student chooses to participate in such~~
 452 ~~assessments.~~ Upon the request of the department, a school
 453 district shall coordinate with the department to provide to a
 454 participating private school the statewide assessments
 455 administered under s. 1008.22 and any related materials for
 456 administering the assessments. For a student who participates in
 457 the Family Empowerment Scholarship Program whose parent requests
 458 that the student take the statewide assessments under s.
 459 1008.22, the district in which the student attends a private
 460 school shall provide locations and times to take all statewide
 461 assessments. A school district is responsible for implementing
 462 test administrations at a participating private school,
 463 including the:

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

473 ~~(f) A school district shall report all students who are~~
 474 ~~receiving a scholarship under this program. Students receiving a~~
 475 ~~scholarship shall be reported separately from other students~~

476 ~~reported for purposes of the Florida Education Finance Program.~~

477 ~~(g) A school district shall be held harmless for students~~
478 ~~who are receiving a scholarship under this program from the~~
479 ~~weighted enrollment ceiling for group 2 programs in s.~~
480 ~~1011.62(1)(d)3.b. during the first school year in which the~~
481 ~~students are reported.~~

482 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

483 (a) The department shall:

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

488 2. Report, as part of the determination of full-time
489 equivalent membership pursuant to s. 1011.62(1)(a), all students
490 who are receiving a scholarship under the program and are funded
491 through the Florida Education Finance Program, and cross-check
492 the list of participating scholarship students with the public
493 school enrollment lists to avoid duplication.

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

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

501 of students determined to be eligible for a scholarship. An
502 eligible nonprofit scholarship-funding organization may not
503 submit a student for funding after February 1.

504 ~~5. Notify each school district of a parent's participation~~
505 ~~in the scholarship program for purposes of paragraph (7) (f).~~

506 5.6. Deny or terminate program participation upon a
507 parent's failure to comply with subsection (10).

508 6.7. Notify the parent and the organization when a
509 scholarship account is closed and program funds revert to the
510 state.

511 7.8. Notify an eligible nonprofit scholarship-funding
512 organization of any of the organization's or other
513 organization's identified students who are receiving
514 scholarships under this chapter.

515 8.9. Maintain on its website a list of approved providers
516 as required by s. 1002.66, eligible postsecondary educational
517 institutions, eligible private schools, and eligible
518 organizations and may identify or provide links to lists of
519 other approved providers.

520 9.10. Require each organization to verify eligible
521 expenditures before the distribution of funds for any
522 expenditures made pursuant to subparagraphs (4) (b) 1. and 2.
523 Review of expenditures made for services specified in
524 subparagraphs (4) (b) 3.-15. may be completed after the purchase
525 is made.

526 ~~10.11.~~ Investigate any written complaint of a violation of
527 this section by a parent, a student, a private school, a public
528 school, a school district, an organization, a provider, or
529 another appropriate party in accordance with the process
530 established under s. 1002.421.

531 ~~11.12.~~ Require quarterly reports by an organization, which
532 must include, at a minimum, the number of students participating
533 in the program; the demographics of program participants; the
534 disability category of program participants; the matrix level of
535 services, if known; the program award amount per student; the
536 total expenditures for the purposes specified in paragraph
537 (4)(b); the types of providers of services to students; and any
538 other information deemed necessary by the department.

539 ~~12.13.~~ Notify eligible nonprofit scholarship-funding
540 organizations that scholarships may not be awarded in a school
541 district in which the award will exceed 99 percent of the school
542 district's share of state funding through the Florida Education
543 Finance Program as calculated by the department.

544 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-
545 funding organizations and, when the Florida Education Finance
546 Program is recalculated, adjust the amount of state funds
547 allocated to school districts through the Florida Education
548 Finance Program based upon the results of the cross-check
549 completed pursuant to subparagraph 2.

550 (c) The department shall notify each school district of

551 the full-time equivalent student consensus estimate of students
552 participating in the program developed pursuant to s.
553 216.136(4) (a).

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

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

563
564 If a private school fails to meet the requirements of this
565 subsection or s. 1002.421, the commissioner may determine that
566 the private school is ineligible to participate in the
567 scholarship program.

568 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
569 PARTICIPATION.—

570 (a) A parent who applies for program participation under
571 paragraph (3)(a) whose student will be enrolled full time ~~is~~
572 ~~exercising his or her parental option to place his or her child~~
573 in a private school ~~and~~ must:

574 1. Select the private school and apply for the admission
575 of his or her student.

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

579 3. Inform the applicable school district when the parent
 580 withdraws his or her student from a public school to attend an
 581 eligible private school.

582 4. Require his or her student participating in the program
 583 to remain in attendance throughout the school year unless
 584 excused by the school for illness or other good cause.

585 5. Meet with the private school's principal or the
 586 principal's designee to review the school's academic programs
 587 and policies, specialized services ~~customized educational~~
 588 ~~programs~~, code of student conduct, and attendance policies
 589 before ~~prior to~~ enrollment.

590 6. Require that the student participating in the
 591 scholarship program takes the norm-referenced assessment offered
 592 by the private school. The parent may also choose to have the
 593 student participate in the statewide assessments pursuant to
 594 paragraph (7)(d). If the parent requests that the student
 595 participating in the program take all statewide assessments
 596 required pursuant to s. 1008.22, the parent is responsible for
 597 transporting the student to the assessment site designated by
 598 the school district.

599 7. Approve each payment before the scholarship funds may
 600 be deposited by funds transfer ~~Restrictively endorse the~~

601 ~~warrant, issued in the name of the parent pursuant to~~
602 ~~subparagraph (12) (a) 4. (12) (a) 6., to the private school for~~
603 ~~deposit into the private school's account.~~ The parent may not
604 designate any entity or individual associated with the
605 participating private school as the parent's attorney in fact to
606 approve a funds transfer. A participant who fails to comply with
607 this paragraph forfeits the ~~endorse a scholarship warrant.~~

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

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

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

623 2. Sign an agreement with the organization and annually
624 submit a sworn compliance statement to the organization to
625 satisfy or maintain program eligibility, including eligibility

626 | to receive and spend program payments by:

627 | a. Affirming that the student is enrolled in a program

628 | that meets regular school attendance requirements as provided in

629 | s. 1003.01(13) (b), (c), or (d).

630 | b. Affirming that the program funds are used only for

631 | authorized purposes serving the student's educational needs, as

632 | described in paragraph (4) (b); that any prepaid college plan or

633 | college savings plan funds contributed pursuant to subparagraph

634 | (4) (b)6. will not be transferred to another beneficiary while

635 | the plan contains funds contributed pursuant to this section;

636 | and that they will not receive a payment, refund, or rebate of

637 | any funds provided under this section.

638 | c. Affirming that the parent is responsible for all

639 | eligible expenses in excess of the amount of the scholarship and

640 | for the education of his or her student by, as applicable:

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

642 | accordance with paragraph (9) (c);

643 | (II) Providing an annual evaluation in accordance with s.

644 | 1002.41 (1) (f); or

645 | (III) Requiring the child to take any preassessments and

646 | postassessments selected by the provider if the child is 4 years

647 | of age and is enrolled in a program provided by an eligible

648 | Voluntary Prekindergarten Education Program provider. A student

649 | with disabilities for whom the physician or psychologist who

650 | issued the diagnosis or the IEP team determines that a

651 preassessment and postassessment is not appropriate is exempt
652 from this requirement. A participating provider shall report a
653 student's scores to the parent.

654 d. Affirming that the student remains in good standing
655 with the provider or school if those options are selected by the
656 parent.

657 e. Enrolling his or her child in a program from a
658 Voluntary Prekindergarten Education Program provider authorized
659 under s. 1002.55, a school readiness provider authorized under
660 s. 1002.88, or an eligible private school if either option is
661 selected by the parent.

662 f. Renewing participation in the program each year. A
663 student whose participation in the program is not renewed may
664 continue to spend scholarship funds that are in his or her
665 account from prior years unless the account must be closed
666 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
667 the student's IEP, a student who was previously eligible for
668 participation in the program shall remain eligible to apply for
669 renewal. However, for a high-risk child to continue to
670 participate in the program in the school year after he or she
671 reaches 6 years of age, the child's application for renewal of
672 program participation must contain documentation that the child
673 has a disability defined in paragraph (2)(e) ~~paragraph (2)(d)~~
674 other than high-risk status.

675 g. Procuring the services necessary to educate the

676 | student. If such services include enrollment in an eligible
 677 | private school, the parent must meet with the private school's
 678 | principal or the principal's designee to review the school's
 679 | academic programs and policies, specialized services, code of
 680 | student conduct, and attendance policies before his or her
 681 | student is enrolled ~~If a parent does not procure the necessary~~
 682 | ~~educational services for the student and the student's account~~
 683 | ~~has been inactive for 2 consecutive fiscal years, the student is~~
 684 | ~~ineligible for additional scholarship payments until the~~
 685 | ~~scholarship-funding organization verifies that expenditures from~~
 686 | ~~the account have occurred.~~ When the student receives a
 687 | scholarship, the district school board is not obligated to
 688 | provide the student with a free appropriate public education.
 689 | For purposes of s. 1003.57 and the Individuals with Disabilities
 690 | in Education Act, a participating student has only those rights
 691 | that apply to all other unilaterally parentally placed students,
 692 | except that, when requested by the parent, school district
 693 | personnel must develop an IEP or matrix level of services.

694 | (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
 695 | ORGANIZATIONS.—

696 | (a) An eligible nonprofit scholarship-funding organization
 697 | awarding scholarships to eligible students pursuant to paragraph
 698 | (3) (a):

- 699 | 1. Must receive applications, determine student
- 700 | eligibility, notify parents in accordance with the requirements

701 of this section, and provide the department with information on
702 the student to enable the department to determine student
703 funding in accordance with paragraph (12) (a).

704 2. Shall verify the household income level of students
705 ~~pursuant to subparagraph (3) (a)1.~~ and submit the verified list
706 of students and related documentation to the department when
707 necessary.

708 3. Shall award scholarships in priority order pursuant to
709 paragraph (3) (a).

710 4. Shall establish and maintain separate empowerment
711 accounts for each eligible student. For each account, the
712 organization must maintain a record of accrued interest that is
713 retained in the student's account and available only for
714 authorized program expenditures.

715 5. May permit eligible students to use program funds for
716 the purposes specified in paragraph (4) (a) by paying for the
717 authorized use directly, then submitting a reimbursement request
718 to the eligible nonprofit scholarship-funding organization.
719 However, an eligible nonprofit scholarship-funding organization
720 may require the use of an online platform for direct purchases
721 of products so long as such use does not limit a parent's choice
722 of curriculum or academic programs. If a parent purchases a
723 product identical to one offered by an organization's online
724 platform for a lower price, the organization shall reimburse the
725 parent the difference in the prices.

726 6. May, from eligible contributions received pursuant to
727 s. 1002.395(6)(l)1. ~~s. 1002.395(6)(j)1.~~, use an amount not to
728 exceed 2.5 percent of the total amount of all scholarships
729 funded under this section for administrative expenses associated
730 with performing functions under this section. An eligible
731 nonprofit scholarship-funding organization that has, for the
732 prior fiscal year, complied with the expenditure requirements of
733 s. 1002.395(6)(l)2., may use an amount not to exceed 3 percent.
734 Such administrative expense amount is considered within the 3
735 percent limit on the total amount an organization may use to
736 administer scholarships under this chapter.

