

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 s. 1003.01, F.S.; conforming
84 provisions and cross-references to changes made by the
85 act; requiring the State Board of Education to develop
86 and recommend to the Governor and the Legislature for
87 adoption during the 2024 legislative session repeals
88 and revisions to the Florida Early Learning-20
89 Education Code by a specified date,; providing
90 requirements for the state board relating to such
91 recommendations; amending s. 1001.10, F.S.; requiring
92 the Commissioner of Education to develop an online
93 portal for specified purpose; providing requirements
94 for such portal; amending s. 1002.20, F.S.; conforming
95 a cross-reference; amending s. 1003.25, F.S.; revising
96 the timeframe in which student records must be
97 transferred; amending s. 1003.4282, F.S.; deleting the
98 online course requirement for a standard high school
99 diploma; amending s. 1006.21, F.S.; authorizing a
100 district school board to use other vehicles to

101 transport students; amending s. 1006.22, F.S.;

102 deleting a requirement that district school boards use

103 school buses for all regular transportation; deleting

104 provisions relating to circumstances in which students

105 may be transported in privately owned motor vehicles;

106 conforming a provision to changes made by the act;

107 amending ss. 1006.25 and 1006.27, F.S.; conforming a

108 cross-reference and provisions to changes made by the

109 act; amending s. 1011.71, F.S.; authorizing a

110 specified district school board levy to be used to pay

111 salaries and benefits for specified employees;

112 amending s. 1012.56, F.S.; exempting specified

113 individuals from certain mastery of general knowledge

114 requirements; revising the acceptable means of

115 demonstrating mastery of subject area knowledge and

116 mastery of professional preparation and education

117 competence, respectively; revising requirements for

118 the department to issue temporary certificates;

119 revising the validity period for certain temporary

120 certificates; amending s. 1013.64, F.S.; providing

121 that certain construction projects are exempt from the

122 total cost per student station requirements; amending

123 ss. 1002.321, 1003.5716, 1003.499, 1003.27, 1003.485,

124 and 1009.30, F.S.; conforming cross-references and

125 provisions to changes made by the act; providing

126 effective dates.

127

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

129

130 Section 1. Paragraph (1) of subsection (2) of section
 131 11.45, Florida Statutes, is amended to read:

132 11.45 Definitions; duties; authorities; reports; rules.—

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

134 (1) At least once every 3 years, conduct operational
 135 audits of the accounts and records of eligible nonprofit
 136 scholarship-funding organizations receiving eligible
 137 contributions under s. 1002.395, including any contracts for
 138 services with related entities, to determine compliance with the
 139 provisions of that section. Such audits shall include, but not
 140 be limited to, a determination of the eligible nonprofit
 141 scholarship-funding organization's compliance with s.
 142 1002.395(6)(1) ~~s. 1002.395(6)(j)~~. The Auditor General shall
 143 provide its report on the results of the audits to the Governor,
 144 the President of the Senate, the Speaker of the House of
 145 Representatives, the Chief Financial Officer, and the
 146 Legislative Auditing Committee, within 30 days of completion of
 147 the audit.

148

149 The Auditor General shall perform his or her duties
 150 independently but under the general policies established by the

151 Legislative Auditing Committee. This subsection does not limit
152 the Auditor General's discretionary authority to conduct other
153 audits or engagements of governmental entities as authorized in
154 subsection (3).

155 Section 2. Paragraph (c) of subsection (1) and paragraph
156 (c) of subsection (7) of section 212.099, Florida Statutes, are
157 amended to read:

158 212.099 Credit for contributions to eligible nonprofit
159 scholarship-funding organizations.—

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

161 (c) "Eligible nonprofit scholarship-funding organization"
162 or "organization" has the same meaning as provided in s.
163 1002.395(2) ~~s. 1002.395(2)(f)~~.

164 (7)

165 (c) The organization may, subject to the limitations of s.
166 1002.395(6)(l)1. ~~s. 1002.395(6)(j)1.~~, use eligible contributions
167 received during the state fiscal year in which such
168 contributions are collected for administrative expenses.