737 ~~7.5.~~ Must, in a timely manner, submit any information
738 requested by the department relating to the scholarship under
739 this section.

740 ~~8.6.~~ Must notify the department about any violation of
741 this section ~~by a parent or a private school.~~

742 9. Must document each student's eligibility for a fiscal
743 year before granting a scholarship for that fiscal year. A
744 student is ineligible for a scholarship if the student's account
745 has been inactive for 2 consecutive fiscal years.

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

748 11. Shall commit scholarship funds on behalf of the
749 student for tuition and fees for which the parent is responsible
750 for payment at the private school before using empowerment

751 account funds for additional authorized uses under paragraph (4)
 752 (a).

753 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

754 (a)1. Scholarships for students determined eligible
 755 pursuant to paragraph (3) (a) may be funded once all scholarships
 756 have been funded in accordance with s. 1002.395(6)(1)2. ~~are~~
 757 ~~established for up to 18,000 students annually beginning in the~~
 758 ~~2019-2020 school year. Beginning in the 2020-2021 school year,~~
 759 ~~the maximum number of students participating in the scholarship~~
 760 ~~program under this section shall annually increase by 1.0~~
 761 ~~percent of the state's total full-time equivalent student~~
 762 ~~membership. An eligible student who meets any of the following~~
 763 ~~requirements shall be excluded from the maximum number of~~
 764 ~~students if the student:~~

765 a. ~~Is a dependent child of a law enforcement officer or a~~
 766 ~~member of the United States Armed Forces, a foster child, or an~~
 767 ~~adopted child; or~~

768 b. ~~Is determined eligible pursuant to subparagraph~~
 769 ~~(3)(a)1. or subparagraph (3)(a)2. and either spent the prior~~
 770 ~~school year in attendance at a Florida public school; or,~~
 771 ~~beginning in the 2022-2023 school year, is eligible to enroll in~~
 772 ~~kindergarten. For purposes of this subparagraph, the term "prior~~
 773 ~~school year in attendance" means that the student was enrolled~~
 774 ~~and reported by a school district for funding during either the~~
 775 ~~preceding October or February full-time equivalent student~~

776 ~~membership surveys in kindergarten through grade 12, which~~
777 ~~includes time spent in a Department of Juvenile Justice~~
778 ~~commitment program if funded under the Florida Education Finance~~
779 ~~Program.~~

780 ~~2. The scholarship amount provided to a student for any~~
781 ~~single school year shall be for tuition and fees for an eligible~~
782 ~~private school, not to exceed annual limits, which shall be~~
783 ~~determined in accordance with this subparagraph.~~ The calculated
784 scholarship amount for a participating student determined
785 eligible pursuant to paragraph (3) (a) shall be based upon the
786 grade level and school district in which the student was
787 assigned as 100 percent of the funds per unweighted full-time
788 equivalent in the Florida Education Finance Program for a
789 student in the basic program established pursuant to s.
790 1011.62 (1) (c) 1., plus a per-full-time equivalent share of funds
791 for all categorical programs, except for the exceptional student
792 education guaranteed allocation established pursuant to s.
793 1011.62 (1) (e).

794 ~~3. The amount of the scholarship shall be the calculated~~
795 ~~amount or the amount of the private school's tuition and fees,~~
796 ~~whichever is less. The amount of any assessment fee required by~~
797 ~~the participating private school and any costs to provide a~~
798 ~~digital device, including Internet access, if necessary, to the~~
799 ~~student may be paid from the total amount of the scholarship.~~

800 2.4. A scholarship of \$750 or an amount equal to the

801 school district expenditure per student riding a school bus, as
802 determined by the department, whichever is greater, may be
803 awarded to an eligible a student who is ~~determined eligible~~
804 ~~pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and~~
805 enrolled in a Florida public school that is different from the
806 school to which the student was assigned or in a lab school as
807 defined in s. 1002.32 if the school district does not provide
808 the student with transportation to the school.

809 ~~3.5.~~ The organization must provide the department with the
810 documentation necessary to verify the student's participation.
811 Upon receiving the documentation, the department shall transfer,
812 beginning August 1, from state funds only, the amount calculated
813 pursuant to subparagraph 2. to the organization for quarterly
814 disbursement to parents of participating students each school
815 year in which the scholarship is in force. For a student exiting
816 a Department of Juvenile Justice commitment program who chooses
817 to participate in the scholarship program, the amount of the
818 Family Empowerment Scholarship calculated pursuant to
819 subparagraph 2. must be transferred from the school district in
820 which the student last attended a public school before
821 commitment to the Department of Juvenile Justice. When a student
822 enters the scholarship program, the organization must receive
823 all documentation required for the student's participation,
824 including the private school's and the student's fee schedules,
825 at least 30 days before the first quarterly scholarship payment

826 is made for the student.

827 ~~4.6.~~ The initial payment shall be made after the
828 organization's verification of admission acceptance, and
829 subsequent payments shall be made upon verification of continued
830 enrollment and attendance at the private school. Payment must be
831 ~~by individual warrant made payable to the student's parent or by~~
832 funds transfer or any other means of payment that the department
833 deems to be commercially viable or cost-effective. ~~If the~~
834 ~~payment is made by warrant, the warrant must be delivered by the~~
835 ~~organization to the private school of the parent's choice, and~~
836 ~~the parent shall restrictively endorse the warrant to the~~
837 ~~private school.~~ An organization shall ensure that the parent ~~to~~
838 ~~whom the warrant is made has restrictively endorsed the warrant~~
839 ~~to the private school for deposit into the account of the~~
840 ~~private school or that the parent~~ has approved a funds transfer
841 before any scholarship funds are deposited.

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

845 (b)1. Scholarships for students determined eligible
846 pursuant to paragraph (3)(b) are established for up to 26,500
847 students annually beginning in the 2022-2023 school year.
848 Beginning in the 2023-2024 school year, the maximum number of
849 students participating in the scholarship program under this
850 section shall annually increase by 3.0 ~~1.0~~ percent of the

851 state's total exceptional student education full-time equivalent
852 student membership, not including gifted students. An eligible
853 student who meets any of the following requirements shall be
854 excluded from the maximum number of students if the student:

855 a. Received specialized instructional services under the
856 Voluntary Prekindergarten Education Program pursuant to s.
857 1002.66 during the previous school year and the student has a
858 current IEP developed by the district school board in accordance
859 with rules of the State Board of Education;

860 b. Is a dependent child of a law enforcement officer or a
861 member of the United States Armed Forces, a foster child, or an
862 adopted child; or

863 c. Spent the prior school year in attendance at a Florida
864 public school or the Florida School for the Deaf and the Blind.
865 For purposes of this subparagraph, the term "prior school year
866 in attendance" means that the student was enrolled and reported
867 by:

868 (I) A school district for funding during either the
869 preceding October or February full-time equivalent student
870 membership surveys in kindergarten through grade 12, which
871 includes time spent in a Department of Juvenile Justice
872 commitment program if funded under the Florida Education Finance
873 Program;

874 (II) The Florida School for the Deaf and the Blind during
875 the preceding October or February full-time equivalent student

876 membership surveys in kindergarten through grade 12;

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

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

883 2. For a student who has a Level I to Level III matrix of
884 services or a diagnosis by a physician or psychologist, the
885 calculated scholarship amount for a student participating in the
886 program must be based upon the grade level and school district
887 in which the student would have been enrolled as the total funds
888 per unweighted full-time equivalent in the Florida Education
889 Finance Program for a student in the basic exceptional student
890 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
891 plus a per full-time equivalent share of funds for all
892 categorical programs, as funded in the General Appropriations
893 Act, except that for the exceptional student education
894 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
895 2., the funds must be allocated based on the school district's
896 average exceptional student education guaranteed allocation
897 funds per exceptional student education full-time equivalent
898 student.

899 3. For a student with a Level IV or Level V matrix of
900 services, the calculated scholarship amount must be based upon

901 the school district to which the student would have been
902 assigned as the total funds per full-time equivalent for the
903 Level IV or Level V exceptional student education program
904 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
905 equivalent share of funds for all categorical programs, as
906 funded in the General Appropriations Act.

907 4. For a student who received a Gardiner Scholarship
908 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
909 shall be the greater of the amount calculated pursuant to
910 subparagraph 2. or the amount the student received for the 2020-
911 2021 school year.

912 5. For a student who received a John M. McKay Scholarship
913 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
914 shall be the greater of the amount calculated pursuant to
915 subparagraph 2. or the amount the student received for the 2020-
916 2021 school year.

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

919 7. Upon receiving the documentation, the department shall
920 release, from state funds only, the student's scholarship funds
921 to the organization, to be deposited into the student's account
922 in four equal amounts no later than September 1, November 1,
923 February 1, and April 1 of each school year in which the
924 scholarship is in force.

925 8. Accrued interest in the student's account is in

926 addition to, and not part of, the awarded funds. Program funds
927 include both the awarded funds and accrued interest.

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

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

940 11.10. Moneys received pursuant to this section do not
941 constitute taxable income to the qualified student or the parent
942 of the qualified student.

943 Section 6. Paragraphs (b) through (f), (g) through (i),
944 and (j) and (k) of subsection (2) of section 1002.395, Florida
945 Statutes, are redesignated as paragraphs (c) through (g), (i)
946 through (k), and (o) and (p), respectively, paragraphs (e)
947 through (f) and (g) through (q) of subsection (6) are
948 redesignated as paragraphs (f) through (g) and (i) through (s),
949 respectively, present paragraphs (e) and (g) of subsection (2),
950 paragraph (b) of subsection (3), subsection (4), present

951 paragraphs (b), (d), (f), (j), and (o) of subsection (6),
 952 subsection (7), paragraphs (a), (b), (c), (e), (f), and (j) of
 953 subsection (9), paragraph (b) of subsection (11), and subsection
 954 (15) are amended, and new paragraphs (b), (h), (l), (m), and (n)
 955 are added to subsection (2), paragraphs (e), (h), (t), (u), (v),
 956 (w), and (x) are added to subsection (6), paragraph (k) is added
 957 to subsection (9), and paragraphs (e) through (h) are added to
 958 subsection (11) of that section, to read:

959 1002.395 Florida Tax Credit Scholarship Program.—

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

961 (b) "Choice navigator" means an individual who meets the
 962 requirements of sub-subparagraph (6)(d)2.h. and who provides
 963 consultations, at a mutually agreed upon location, on the
 964 selection of, application for, and enrollment in educational
 965 options addressing the academic needs of a student; curriculum
 966 selection; and advice on career and postsecondary education
 967 opportunities. However, nothing in this section authorizes a
 968 choice navigator to oversee or exercise control over the
 969 curricula or academic programs of a personalized education
 970 program.

971 (f)-(e) "Eligible contribution" means a monetary
 972 contribution from a taxpayer, subject to the restrictions
 973 provided in this section, to an eligible nonprofit scholarship-
 974 funding organization pursuant to ss. 212.099, 212.1832,
 975 1002.395, and 1002.40. The taxpayer making the contribution may

976 | not designate a specific child as the beneficiary of the
 977 | contribution.

978 | (h) "Eligible postsecondary educational institution" means
 979 | a Florida College System institution; a state university; a
 980 | school district technical center; a school district adult
 981 | general education center; an independent college or university
 982 | eligible to participate in the William L. Boyd, IV, Effective
 983 | Access to Student Education Grant Program under s. 1009.89; or
 984 | an accredited independent postsecondary educational institution,
 985 | as defined in s. 1005.02, which is licensed to operate in this
 986 | state under part III of chapter 1005 or is approved to
 987 | participate in a reciprocity agreement as defined in s.
 988 | 1000.35(2).

989 | (i)~~(g)~~ "Eligible private school" means a private school,
 990 | as defined in s. 1002.01 ~~s. 1002.01(2)~~, located in Florida which
 991 | offers an education to students in any grades K-12 and that
 992 | meets the requirements in subsection (8).

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

995 | (m) "Personalized education student" means a student whose
 996 | parent applies to an eligible nonprofit scholarship-funding
 997 | organization for participation in a personalized education
 998 | program.

999 | (n) "Student learning plan" means a customized learning
 1000 | plan developed by a parent, at least annually, to guide

1001 instruction for his or her student and to identify the goods and
 1002 services needed to address the academic needs of his or her
 1003 student.

1004 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

1005 (b)1. A student is eligible for a Florida tax credit
 1006 scholarship under this section if the student is a resident of
 1007 this state and is eligible to enroll in kindergarten through
 1008 grade 12 in a public school in this state ~~meets one or more of~~
 1009 ~~the following criteria:~~

1010 ~~1. The student is on the direct certification list or the~~
 1011 ~~student's household income level does not exceed 375 percent of~~
 1012 ~~the federal poverty level or an adjusted maximum percent of the~~
 1013 ~~federal poverty level authorized under s. 1002.394(3)(a)3.; or~~

1014 ~~2. The student is currently placed, or during the previous~~
 1015 ~~state fiscal year was placed, in foster care or in out-of-home~~
 1016 ~~care as defined in s. 39.01.~~

1017 2. Priority must be given in the following order: ~~to~~

1018 a. A student whose household income level does not exceed
 1019 185 percent of the federal poverty level or who is in foster
 1020 care or out-of-home care.

1021 b. A student whose household income level exceeds 185
 1022 percent of the federal poverty level, but does not exceed 400
 1023 percent of the federal poverty level. ~~who initially receives a~~
 1024 ~~scholarship based on eligibility under this paragraph remains~~
 1025 ~~eligible to participate until he or she graduates from high~~

1026 ~~school or attains the age of 21 years, whichever occurs first,~~
 1027 ~~regardless of the student's household income level. A sibling of~~
 1028 ~~a student who is participating in the scholarship program under~~
 1029 ~~this subsection is eligible for a scholarship if the student~~
 1030 ~~resides in the same household as the sibling.~~

1031 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible
 1032 for a scholarship while he or she is:

1033 (a) Enrolled in a public school, including, but not
 1034 limited to, the Florida School for the Deaf and the Blind, the
 1035 College-Preparatory Boarding Academy, a developmental research
 1036 school authorized under s. 1002.32, or a charter school
 1037 authorized under this chapter. For purposes of this paragraph, a
 1038 3- or 4-year-old child who receives services funded through the
 1039 Florida Education Finance Program is considered a student
 1040 enrolled in a public school;

1041 (b) ~~(a)~~ Enrolled in a school operating for the purpose of
 1042 providing educational services to youth in a Department of
 1043 Juvenile Justice commitment ~~program~~ programs;

1044 ~~(b) Receiving a scholarship from another eligible~~
 1045 ~~nonprofit scholarship-funding organization under this section;~~

1046 (c) Receiving any other ~~an~~ educational scholarship
 1047 pursuant to this chapter;

1048 (d) Not having regular and direct contact with his or her
 1049 private school teachers pursuant to s. 1002.421(1)(i) unless he
 1050 or she is enrolled in a personalized education program;

1051 (e)~~(d)~~ Participating in a home education program as
 1052 defined in s. 1002.01(1);

1053 (f)~~(e)~~ Participating in a private tutoring program
 1054 pursuant to s. 1002.43 unless he or she is enrolled in a
 1055 personalized education program; or

1056 (g)~~(f)~~ Participating in a virtual instruction pursuant to
 1057 s. 1002.455 school, correspondence school, or distance learning
 1058 ~~program~~ that receives state funding pursuant to the student's
 1059 participation ~~unless the participation is limited to no more~~
 1060 ~~than two courses per school year; or~~

1061 ~~(g) Enrolled in the Florida School for the Deaf and the~~
 1062 ~~Blind.~~

1063 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 1064 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 1065 organization:

1066 (b) Must comply with the following background check
 1067 requirements:

1068 1. All owners and operators as defined in subparagraph
 1069 (2)(k)1. ~~(2)(i)1.~~ are, before employment or engagement to
 1070 provide services, subject to level 2 background screening as
 1071 provided under chapter 435. The fingerprints for the background
 1072 screening must be electronically submitted to the Department of
 1073 Law Enforcement and can be taken by an authorized law
 1074 enforcement agency or by an employee of the eligible nonprofit
 1075 scholarship-funding organization or a private company who is

1076 trained to take fingerprints. However, the complete set of
1077 fingerprints of an owner or operator may not be taken by the
1078 owner or operator. The results of the state and national
1079 criminal history check shall be provided to the Department of
1080 Education for screening under chapter 435. The cost of the
1081 background screening may be borne by the eligible nonprofit
1082 scholarship-funding organization or the owner or operator.

1083 2. Every 5 years following employment or engagement to
1084 provide services or association with an eligible nonprofit
1085 scholarship-funding organization, each owner or operator must
1086 meet level 2 screening standards as described in s. 435.04, at
1087 which time the nonprofit scholarship-funding organization shall
1088 request the Department of Law Enforcement to forward the
1089 fingerprints to the Federal Bureau of Investigation for level 2
1090 screening. If the fingerprints of an owner or operator are not
1091 retained by the Department of Law Enforcement under subparagraph
1092 3., the owner or operator must electronically file a complete
1093 set of fingerprints with the Department of Law Enforcement. Upon
1094 submission of fingerprints for this purpose, the eligible
1095 nonprofit scholarship-funding organization shall request that
1096 the Department of Law Enforcement forward the fingerprints to
1097 the Federal Bureau of Investigation for level 2 screening, and
1098 the fingerprints shall be retained by the Department of Law
1099 Enforcement under subparagraph 3.

1100 3. Fingerprints submitted to the Department of Law

1101 Enforcement as required by this paragraph must be retained by
1102 the Department of Law Enforcement in a manner approved by rule
1103 and entered in the statewide automated biometric identification
1104 system authorized by s. 943.05(2)(b). The fingerprints must
1105 thereafter be available for all purposes and uses authorized for
1106 arrest fingerprints entered in the statewide automated biometric
1107 identification system pursuant to s. 943.051.

1108 4. The Department of Law Enforcement shall search all
1109 arrest fingerprints received under s. 943.051 against the
1110 fingerprints retained in the statewide automated biometric
1111 identification system under subparagraph 3. Any arrest record
1112 that is identified with an owner's or operator's fingerprints
1113 must be reported to the Department of Education. The Department
1114 of Education shall participate in this search process by paying
1115 an annual fee to the Department of Law Enforcement and by
1116 informing the Department of Law Enforcement of any change in the
1117 employment, engagement, or association status of the owners or
1118 operators whose fingerprints are retained under subparagraph 3.
1119 The Department of Law Enforcement shall adopt a rule setting the
1120 amount of the annual fee to be imposed upon the Department of
1121 Education for performing these services and establishing the
1122 procedures for the retention of owner and operator fingerprints
1123 and the dissemination of search results. The fee may be borne by
1124 the owner or operator of the nonprofit scholarship-funding
1125 organization.

1126 5. A nonprofit scholarship-funding organization whose
 1127 owner or operator fails the level 2 background screening is not
 1128 eligible to provide scholarships under this section.

1129 6. A nonprofit scholarship-funding organization whose
 1130 owner or operator in the last 7 years has filed for personal
 1131 bankruptcy or corporate bankruptcy in a corporation of which he
 1132 or she owned more than 20 percent shall not be eligible to
 1133 provide scholarships under this section.

1134 7. In addition to the offenses listed in s. 435.04, a
 1135 person required to undergo background screening pursuant to this
 1136 part or authorizing statutes must not have an arrest awaiting
 1137 final disposition for, must not have been found guilty of, or
 1138 entered a plea of nolo contendere to, regardless of
 1139 adjudication, and must not have been adjudicated delinquent, and
 1140 the record must not have been sealed or expunged for, any of the
 1141 following offenses or any similar offense of another
 1142 jurisdiction:

- 1143 a. Any authorizing statutes, if the offense was a felony.
- 1144 b. This chapter, if the offense was a felony.
- 1145 c. Section 409.920, relating to Medicaid provider fraud.
- 1146 d. Section 409.9201, relating to Medicaid fraud.
- 1147 e. Section 741.28, relating to domestic violence.
- 1148 f. Section 817.034, relating to fraudulent acts through
 1149 mail, wire, radio, electromagnetic, photoelectronic, or
 1150 photooptical systems.

- 1151 g. Section 817.234, relating to false and fraudulent
 1152 insurance claims.
- 1153 h. Section 817.505, relating to patient brokering.
- 1154 i. Section 817.568, relating to criminal use of personal
 1155 identification information.
- 1156 j. Section 817.60, relating to obtaining a credit card
 1157 through fraudulent means.
- 1158 k. Section 817.61, relating to fraudulent use of credit
 1159 cards, if the offense was a felony.
- 1160 l. Section 831.01, relating to forgery.
- 1161 m. Section 831.02, relating to uttering forged
 1162 instruments.
- 1163 n. Section 831.07, relating to forging bank bills, checks,
 1164 drafts, or promissory notes.
- 1165 o. Section 831.09, relating to uttering forged bank bills,
 1166 checks, drafts, or promissory notes.
- 1167 p. Section 831.30, relating to fraud in obtaining
 1168 medicinal drugs.
- 1169 q. Section 831.31, relating to the sale, manufacture,
 1170 delivery, or possession with the intent to sell, manufacture, or
 1171 deliver any counterfeit controlled substance, if the offense was
 1172 a felony.
- 1173 (d)1. For the 2023-2024 school year, may fund no more than
 1174 20,000 scholarships for students who are enrolled pursuant to
 1175 paragraph (7) (b). The number of scholarships funded for such

1176 students may increase by 40,000 in each subsequent school year.
1177 This subparagraph is repealed July 1, 2027.

1178 2. Must establish and maintain separate empowerment
1179 accounts from eligible contributions for each eligible student.
1180 For each account, the organization must maintain a record of
1181 accrued interest retained in the student's account. The
1182 organization must verify that scholarship funds are used for
1183 ~~provide scholarships, from eligible contributions, to eligible~~
1184 ~~students for the cost of:~~

1185 a.1. Tuition and fees for full-time or part-time
1186 enrollment in an eligible private school. ~~or~~

1187 b.2. Transportation to a Florida public school in which a
1188 student is enrolled and that is different from the school to
1189 which the student was assigned or to a lab school as defined in
1190 s. 1002.32.