169 Section 3. Paragraph (c) of subsection (1) of section
170 327.371, Florida Statutes, is amended to read:

171 327.371 Human-powered vessels regulated.—

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

175 (c) When participating in practices or competitions for

176 interscholastic, intercollegiate, intramural, or club rowing
 177 teams affiliated with an educational institution identified in
 178 s. 1000.21, s. 1002.01(3) ~~s. 1002.01(2)~~, s. 1003.01(2), s.
 179 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of
 180 the marked channel is not suitable for such practice or
 181 competition. The teams must use their best efforts to make use
 182 of the adjacent area outside of the marked channel. The
 183 commission must be notified in writing of the details of any
 184 such competition, and the notification must include, but need
 185 not be limited to, the date, time, and location of the
 186 competition.

187 Section 4. Section 1002.01, Florida Statutes, is amended
 188 to read:

189 1002.01 Definitions.—

190 (1) A "home education program" means the sequentially
 191 progressive instruction of a student directed by his or her
 192 parent ~~in order~~ to satisfy the attendance requirements of ss.
 193 1002.41, 1003.01(13), and 1003.21(1).

194 (2) A "personalized education program" means the
 195 sequentially progressive instruction of a student directed by
 196 his or her parent to satisfy the attendance requirements of ss.
 197 1003.01(13) and 1003.21(1) while registered with an eligible
 198 nonprofit scholarship-funding organization pursuant to s.
 199 1002.395. A personalized education student shall be provided the
 200 same flexibility and opportunities as provided in s. 1002.41(3) -

201 (12).

202 ~~(3)~~~~(2)~~ A "private school" is a nonpublic school defined as
 203 an individual, association, copartnership, or corporation, or
 204 department, division, or section of such organizations, that
 205 designates itself as an educational center that includes
 206 kindergarten or a higher grade or as an elementary, secondary,
 207 business, technical, or trade school below college level or any
 208 organization that provides instructional services that meet the
 209 intent of s. 1003.01(13) or that gives preemployment or
 210 supplementary training in technology or in fields of trade or
 211 industry or that offers academic, literary, or career training
 212 below college level, or any combination of the above, including
 213 an institution that performs the functions of the above schools
 214 through correspondence or extension, except those licensed under
 215 the provisions of chapter 1005. A private school may be a
 216 parochial, religious, denominational, for-profit, or nonprofit
 217 school. This definition does not include home education programs
 218 conducted in accordance with s. 1002.41.

219 Section 5. Paragraphs (b) through (m) of subsection (2) of
 220 section 1002.394, Florida Statutes, are redesignated as
 221 paragraphs (c) through (n), respectively, present paragraphs
 222 (e), (f), and (g) of subsection (2), paragraph (a) of subsection
 223 (3), subsection (4), paragraph (a) of subsection (5), paragraph
 224 (f) of subsection (6), paragraphs (b), (d), (f), and (g) of
 225 subsection (7), paragraph (a) of subsection (8), paragraphs (a)

226 and (b) of subsection (10), paragraph (a) of subsection (11),
227 and subsection (12) are amended, and a new paragraph (b) is
228 added to subsection (2), paragraph (c) is added to subsection
229 (8), and paragraph (d) is added to subsection (9) of that
230 section, to read:

231 1002.394 The Family Empowerment Scholarship Program.—

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

233 (b) "Choice navigator" has the same meaning as in s.
234 1002.395(2).

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

238 (g)-(f) "Eligible postsecondary educational institution"
239 means a Florida College System institution; a state university;
240 a school district technical center; a school district adult
241 general education center; an independent college or university
242 that is eligible to participate in the William L. Boyd, IV,
243 Effective Access to Student Education Grant Program under s.
244 1009.89; or an accredited independent postsecondary educational
245 institution, as defined in s. 1005.02, which is licensed to
246 operate in this state under part III of chapter 1005 or is
247 approved to participate in a reciprocity agreement as defined in
248 s. 1000.35(2).