1191 c. Instructional materials, including digital materials
1192 and Internet resources.

1193 d. Curriculum as defined in s. 1002.394(2).

1194 e. Tuition and fees associated with full-time or part-time
1195 enrollment in a home education instructional program; an
1196 eligible postsecondary educational institution or a program
1197 offered by the postsecondary educational institution, unless the
1198 program is subject to s. 1009.25 or reimbursed pursuant to s.
1199 1009.30; an approved preapprenticeship program as defined in s.
1200 446.021(5) which is not subject to s. 1009.25 and complies with

1201 all applicable requirements of the Department of Education
1202 pursuant to chapter 1005; a private tutoring program authorized
1203 under s. 1002.43; a virtual program offered by a department-
1204 approved private online provider that meets the provider
1205 qualifications specified in s. 1002.45(2)(a); the Florida
1206 Virtual School as a private paying student; or an approved
1207 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1208 f. Fees for nationally standardized, norm-referenced
1209 achievement tests, Advanced Placement Examinations, industry
1210 certification examinations, assessments related to postsecondary
1211 education, or other assessments.

1212 g. Contracted services provided by a public school or
1213 school district, including classes. A student who receives
1214 contracted services under this sub-subparagraph is not
1215 considered enrolled in a public school for eligibility purposes
1216 as specified in subsection (11) but rather attending a public
1217 school on a part-time basis as authorized under s. 1002.44.

1218 h. Tuition and fees for part-time tutoring services or
1219 fees for services provided by a choice navigator. Such services
1220 must be provided by a person who holds a valid Florida
1221 educator's certificate pursuant to s. 1012.56, a person who
1222 holds an adjunct teaching certificate pursuant to s. 1012.57, a
1223 person who has a bachelor's degree or a graduate degree in the
1224 subject area in which instruction is given, a person who has
1225 demonstrated a mastery of subject area knowledge pursuant to s.

1226 1012.56(5), or a person certified by a nationally or
1227 internationally recognized research-based training program as
1228 approved by the Department of Education. As used in this
1229 paragraph, the term "part-time tutoring services" does not
1230 qualify as regular school attendance as defined in s.
1231 1003.01(13)(e).

1232 (e) For students determined eligible pursuant to paragraph
1233 (7)(b), must:

1234 1. Maintain a signed agreement from the parent which
1235 constitutes compliance with the attendance requirements under
1236 ss. 1003.01(13) and 1003.21(1).

1237 2. Receive eligible student test scores and, beginning
1238 with the 2027-2028 school year, by August 15, annually report
1239 test scores for students pursuant to paragraph (7)(b) to a state
1240 university pursuant to paragraph (9)(f).

1241 3. Provide parents with information, guidance, and support
1242 to create and annually update a student learning plan for their
1243 student. The organization must maintain the plan and allow
1244 parents to electronically submit, access, and revise the plan
1245 continuously.

1246 4. Upon submission by the parent of an annual student
1247 learning plan, fund a scholarship for a student determined
1248 eligible.

1249 (g)~~(f)~~ Must provide a renewal or initial scholarship to an
1250 eligible student on a first-come, first-served basis unless the

1251 student qualifies for priority pursuant to paragraph (f) ~~(e)~~.

1252 (h) Each eligible nonprofit scholarship-funding
1253 organization must refer any student eligible for a scholarship
1254 pursuant to this section who did not receive a renewal or
1255 initial scholarship based solely on the lack of available funds
1256 under this section and s. 1002.40(11)(i) to another eligible
1257 nonprofit scholarship-funding organization that may have funds
1258 available.

1259 (l)~~(j)~~1. May use eligible contributions received pursuant
1260 to this section and ss. 212.099, 212.1832, and 1002.40 during
1261 the state fiscal year in which such contributions are collected
1262 for administrative expenses if the organization has operated as
1263 an eligible nonprofit scholarship-funding organization for at
1264 least the preceding 3 fiscal years and did not have any findings
1265 of material weakness or material noncompliance in its most
1266 recent audit under paragraph (o) or is in good standing in each
1267 state in which it administers a scholarship program and the
1268 audited financial statements for the preceding 3 fiscal years
1269 are free of material misstatements and going concern issues ~~(m)~~.

1270 Administrative expenses from eligible contributions may not
1271 exceed 3 percent of the total amount of all scholarships funded
1272 by an eligible scholarship-funding organization under this
1273 chapter. Such administrative expenses must be reasonable and
1274 necessary for the organization's management and distribution of
1275 scholarships funded under this chapter. Administrative expenses

1276 | may include developing or contracting with rideshare programs or
 1277 | facilitating carpool strategies for recipients of a
 1278 | transportation scholarship. No funds authorized under this
 1279 | subparagraph shall be used for lobbying or political activity or
 1280 | expenses related to lobbying or political activity. Up to one-
 1281 | third of the funds authorized for administrative expenses under
 1282 | this subparagraph may be used for expenses related to the
 1283 | recruitment of contributions from taxpayers. An eligible
 1284 | nonprofit scholarship-funding organization may not charge an
 1285 | application fee.

1286 | 2. Must award ~~expend~~ for annual or partial-year
 1287 | scholarships an amount equal to or greater than 75 percent of
 1288 | all estimated ~~the~~ net eligible contributions, as defined in
 1289 | subsection (2), and all funds carried forward from the prior
 1290 | state fiscal year remaining after administrative expenses before
 1291 | funding any scholarships to students determined eligible
 1292 | pursuant to s. 1002.394(3)(a) during the state fiscal year in
 1293 | ~~which such contributions are collected~~. No more than 25 percent
 1294 | of such net eligible contributions may be carried forward to the
 1295 | following state fiscal year. All amounts carried forward, for
 1296 | audit purposes, must be specifically identified for particular
 1297 | students, by student name and the name of the school to which
 1298 | the student is admitted, subject to the requirements of ss.
 1299 | 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable
 1300 | rules and regulations issued pursuant thereto. Any amounts

1301 carried forward shall be expended for annual or partial-year
1302 scholarships in the following state fiscal year. No later than
1303 September 30 of each year, net eligible contributions remaining
1304 on June 30 of each year that are in excess of the 25 percent
1305 that may be carried forward shall be used to provide
1306 scholarships to eligible students or transferred to other
1307 eligible nonprofit scholarship-funding organizations to provide
1308 scholarships for eligible students. All transferred funds must
1309 be deposited by each eligible nonprofit scholarship-funding
1310 organization receiving such funds into its scholarship account.
1311 All transferred amounts received by any eligible nonprofit
1312 scholarship-funding organization must be separately disclosed in
1313 the annual financial audit required under paragraph (o) ~~(m)~~.

1314 3. Must, before granting a scholarship for an academic
1315 year, document each scholarship student's eligibility for that
1316 academic year. A scholarship-funding organization may not grant
1317 multiyear scholarships in one approval process.

1318 (q) ~~(e)~~ 1.a. Must participate in the joint development of
1319 agreed-upon procedures during the 2009-2010 state fiscal year.
1320 The agreed-upon procedures must uniformly apply to all private
1321 schools and must determine, at a minimum, whether the private
1322 school has been verified as eligible by the Department of
1323 Education under s. 1002.421; has an adequate accounting system,
1324 system of financial controls, and process for deposit and
1325 classification of scholarship funds; and has properly expended

1326 scholarship funds for education-related expenses. During the
1327 development of the procedures, the participating scholarship-
1328 funding organizations shall specify guidelines governing the
1329 materiality of exceptions that may be found during the
1330 accountant's performance of the procedures. The procedures and
1331 guidelines shall be provided to private schools and the
1332 Commissioner of Education by March 15, 2011.

1333 b. Must participate in a joint review of the agreed-upon
1334 procedures and guidelines developed under sub-subparagraph a.,
1335 by February of each biennium, if the scholarship-funding
1336 organization provided more than \$250,000 in scholarship funds ~~to~~
1337 ~~an eligible private school~~ under this chapter during the state
1338 fiscal year preceding the biennial review. If the procedures and
1339 guidelines are revised, the revisions must be provided to
1340 private schools and the Commissioner of Education by March 15 of
1341 the year in which the revisions were completed. The revised
1342 agreed-upon procedures and guidelines shall take effect the
1343 subsequent school year. ~~For the 2018-2019 school year only, the~~
1344 ~~joint review of the agreed-upon procedures must be completed and~~
1345 ~~the revisions submitted to the commissioner no later than~~
1346 ~~September 15, 2018. The revised procedures are applicable to the~~
1347 ~~2018-2019 school year.~~

1348 c. Must monitor the compliance of a private school with s.
1349 1002.421(1)(q) if the scholarship-funding organization provided
1350 the majority of the scholarship funding to the school. For each

1351 private school subject to s. 1002.421(1)(q), the appropriate
 1352 scholarship-funding organization shall annually notify the
 1353 Commissioner of Education by October 30 of:

1354 (I) A private school's failure to submit a report required
 1355 under s. 1002.421(1)(q); or

1356 (II) Any material exceptions set forth in the report
 1357 required under s. 1002.421(1)(q).

1358 2. Must seek input from the accrediting associations that
 1359 are members of the Florida Association of Academic Nonpublic
 1360 Schools and the Department of Education when jointly developing
 1361 the agreed-upon procedures and guidelines under sub-subparagraph
 1362 1.a. and conducting a review of those procedures and guidelines
 1363 under sub-subparagraph 1.b.

1364 (t) Must participate in the joint development of agreed-
 1365 upon purchasing guidelines for authorized uses of scholarship
 1366 funds under this chapter. By December 31, 2023, and by each
 1367 December 31 thereafter, the purchasing guidelines must be
 1368 provided to the Commissioner of Education and published on the
 1369 eligible nonprofit scholarship-funding organization's website.
 1370 Published purchasing guidelines shall remain in effect until
 1371 there is unanimous agreement to revise the guidelines and the
 1372 revisions must be provided to the commissioner and published on
 1373 the organization's website within 30 days after such revisions.

1374 (u) May permit eligible students to use program funds for
 1375 the purposes specified in paragraph (d) by paying for the

1376 authorized use directly, then submitting a reimbursement request
1377 to the eligible nonprofit scholarship-funding organization.
1378 However, an eligible nonprofit scholarship-funding organization
1379 may require the use of an online platform for direct purchases
1380 of products so long as such use does not limit a parent's choice
1381 of curriculum or academic programs. If a parent purchases a
1382 product identical to one offered by an organization's online
1383 platform for a lower price, the organization shall reimburse the
1384 parent the difference in the prices.

1385 (v) Must notify each parent that participation in the
1386 scholarship program does not guarantee enrollment.

1387 (w) Shall commit scholarship funds on behalf of the
1388 student for tuition and fees for which the parent is responsible
1389 for payment at the private school before using empowerment
1390 account funds for additional authorized uses under paragraph
1391 (d).

1392 (x) Beginning September 30, 2023, must submit to the
1393 department quarterly reports that provide the estimated and
1394 actual amounts of the net eligible contributions, as defined in
1395 subsection (2), and all funds carried forward from the prior
1396 state fiscal year.

1397
1398 Information and documentation provided to the Department of
1399 Education and the Auditor General relating to the identity of a
1400 taxpayer that provides an eligible contribution under this

1401 section shall remain confidential at all times in accordance
 1402 with s. 213.053.

1403 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 1404 PARTICIPATION.—

1405 (a) A parent whose student will be enrolled full time in a
 1406 private school must:

1407 1. ~~The parent must~~ Select an eligible private school and
 1408 apply for the admission of his or her child.

1409 2. ~~(b) The parent must~~ Inform the child's school district
 1410 when the parent withdraws his or her child to attend an eligible
 1411 private school.

1412 3. ~~(c) Require his or her~~ any student participating in the
 1413 ~~scholarship~~ program to ~~must~~ remain in attendance throughout the
 1414 school year unless excused by the school for illness or other
 1415 good cause and.

1416 ~~(d) Each parent and each student has an obligation to the~~
 1417 ~~private school to~~ comply with the private school's published
 1418 policies.

1419 4. Meet with the private school's principal or the
 1420 principal's designee to review the school's academic programs
 1421 and policies, specialized services, code of student conduct, and
 1422 attendance policies before enrollment in the private school.

1423 5. ~~(e) Require his or her~~ The parent shall ensure that the
 1424 student participating in the ~~scholarship~~ program to take ~~takes~~
 1425 the norm-referenced assessment offered by the private school.

1426 The parent may also choose to have the student participate in
1427 the statewide assessments pursuant to s. 1008.22. If the parent
1428 requests that the student participating in the scholarship
1429 program take statewide assessments pursuant to s. 1008.22 and
1430 the private school has not chosen to offer and administer the
1431 statewide assessments, the parent is responsible for
1432 transporting the student to the assessment site designated by
1433 the school district.

1434 ~~6.(f) Upon receipt of a scholarship warrant from the~~
1435 ~~eligible nonprofit scholarship-funding organization, the parent~~
1436 ~~to whom the warrant is made must restrictively endorse the~~
1437 ~~warrant to the private school for deposit into the account of~~
1438 ~~the private school. If payments are made by funds transfer, the~~
1439 ~~parent must~~ Approve each payment before the scholarship funds
1440 may be deposited by funds transfer. The parent may not designate
1441 any entity or individual associated with the participating
1442 private school as the parent's attorney in fact to ~~endorse a~~
1443 ~~scholarship warrant or~~ approve a funds transfer. A participant
1444 who fails to comply with this paragraph forfeits the
1445 scholarship.

1446 ~~7.(g) The parent shall~~ Authorize the nonprofit
1447 scholarship-funding organization to access information needed
1448 for income eligibility determination and verification held by
1449 other state or federal agencies, including the Department of
1450 Revenue, the Department of Children and Families, the Department

1451 of Education, the Department of Economic Opportunity, and the
1452 Agency for Health Care Administration.

1453 8. Agree to have the organization commit scholarship funds
1454 on behalf of his or her student for tuition and fees for which
1455 the parent is responsible for payment at the private school
1456 before using empowerment account funds for additional authorized
1457 uses under paragraph (6)(d). A parent is responsible for all
1458 eligible expenses in excess of the amount of the scholarship.

1459 (b) A parent whose student will not be enrolled full time
1460 in a public or private school must:

1461 1. Apply to an eligible nonprofit scholarship-funding
1462 organization to participate in the program as a personalized
1463 education student by a date set by the organization. The request
1464 must be communicated directly to the organization in a manner
1465 that creates a written or electronic record of the request and
1466 the date of receipt of the request.

1467 2. Sign an agreement with the organization and annually
1468 submit a sworn compliance statement to the organization to
1469 satisfy or maintain program eligibility, including eligibility
1470 to receive and spend program payments, by:

1471 a. Affirming that the program funds are used only for
1472 authorized purposes serving the student's educational needs, as
1473 described in paragraph (6)(d), and that they will not receive a
1474 payment, refund, or rebate of any funds provided under this
1475 section.

1476 b. Affirming that the parent is responsible for all
1477 eligible expenses in excess of the amount of the scholarship and
1478 for the education of his or her student.

1479 c. Submitting a student learning plan to the organization
1480 and revising the plan at least annually before program renewal.

1481 d. Requiring his or her student to take a nationally norm-
1482 referenced test identified by the Department of Education, or a
1483 statewide assessment under s. 1008.22, and provide assessment
1484 results to the organization before the student's program
1485 renewal.

1486 e. Renewing participation in the program each year. A
1487 student whose participation in the program is not renewed may
1488 continue to spend scholarship funds that are in his or her
1489 account from prior years unless the account must be closed
1490 pursuant to s. 1002.394(5)(a)2.

1491 f. Procuring the services necessary to educate the
1492 student. When the student receives a scholarship, the district
1493 school board is not obligated to provide the student with a free
1494 appropriate public education.

1495
1496 An eligible nonprofit scholarship-funding organization may not
1497 further regulate, exercise control over, or require
1498 documentation beyond the requirements of this subsection unless
1499 the regulation, control, or documentation is necessary for
1500 participation in the program.

1501 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1502 Education shall:

1503 (a) Annually submit to the department and division, by
1504 March 15, a list of eligible nonprofit scholarship-funding
1505 organizations that meet the requirements of paragraph (2) (g)
1506 ~~(2) (f)~~.

1507 (b) Annually verify the eligibility of nonprofit
1508 scholarship-funding organizations that meet the requirements of
1509 paragraph (2) (g) ~~(2) (f)~~.

1510 (c) Annually verify the eligibility of expenditures as
1511 provided in paragraph (6) (d) using the audit required by
1512 paragraph (6) (o) ~~(6) (m)~~.

1513 (e) Maintain and annually publish a list of nationally
1514 norm-referenced tests identified for purposes of satisfying the
1515 testing requirement in subparagraph (8) (b) 1. The tests must meet
1516 industry standards of quality in accordance with State Board of
1517 Education rule.

1518 (f) Issue a project grant award to a state university, to
1519 which participating private schools and eligible nonprofit
1520 scholarship-funding organizations must report the scores of
1521 participating students on the nationally norm-referenced tests
1522 or the statewide assessments administered ~~by the private school~~
1523 in grades 3 through 10. The project term is 2 years, and the
1524 amount of the project is up to \$250,000 per year. The project
1525 grant award must be reissued in 2-year intervals in accordance

1526 | with this paragraph.

1527 | 1. The state university must annually report to the
1528 | Department of Education on the student performance of
1529 | participating students and, beginning with the 2027-2028 school
1530 | year, on the performance of personalized education students:

1531 | a. On a statewide basis. The report shall also include, to
1532 | the extent possible, a comparison of scholarship students'
1533 | performance to the statewide student performance of public
1534 | school students with socioeconomic backgrounds similar to those
1535 | of students participating in the scholarship program. To
1536 | minimize costs and reduce time required for the state
1537 | university's analysis and evaluation, the Department of
1538 | Education shall coordinate with the state university to provide
1539 | data to the state university in order to conduct analyses of
1540 | matched students from public school assessment data and
1541 | calculate control group student performance using an agreed-upon
1542 | methodology with the state university; and

1543 | b. On an individual school basis for students enrolled
1544 | full time in a private school. The annual report must include
1545 | student performance for each participating private school in
1546 | which ~~at least 51 percent of the total~~ enrolled students in the
1547 | private school participated in a scholarship program under this
1548 | section, s. 1002.394(12)(a), or s. 1002.40 ~~the Florida Tax~~
1549 | ~~Credit Scholarship Program~~ in the prior school year. The report
1550 | shall be according to each participating private school, and for

1551 participating students, in which there are at least 30
1552 participating students who have scores for tests administered.
1553 If the state university determines that the 30-participating-
1554 student cell size may be reduced without disclosing personally
1555 identifiable information, as described in 34 C.F.R. s. 99.12, of
1556 a participating student, the state university may reduce the
1557 participating-student cell size, but the cell size must not be
1558 reduced to less than 10 participating students. The department
1559 shall provide each private school's prior school year's student
1560 enrollment information to the state university no later than
1561 June 15 of each year, or as requested by the state university.

1562 2. The sharing and reporting of student performance data
1563 under this paragraph must be in accordance with requirements of
1564 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
1565 Educational Rights and Privacy Act, and the applicable rules and
1566 regulations issued pursuant thereto, and shall be for the sole
1567 purpose of creating the annual report required by subparagraph
1568 1. All parties must preserve the confidentiality of such
1569 information as required by law. The annual report must not
1570 disaggregate data to a level that will identify individual
1571 participating schools, except as required under sub-subparagraph
1572 1.b., or disclose the academic level of individual students.

1573 3. The annual report required by subparagraph 1. shall be
1574 published by the Department of Education on its website.

1575 (j) Provide a process to match the direct certification

1576 list with the scholarship application data submitted by any
 1577 nonprofit scholarship-funding organization eligible to receive
 1578 the 3-percent administrative allowance under paragraph (6) (1)
 1579 ~~(6) (j)~~.

1580 (k) Notify each school district of the full-time
 1581 equivalent student consensus estimate of scholarship students
 1582 developed pursuant to s. 216.136(4) (a).

1583 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1584 (b) Payment of the scholarship by the eligible nonprofit
 1585 scholarship-funding organization shall be ~~by individual warrant~~
 1586 ~~made payable to the student's parent or~~ by funds transfer,
 1587 including, but not limited to, debit cards, electronic payment
 1588 cards, or any other means of payment that the department deems
 1589 to be commercially viable or cost-effective. ~~If the payment is~~
 1590 ~~made by warrant, the warrant must be delivered by the eligible~~
 1591 ~~nonprofit scholarship-funding organization to the private school~~
 1592 ~~of the parent's choice, and the parent shall restrictively~~
 1593 ~~endorse the warrant to the private school.~~ An eligible nonprofit
 1594 scholarship-funding organization shall ensure ~~that the parent to~~
 1595 ~~whom the warrant is made restrictively endorsed the warrant to~~
 1596 ~~the private school for deposit into the account of the private~~
 1597 ~~school or~~ that the parent has approved a funds transfer before
 1598 any scholarship funds are deposited.

1599 (e) An eligible nonprofit scholarship-funding organization
 1600 may not transfer any funds to an account of a student determined

1601 eligible under this section which has a balance in excess of
1602 \$24,000.

1603 (f) A scholarship awarded to an eligible student shall
1604 remain in force until:

1605 1. The organization determines that the student is not
1606 eligible for program renewal;

1607 2. The Commissioner of Education suspends or revokes
1608 program participation or use of funds;

1609 3. The student's parent has forfeited participation in the
1610 program for failure to comply with subsection (7);

1611 4. The student enrolls in a public school. However, if a
1612 student enters a Department of Juvenile Justice detention center
1613 for a period of no more than 21 days, the student is not
1614 considered to have returned to a public school on a full-time
1615 basis for that purpose; or

1616 5. The student graduates from high school or attains 21
1617 years of age, whichever occurs first.

1618 (g) Reimbursements for program expenditures may continue
1619 until the account balance is expended or remaining funds have
1620 reverted to the state.

1621 (h) A student's scholarship account must be closed and any
1622 remaining funds shall revert to the state after:

1623 1. Denial or revocation of program eligibility by the
1624 commissioner for fraud or abuse, including, but not limited to,
1625 the student or student's parent accepting any payment, refund,

1626 or rebate, in any manner, from a provider of any services
 1627 received pursuant to paragraph (6)(d); or
 1628 2. Two consecutive fiscal years in which an account has
 1629 been inactive.

1630 (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
 1631 APPLICATION.—In order to participate in the scholarship program
 1632 created under this section, a charitable organization that seeks
 1633 to be a nonprofit scholarship-funding organization must submit
 1634 an application for initial approval or renewal to the Office of
 1635 Independent Education and Parental Choice. The office shall
 1636 provide at least two application periods in which charitable
 1637 organizations may apply to participate in the program no later
 1638 ~~than September 1 of each year before the school year for which~~
 1639 ~~the organization intends to offer scholarships.~~

1640 (a) An application for initial approval must include:

1641 1. A copy of the organization's incorporation documents
 1642 and registration with the Division of Corporations of the
 1643 Department of State.

1644 2. A copy of the organization's Internal Revenue Service
 1645 determination letter as a s. 501(c)(3) not-for-profit
 1646 organization.

1647 3. A description of the organization's financial plan that
 1648 demonstrates sufficient funds to operate throughout the school
 1649 year.

1650 4. A description of the geographic region that the

1651 organization intends to serve and an analysis of the demand and
1652 unmet need for eligible students in that area.

1653 5. The organization's organizational chart.

1654 6. A description of the criteria and methodology that the
1655 organization will use to evaluate scholarship eligibility.

1656 7. A description of the application process, including
1657 deadlines and any associated fees.

1658 8. A description of the deadlines for attendance
1659 verification and scholarship payments.

1660 9. A copy of the organization's policies on conflict of
1661 interest and whistleblowers.

1662 10. A copy of a surety bond or letter of credit to secure
1663 the faithful performance of the obligations of the eligible
1664 nonprofit scholarship-funding organization in accordance with
1665 this section in an amount equal to 25 percent of the scholarship
1666 funds anticipated for each school year or \$100,000, whichever is
1667 greater. The surety bond or letter of credit must specify that
1668 any claim against the bond or letter of credit may be made only
1669 by an eligible nonprofit scholarship-funding organization to
1670 provide scholarships to and on behalf of students who would have
1671 had scholarships funded if it were not for the diversion of
1672 funds giving rise to the claim against the bond or letter of
1673 credit.

1674 (b) In addition to the information required by
1675 subparagraphs (a)1.-9., an application for renewal must include:

1676 1. A surety bond or letter of credit to secure the
1677 faithful performance of the obligations of the eligible
1678 nonprofit scholarship-funding organization in accordance with
1679 this section equal to the amount of undisbursed donations held
1680 by the organization based on the annual report submitted
1681 pursuant to paragraph (6) (o) ~~(6) (m)~~. The amount of the surety
1682 bond or letter of credit must be at least \$100,000, but not more
1683 than \$25 million. The surety bond or letter of credit must
1684 specify that any claim against the bond or letter of credit may
1685 be made only by an eligible nonprofit scholarship-funding
1686 organization to provide scholarships to and on behalf of
1687 students who would have had scholarships funded if it were not
1688 for the diversion of funds giving rise to the claim against the
1689 bond or letter of credit.

1690 2. The organization's completed Internal Revenue Service
1691 Form 990 submitted no later than November 30 of the year before
1692 the school year that the organization intends to offer the
1693 scholarships, notwithstanding the department's ~~September 1~~
1694 application deadline.

1695 3. A copy of the statutorily required audit to the
1696 Department of Education and Auditor General.

1697 4. An annual report that includes:

1698 a. The number of students who completed applications, by
1699 county and by grade.

1700 b. The number of students who were approved for

1701 scholarships, by county and by grade.

1702 c. The number of students who received funding for
 1703 scholarships within each funding category, by county and by
 1704 grade.

1705 d. The amount of funds received, the amount of funds
 1706 distributed in scholarships, and an accounting of remaining
 1707 funds and the obligation of those funds.

1708 e. A detailed accounting of how the organization spent the
 1709 administrative funds allowable under paragraph (6) (1) ~~(6) (j)~~.

1710 (c) In consultation with the Department of Revenue and the
 1711 Chief Financial Officer, the Office of Independent Education and
 1712 Parental Choice shall review the application. The Department of
 1713 Education shall notify the organization in writing of any
 1714 deficiencies within 30 days after receipt of the application and
 1715 allow the organization 30 days to correct any deficiencies.

1716 (d) Within 30 days after receipt of the finalized
 1717 application by the Office of Independent Education and Parental
 1718 Choice, the Commissioner of Education shall recommend approval
 1719 or disapproval of the application to the State Board of
 1720 Education. The State Board of Education shall consider the
 1721 application and recommendation at the next scheduled meeting,
 1722 adhering to appropriate meeting notice requirements. If the
 1723 State Board of Education disapproves the organization's
 1724 application, it shall provide the organization with a written
 1725 explanation of that determination. The State Board of

1726 Education's action is not subject to chapter 120.

1727 (e) If the State Board of Education disapproves the
1728 renewal of a nonprofit scholarship-funding organization, the
1729 organization must notify the affected eligible students and
1730 parents of the decision within 15 days after disapproval. An
1731 eligible student affected by the disapproval of an
1732 organization's participation remains eligible under this section
1733 until the end of the school year in which the organization was
1734 disapproved. The student must apply and be accepted by another
1735 eligible nonprofit scholarship-funding organization for the
1736 upcoming school year. The student shall be given priority in
1737 accordance with paragraph (6)(g) ~~(6)(f)~~.

1738 (f) All remaining funds held by a nonprofit scholarship-
1739 funding organization that is disapproved for participation must
1740 be transferred to other eligible nonprofit scholarship-funding
1741 organizations to provide scholarships for eligible students. All
1742 transferred funds must be deposited by each eligible nonprofit
1743 scholarship-funding organization receiving such funds into its
1744 scholarship account. All transferred amounts received by any
1745 eligible nonprofit scholarship-funding organization must be
1746 separately disclosed in the annual financial audit required
1747 under subsection (6).

1748 (g) A nonprofit scholarship-funding organization is a
1749 renewing organization if it maintains continuous approval and
1750 participation in the program. An organization that chooses not

1751 to participate for 1 year or more or is disapproved to
1752 participate for 1 year or more must submit an application for
1753 initial approval in order to participate in the program again.

1754 (h) The State Board of Education shall adopt rules
1755 providing guidelines for receiving, reviewing, and approving
1756 applications for new and renewing nonprofit scholarship-funding
1757 organizations. The rules must include a process for compiling
1758 input and recommendations from the Chief Financial Officer, the
1759 Department of Revenue, and the Department of Education. The
1760 rules must also require that the nonprofit scholarship-funding
1761 organization make a brief presentation to assist the State Board
1762 of Education in its decision.

1763 (i) A state university; or an independent college or
1764 university which is eligible to participate in the William L.
1765 Boyd, IV, Effective Access to Student Education Grant Program,
1766 located and chartered in this state, is not for profit, and is
1767 accredited by the Commission on Colleges of the Southern
1768 Association of Colleges and Schools, is exempt from the initial
1769 or renewal application process, but must file a registration
1770 notice with the Department of Education to be an eligible
1771 nonprofit scholarship-funding organization. The State Board of
1772 Education shall adopt rules that identify the procedure for
1773 filing the registration notice with the department. The rules
1774 must identify appropriate reporting requirements for fiscal,
1775 programmatic, and performance accountability purposes consistent

1776 with this section, but shall not exceed the requirements for
1777 eligible nonprofit scholarship-funding organizations for
1778 charitable organizations.

1779 Section 7. Paragraphs (e) and (f) of subsection (2) and
1780 paragraphs (g) and (i) of subsection (11) of section 1002.40,
1781 Florida Statutes, are amended to read:

1782 1002.40 The Hope Scholarship Program.—

1783 (2) DEFINITIONS.—As used in this section, the term:

1784 (e) "Eligible nonprofit scholarship-funding organization"
1785 or "organization" has the same meaning as provided in s.
1786 1002.395(2) ~~s. 1002.395(2)(f)~~.

1787 (f) "Eligible private school" has the same meaning as
1788 provided in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.

1789 (11) FUNDING AND PAYMENT.—

1790 (g) An eligible nonprofit scholarship-funding
1791 organization, subject to the limitations of s. 1002.395(6)(l)1.
1792 ~~s. 1002.395(6)(j)1.~~, may use eligible contributions received
1793 during the state fiscal year in which such contributions are
1794 collected for administrative expenses.

1795 (i) Notwithstanding s. 1002.395(6)(l)2. ~~s. 1002.395(6)~~
1796 ~~(j)2.~~, no more than 5 percent of net eligible contributions may
1797 be carried forward to the following state fiscal year by an
1798 eligible scholarship-funding organization. For audit purposes,
1799 all amounts carried forward must be specifically identified for
1800 individual students by student name and by the name of the

1801 school to which the student is admitted, subject to the
1802 requirements of ss. 1002.21 and 1002.22 and 20 U.S.C. s. 1232g,
1803 and the applicable rules and regulations issued pursuant to such
1804 requirements. Any amounts carried forward shall be expended for
1805 annual scholarships or partial-year scholarships in the
1806 following state fiscal year. Net eligible contributions
1807 remaining on June 30 of each year which are in excess of the 5
1808 percent that may be carried forward shall be transferred to
1809 other eligible nonprofit scholarship-funding organizations
1810 participating in the Hope Scholarship Program to provide
1811 scholarships for eligible students. All transferred funds must
1812 be deposited by each eligible nonprofit scholarship-funding
1813 organization receiving such funds into the scholarship account
1814 of eligible students. All transferred amounts received by an
1815 eligible nonprofit scholarship-funding organization must be
1816 separately disclosed in the annual financial audit requirement
1817 under s. 1002.395(6)(o) ~~s. 1002.395(6)(m)~~. If no other eligible
1818 nonprofit scholarship-funding organization participates in the
1819 Hope Scholarship Program, net eligible contributions in excess
1820 of the 5 percent may be used to fund scholarships for students
1821 eligible under s. 1002.395 only after fully exhausting all
1822 contributions made in support of scholarships under that section
1823 in accordance with the priority established in s. 1002.395(6)(f)
1824 before ~~s. 1002.395(6)(e)~~ ~~prior to~~ awarding any initial
1825 scholarships.

1826 Section 8. Subsection (1) and paragraph (c) of subsection
 1827 (3) of section 1002.421, Florida Statutes, are amended to read:
 1828 1002.421 State school choice scholarship program
 1829 accountability and oversight.—

1830 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 1831 school participating in an educational scholarship program
 1832 established pursuant to this chapter must be a private school as
 1833 defined in s. 1002.01 ~~s. 1002.01(2)~~ in this state, be
 1834 registered, and be in compliance with all requirements of this
 1835 section in addition to private school requirements outlined in
 1836 s. 1002.42, specific requirements identified within respective
 1837 scholarship program laws, and other provisions of Florida law
 1838 that apply to private schools, and must:

1839 (a) Comply with the antidiscrimination provisions of 42
 1840 U.S.C. s. 2000d.

1841 (b) Notify the department of its intent to participate in
 1842 a scholarship program.

1843 (c) Notify the department of any change in the school's
 1844 name, school director, mailing address, or physical location
 1845 within 15 days after the change.

1846 (d) Provide to the department or scholarship-funding
 1847 organization all documentation required for a student's
 1848 participation, including the private school's and student's
 1849 individual fee schedule, and attendance verification as required
 1850 by the department or scholarship-funding organization, prior to

1851 scholarship payment.

1852 (e) Annually complete and submit to the department a
 1853 notarized scholarship compliance statement certifying that all
 1854 school employees and contracted personnel with direct student
 1855 contact have undergone background screening pursuant to s.
 1856 435.12 and have met the screening standards as provided in s.
 1857 435.04.

1858 (f) Demonstrate fiscal soundness and accountability by:

1859 1. Being in operation for at least 3 school years or
 1860 obtaining a surety bond or letter of credit for the amount equal
 1861 to the scholarship funds for any quarter and filing the surety
 1862 bond or letter of credit with the department.

1863 2. Requiring the parent of each scholarship student to
 1864 personally restrictively endorse the scholarship warrant to the
 1865 school or to approve a funds transfer before any funds are
 1866 deposited for a student. The school may not act as attorney in
 1867 fact for the parent of a scholarship student under the authority
 1868 of a power of attorney executed by such parent, or under any
 1869 other authority, to endorse a scholarship warrant or approve a
 1870 funds transfer on behalf of such parent.

1871 (g) Meet applicable state and local health, safety, and
 1872 welfare laws, codes, and rules, including:

- 1873 1. Firesafety.
- 1874 2. Building safety.

1875 (h) Employ or contract with teachers who hold

1876 | baccalaureate or higher degrees, have at least 3 years of
 1877 | teaching experience in public or private schools, or have
 1878 | special skills, knowledge, or expertise that qualifies them to
 1879 | provide instruction in subjects taught.

1880 | (i) Maintain a physical location in the state at which
 1881 | each student has regular and direct contact with teachers.

1882 | (j) Publish on the school's website, or provide in a
 1883 | written format, information for parents regarding the school,
 1884 | including, but not limited to, programs, services, ~~and~~ the
 1885 | qualifications of classroom teachers, and a statement that a
 1886 | parentally placed private school student with a disability does
 1887 | not have an individual right to receive some or all of the
 1888 | special education and related services that the student would
 1889 | receive if enrolled in a public school under the Individuals
 1890 | with Disabilities Education Act (IDEA), as amended.

1891 | (k) At a minimum, provide the parent of each scholarship
 1892 | student with a written explanation of the student's progress on
 1893 | a quarterly basis.

1894 | (l) Cooperate with a student whose parent chooses to
 1895 | participate in the statewide assessments pursuant to s. 1008.22.

1896 | (m) Require each employee and contracted personnel with
 1897 | direct student contact, upon employment or engagement to provide
 1898 | services, to undergo a state and national background screening,
 1899 | pursuant to s. 943.0542, by electronically filing with the
 1900 | Department of Law Enforcement a complete set of fingerprints

1901 taken by an authorized law enforcement agency or an employee of
1902 the private school, a school district, or a private company who
1903 is trained to take fingerprints and deny employment to or
1904 terminate an employee if he or she fails to meet the screening
1905 standards under s. 435.04. Results of the screening shall be
1906 provided to the participating private school. For purposes of
1907 this paragraph:

1908 1. An "employee or contracted personnel with direct
1909 student contact" means any employee or contracted personnel who
1910 has unsupervised access to a scholarship student for whom the
1911 private school is responsible.

1912 2. The costs of fingerprinting and the background check
1913 shall not be borne by the state.

1914 3. Continued employment of an employee or contracted
1915 personnel after notification that he or she has failed the
1916 background screening under this paragraph shall cause a private
1917 school to be ineligible for participation in a scholarship
1918 program.

1919 4. An employee or contracted personnel holding a valid
1920 Florida teaching certificate who has been fingerprinted pursuant
1921 to s. 1012.32 is not required to comply with the provisions of
1922 this paragraph.

1923 5. All fingerprints submitted to the Department of Law
1924 Enforcement as required by this section shall be retained by the
1925 Department of Law Enforcement in a manner provided by rule and

1926 entered in the statewide automated biometric identification
1927 system authorized by s. 943.05(2)(b). Such fingerprints shall
1928 thereafter be available for all purposes and uses authorized for
1929 arrest fingerprints entered in the statewide automated biometric
1930 identification system pursuant to s. 943.051.

1931 6. The Department of Law Enforcement shall search all
1932 arrest fingerprints received under s. 943.051 against the
1933 fingerprints retained in the statewide automated biometric
1934 identification system under subparagraph 5. Any arrest record
1935 that is identified with the retained fingerprints of a person
1936 subject to the background screening under this section shall be
1937 reported to the employing school with which the person is
1938 affiliated. Each private school participating in a scholarship
1939 program is required to participate in this search process by
1940 informing the Department of Law Enforcement of any change in the
1941 employment or contractual status of its personnel whose
1942 fingerprints are retained under subparagraph 5. The Department
1943 of Law Enforcement shall adopt a rule setting the amount of the
1944 annual fee to be imposed upon each private school for performing
1945 these searches and establishing the procedures for the retention
1946 of private school employee and contracted personnel fingerprints
1947 and the dissemination of search results. The fee may be borne by
1948 the private school or the person fingerprinted.

1949 7. Employees and contracted personnel whose fingerprints
1950 are not retained by the Department of Law Enforcement under

1951 subparagraphs 5. and 6. are required to be refingerprinted and
 1952 must meet state and national background screening requirements
 1953 upon reemployment or reengagement to provide services in order
 1954 to comply with the requirements of this section.

1955 8. Every 5 years following employment or engagement to
 1956 provide services with a private school, employees or contracted
 1957 personnel required to be screened under this section must meet
 1958 screening standards under s. 435.04, at which time the private
 1959 school shall request the Department of Law Enforcement to
 1960 forward the fingerprints to the Federal Bureau of Investigation
 1961 for national processing. If the fingerprints of employees or
 1962 contracted personnel are not retained by the Department of Law
 1963 Enforcement under subparagraph 5., employees and contracted
 1964 personnel must electronically file a complete set of
 1965 fingerprints with the Department of Law Enforcement. Upon
 1966 submission of fingerprints for this purpose, the private school
 1967 shall request that the Department of Law Enforcement forward the
 1968 fingerprints to the Federal Bureau of Investigation for national
 1969 processing, and the fingerprints shall be retained by the
 1970 Department of Law Enforcement under subparagraph 5.

1971 (n) Adopt policies establishing standards of ethical
 1972 conduct for educational support employees, instructional
 1973 personnel, and school administrators. The policies must require
 1974 all educational support employees, instructional personnel, and
 1975 school administrators, as defined in s. 1012.01, to complete

1976 training on the standards; establish the duty of educational
 1977 support employees, instructional personnel, and school
 1978 administrators to report, and procedures for reporting, alleged
 1979 misconduct by other educational support employees, instructional
 1980 personnel, and school administrators which affects the health,
 1981 safety, or welfare of a student; and include an explanation of
 1982 the liability protections provided under ss. 39.203 and 768.095.
 1983 A private school, or any of its employees, may not enter into a
 1984 confidentiality agreement regarding terminated or dismissed
 1985 educational support employees, instructional personnel, or
 1986 school administrators, or employees, personnel, or
 1987 administrators who resign in lieu of termination, based in whole
 1988 or in part on misconduct that affects the health, safety, or
 1989 welfare of a student, and may not provide the employees,
 1990 personnel, or administrators with employment references or
 1991 discuss the employees', personnel's, or administrators'
 1992 performance with prospective employers in another educational
 1993 setting, without disclosing the employees', personnel's, or
 1994 administrators' misconduct. Any part of an agreement or contract
 1995 that has the purpose or effect of concealing misconduct by
 1996 educational support employees, instructional personnel, or
 1997 school administrators which affects the health, safety, or
 1998 welfare of a student is void, is contrary to public policy, and
 1999 may not be enforced.
 2000 (o) Before employing a person in any position that

2001 requires direct contact with students, conduct employment
 2002 history checks of previous employers, screen the person through
 2003 use of the screening tools described in s. 1001.10(5), and
 2004 document the findings. If unable to contact a previous employer,
 2005 the private school must document efforts to contact the
 2006 employer. The private school may not employ a person whose
 2007 educator certificate is revoked, who is barred from reapplying
 2008 for an educator certificate, or who is on the disqualification
 2009 list maintained by the department pursuant to s. 1001.10(4)(b).
 2010 (p) Require each owner or operator of the private school,
 2011 prior to employment or engagement to provide services, to
 2012 undergo level 2 background screening as provided under chapter
 2013 435. For purposes of this paragraph, the term "owner or
 2014 operator" means an owner, operator, superintendent, or principal
 2015 of, or a person with equivalent decisionmaking authority over, a
 2016 private school participating in a scholarship program
 2017 established pursuant to this chapter. The fingerprints for the
 2018 background screening must be electronically submitted to the
 2019 Department of Law Enforcement and may be taken by an authorized
 2020 law enforcement agency or a private company who is trained to
 2021 take fingerprints. However, the complete set of fingerprints of
 2022 an owner or operator may not be taken by the owner or operator.
 2023 The owner or operator shall provide a copy of the results of the
 2024 state and national criminal history check to the Department of
 2025 Education. The cost of the background screening may be borne by

2026 the owner or operator.

2027 1. Every 5 years following employment or engagement to
2028 provide services, each owner or operator must meet level 2
2029 screening standards as described in s. 435.04, at which time the
2030 owner or operator shall request the Department of Law
2031 Enforcement to forward the fingerprints to the Federal Bureau of
2032 Investigation for level 2 screening. If the fingerprints of an
2033 owner or operator are not retained by the Department of Law
2034 Enforcement under subparagraph 2., the owner or operator must
2035 electronically file a complete set of fingerprints with the
2036 Department of Law Enforcement. Upon submission of fingerprints
2037 for this purpose, the owner or operator shall request that the
2038 Department of Law Enforcement forward the fingerprints to the
2039 Federal Bureau of Investigation for level 2 screening, and the
2040 fingerprints shall be retained by the Department of Law
2041 Enforcement under subparagraph 2.

2042 2. Fingerprints submitted to the Department of Law
2043 Enforcement as required by this paragraph must be retained by
2044 the Department of Law Enforcement in a manner approved by rule
2045 and entered in the statewide automated biometric identification
2046 system authorized by s. 943.05(2)(b). The fingerprints must
2047 thereafter be available for all purposes and uses authorized for
2048 arrest fingerprints entered in the statewide automated biometric
2049 identification system pursuant to s. 943.051.

2050 3. The Department of Law Enforcement shall search all

2051 | arrest fingerprints received under s. 943.051 against the
 2052 | fingerprints retained in the statewide automated biometric
 2053 | identification system under subparagraph 2. Any arrest record
 2054 | that is identified with an owner's or operator's fingerprints
 2055 | must be reported to the owner or operator, who must report to
 2056 | the Department of Education. Any costs associated with the
 2057 | search shall be borne by the owner or operator.

2058 | 4. An owner or operator who fails the level 2 background
 2059 | screening is not eligible to participate in a scholarship
 2060 | program under this chapter.

2061 | 5. In addition to the offenses listed in s. 435.04, a
 2062 | person required to undergo background screening pursuant to this
 2063 | part or authorizing statutes may not have an arrest awaiting
 2064 | final disposition for, must not have been found guilty of, or
 2065 | entered a plea of nolo contendere to, regardless of
 2066 | adjudication, and must not have been adjudicated delinquent for,
 2067 | and the record must not have been sealed or expunged for, any of
 2068 | the following offenses or any similar offense of another
 2069 | jurisdiction:

- 2070 | a. Any authorizing statutes, if the offense was a felony.
- 2071 | b. This chapter, if the offense was a felony.
- 2072 | c. Section 409.920, relating to Medicaid provider fraud.
- 2073 | d. Section 409.9201, relating to Medicaid fraud.
- 2074 | e. Section 741.28, relating to domestic violence.
- 2075 | f. Section 817.034, relating to fraudulent acts through

2076 mail, wire, radio, electromagnetic, photoelectronic, or
 2077 photooptical systems.

2078 g. Section 817.234, relating to false and fraudulent
 2079 insurance claims.

2080 h. Section 817.505, relating to patient brokering.

2081 i. Section 817.568, relating to criminal use of personal
 2082 identification information.

2083 j. Section 817.60, relating to obtaining a credit card
 2084 through fraudulent means.

2085 k. Section 817.61, relating to fraudulent use of credit
 2086 cards, if the offense was a felony.

2087 l. Section 831.01, relating to forgery.

2088 m. Section 831.02, relating to uttering forged
 2089 instruments.

2090 n. Section 831.07, relating to forging bank bills, checks,
 2091 drafts, or promissory notes.

2092 o. Section 831.09, relating to uttering forged bank bills,
 2093 checks, drafts, or promissory notes.

2094 p. Section 831.30, relating to fraud in obtaining
 2095 medicinal drugs.

2096 q. Section 831.31, relating to the sale, manufacture,
 2097 delivery, or possession with the intent to sell, manufacture, or
 2098 deliver any counterfeit controlled substance, if the offense was
 2099 a felony.

2100 6. At least 30 calendar days before a transfer of

2101 ownership of a private school, the owner or operator shall
2102 notify the parent of each scholarship student.

2103 7. The owner or operator of a private school that has been
2104 deemed ineligible to participate in a scholarship program
2105 pursuant to this chapter may not transfer ownership or
2106 management authority of the school to a relative in order to
2107 participate in a scholarship program as the same school or a new
2108 school. For purposes of this subparagraph, the term "relative"
2109 means father, mother, son, daughter, grandfather, grandmother,
2110 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
2111 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
2112 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
2113 stepdaughter, stepbrother, stepsister, half-brother, or half-
2114 sister.

2115 (q) Provide a report from an independent certified public
2116 accountant who performs the agreed-upon procedures developed
2117 pursuant to s. 1002.395(6)(q) ~~s. 1002.395(6)(e)~~ if the private
2118 school receives more than \$250,000 in funds from scholarships
2119 awarded under this chapter in a state fiscal year. A private
2120 school subject to this subsection must annually submit the
2121 report by September 15 to the scholarship-funding organization
2122 that awarded the majority of the school's scholarship funds.
2123 However, a school that receives more than \$250,000 in
2124 scholarship funds only through the John M. McKay Scholarship for
2125 Students with Disabilities Program pursuant to s. 1002.39 must

2126 submit the annual report by September 15 to the department. The
2127 agreed-upon procedures must be conducted in accordance with
2128 attestation standards established by the American Institute of
2129 Certified Public Accountants.

2130 (r) Prohibit education support employees, instructional
2131 personnel, and school administrators from employment in any
2132 position that requires direct contact with students if the
2133 personnel or administrators are ineligible for such employment
2134 pursuant to this section or s. 1012.315, or have been terminated
2135 or have resigned in lieu of termination for sexual misconduct
2136 with a student. If the prohibited conduct occurs subsequent to
2137 employment, the private school must report the person and the
2138 disqualifying circumstances to the department for inclusion on
2139 the disqualification list maintained pursuant to s.
2140 1001.10 (4) (b).

2141
2142 The department shall suspend the payment of funds to a private
2143 school that knowingly fails to comply with this subsection, and
2144 shall prohibit the school from enrolling new scholarship
2145 students, for 1 fiscal year and until the school complies. If a
2146 private school fails to meet the requirements of this subsection
2147 or has consecutive years of material exceptions listed in the
2148 report required under paragraph (q), the commissioner may
2149 determine that the private school is ineligible to participate
2150 in a scholarship program.

2151 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
 2152 The Commissioner of Education:
 2153 (c) May permanently deny or revoke the authority of an
 2154 owner, officer, or director ~~or operator~~ to establish or operate
 2155 a private school in the state and include such individual on the
 2156 disqualification list maintained by the department pursuant to
 2157 s. 1001.10(4)(b) if the commissioner decides that the owner,
 2158 officer, or director: ~~or operator~~
 2159 1. Is operating or has operated an educational institution
 2160 in the state or another state or jurisdiction in a manner
 2161 contrary to the health, safety, or welfare of the public; or
 2162 2. Has operated an educational institution that closed
 2163 during the school year. An individual may be removed from the
 2164 disqualification list if the individual reimburses the
 2165 department or eligible nonprofit scholarship-funding
 2166 organization the amount of scholarship funds received by the
 2167 educational institution during the school year in which it
 2168 closed, ~~and shall include such individuals on the~~
 2169 ~~disqualification list maintained by the department pursuant to~~
 2170 ~~s. 1001.10(4)(b).~~
 2171 Section 9. Section 1002.44, Florida Statutes, is created
 2172 to read:
 2173 1002.44 Part-time public school enrollment.—
 2174 (1) Any public school in this state, including a charter
 2175 school, may enroll a student who meets the regular school

2176 attendance criteria in s. 1003.01(13)(b)-(f) on a part-time
2177 basis, subject to space and availability according to the
2178 school's capacity determined pursuant to s. 1002.31(2)(b).

2179 (2) A student attending a public school on a part-time
2180 basis pursuant to this section shall generate full-time
2181 equivalent student membership as described in s. 1011.61(1)(b).
2182 A student receiving a scholarship under this chapter who attends
2183 a public school on a part-time basis through contracted services
2184 provided by the public school or school district may not be
2185 reported for funding.

2186 (3) A student attending a public school on a part-time
2187 basis pursuant to this section is not considered to be in
2188 regular attendance at a public school as defined in s.
2189 1003.01(13)(a).

2190 Section 10. Paragraphs (d) and (e) of subsection (13) of
2191 section 1003.01, Florida Statutes, are amended, and paragraph
2192 (f) is added to that subsection, to read:

2193 1003.01 Definitions.—As used in this chapter, the term:

2194 (13) "Regular school attendance" means the actual
2195 attendance of a student during the school day as defined by law
2196 and rules of the State Board of Education. Regular attendance
2197 within the intent of s. 1003.21 may be achieved by attendance
2198 in:

2199 (d) A home education program that meets the requirements
2200 of chapter 1002; ~~or~~

2201 (e) A private tutoring program that meets the requirements
 2202 of chapter 1002; ~~or-~~

2203 (f) A personalized education program that meets the
 2204 requirements of s. 1002.395.

2205 Section 11. Paragraph (c) of subsection (2) of section
 2206 1003.27, Florida Statutes, is amended to read:

2207 1003.27 Court procedure and penalties.—The court procedure
 2208 and penalties for the enforcement of the provisions of this
 2209 part, relating to compulsory school attendance, shall be as
 2210 follows:

2211 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2212 (c) Each designee of the governing body of each private
 2213 school and each parent whose child is enrolled in a home
 2214 education program or personalized education program may provide
 2215 the Department of Highway Safety and Motor Vehicles with the
 2216 legal name, sex, date of birth, and social security number of
 2217 each minor student under his or her jurisdiction who fails to
 2218 satisfy relevant attendance requirements and who fails to
 2219 otherwise satisfy the requirements of s. 322.091. The Department
 2220 of Highway Safety and Motor Vehicles may not issue a driver
 2221 license or learner's driver license to, and shall suspend any
 2222 previously issued driver license or learner's driver license of,
 2223 any such minor student pursuant to s. 322.091.

2224 Section 12. Paragraph (k) of subsection (4) of section
 2225 1003.485, Florida Statutes, is amended to read:

2226 | 1003.485 The New Worlds Reading Initiative.—

2227 | (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
2228 | shall:

2229 | (k) Expend eligible contributions received only for the
2230 | purchase and delivery of books and to implement the requirements
2231 | of this section, as well as for administrative expenses not to
2232 | exceed 2 percent of total eligible contributions.

2233 | Notwithstanding s. 1002.395(6)(1)2. ~~s. 1002.395(6)(j)2.~~, the
2234 | administrator may carry forward up to 25 percent of eligible
2235 | contributions made before January 1 of each state fiscal year
2236 | and 100 percent of eligible contributions made on or after
2237 | January 1 of each state fiscal year to the following state
2238 | fiscal year for purposes authorized by this subsection. Any
2239 | eligible contributions in excess of the allowable carry forward
2240 | not used to provide additional books throughout the year to
2241 | eligible students shall revert to the state treasury.

2242 | Section 13. Subsections (3) and (5) of section 1009.30,
2243 | Florida Statutes, are amended to read:

2244 | 1009.30 Dual Enrollment Scholarship Program.—

2245 | (3)(a) The program shall reimburse eligible postsecondary
2246 | institutions for tuition and related instructional materials
2247 | costs for dual enrollment courses taken during the fall or
2248 | spring terms by eligible students, consisting of:

2249 | 1. Private school students who take dual enrollment
2250 | courses pursuant to s. 1007.271(24)(b); ~~or~~

- 2251 2. Home education program secondary students; or
- 2252 3. Personalized education program secondary students.

2253 (b) ~~Beginning in the 2022 summer term,~~ The program shall
 2254 reimburse institutions for tuition and related instructional
 2255 materials costs for dual enrollment courses taken by public
 2256 school, private school, ~~or~~ home education program secondary
 2257 students, or personalized education program secondary students
 2258 during the summer term.

2259 (5) Each participating institution must report to the
 2260 department any ~~eligible~~ secondary students eligible pursuant to
 2261 subsection (3) from private schools or home education programs
 2262 who were enrolled during the fall or spring terms within 30 days
 2263 after the end of regular registration. Each participating
 2264 institution must report to the department any secondary students
 2265 eligible pursuant to subsection (3) public school, private
 2266 school, or home education program students who were enrolled
 2267 during the summer term within 30 days after the end of regular
 2268 registration. For each dual enrollment course in which the
 2269 student is enrolled, the report must include a unique student
 2270 identifier, the postsecondary institution name, the
 2271 postsecondary course number, and the postsecondary course name.
 2272 The department shall reimburse each participating institution no
 2273 later than 30 days after the institution has reported enrollment
 2274 for that term.

2275 Section 14. This act shall take effect July 1, 2023.