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

251 (3) SCHOLARSHIP ELIGIBILITY.—

252 (a) 1. A parent of a student may request and receive from
253 the state a scholarship for the purposes specified in paragraph
254 (4) (a) if the student is a resident of this state and is
255 eligible to enroll in kindergarten through grade 12 in a public
256 school in this state.‡

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

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

263 ~~3. The student's household income level does not exceed~~
264 ~~375 percent of the federal poverty level or an adjusted maximum~~
265 ~~percent of the federal poverty level that is increased by 25~~
266 ~~percentage points in the fiscal year following any fiscal year~~
267 ~~in which more than 5 percent of the available scholarships~~
268 ~~authorized under paragraph (12) (a) have not been funded;~~

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

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

274 ~~6. The student is a dependent child of a law enforcement~~
275 ~~officer.~~

276 2. Priority must be given in the following order: ~~to~~
 277 a. A student whose household income level does not exceed
 278 185 percent of the federal poverty level or who is in foster
 279 care or out-of-home care.
 280 b. A student whose household income level exceeds 185
 281 percent of the federal poverty level, but does not exceed 400
 282 percent of the federal poverty level.
 283 (4) AUTHORIZED USES OF PROGRAM FUNDS.—
 284 (a) Program funds awarded to a student determined eligible
 285 pursuant to paragraph (3) (a) may be used for:
 286 1. Tuition and fees at an eligible private school. ~~;~~ ~~or~~
 287 2. Transportation to a Florida public school in which a
 288 student is enrolled and that is different from the school to
 289 which the student was assigned or to a lab school as defined in
 290 s. 1002.32.
 291 3. Instructional materials, including digital materials
 292 and Internet resources.
 293 4. Curriculum as defined in subsection (2).
 294 5. Tuition and fees associated with full-time or part-time
 295 enrollment in an eligible postsecondary educational institution
 296 or a program offered by the postsecondary educational
 297 institution, unless the program is subject to s. 1009.25 or
 298 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
 299 program as defined in s. 446.021(5) which is not subject to s.
 300 1009.25 and complies with all applicable requirements of the

301 department pursuant to chapter 1005; a private tutoring program
302 authorized under s. 1002.43; a virtual program offered by a
303 department-approved private online provider that meets the
304 provider qualifications specified in s. 1002.45(2)(a); the
305 Florida Virtual School as a private paying student; or an
306 approved online course offered pursuant to s. 1003.499 or s.
307 1004.0961.

308 6. Fees for nationally standardized, norm-referenced
309 achievement tests, Advanced Placement Examinations, industry
310 certification examinations, assessments related to postsecondary
311 education, or other assessments.

312 7. Contracted services provided by a public school or
313 school district, including classes. A student who receives
314 contracted services under this subparagraph is not considered
315 enrolled in a public school for eligibility purposes as
316 specified in subsection (6) but rather attending a public school
317 on a part-time basis as authorized under s. 1002.44.

318 8. Tuition and fees for part-time tutoring services or
319 fees for services provided by a choice navigator. Such services
320 must be provided by a person who holds a valid Florida
321 educator's certificate pursuant to s. 1012.56, a person who
322 holds an adjunct teaching certificate pursuant to s. 1012.57, a
323 person who has a bachelor's degree or a graduate degree in the
324 subject area in which instruction is given, a person who has
325 demonstrated a mastery of subject area knowledge pursuant to s.

326 1012.56(5), or a person certified by a nationally or
327 internationally recognized research-based training program as
328 approved by the department. As used in this subparagraph, the
329 term "part-time tutoring services" does not qualify as regular
330 school attendance as defined in s. 1003.01(13)(e) ~~if the student~~
331 ~~is determined eligible pursuant to subparagraph (3)(a)1. or~~
332 ~~subparagraph (3)(a)2.~~

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

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

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

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

345 a. Applied behavior analysis services as provided in ss.
346 627.6686 and 641.31098.

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

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

350 d. Services provided by physical therapists as defined in

351 s. 486.021(8).

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

356 4. Tuition and ~~or~~ fees associated with full-time or part-
357 time enrollment in a home education program;; an eligible
358 private school;; an eligible postsecondary educational
359 institution or a program offered by the postsecondary
360 educational institution, unless the program is subject to s.
361 1009.25 or reimbursed pursuant to s. 1009.30; an approved
362 preapprenticeship program as defined in s. 446.021(5) which is
363 not subject to s. 1009.25 and complies with all applicable
364 requirements of the department pursuant to chapter 1005; a
365 private tutoring program authorized under s. 1002.43;; a virtual
366 program offered by a department-approved private online provider
367 that meets the provider qualifications specified in s.
368 1002.45(2)(a);; the Florida Virtual School as a private paying
369 student;; or an approved online course offered pursuant to s.
370 1003.499 or s. 1004.0961.

371 5. Fees for nationally standardized, norm-referenced
372 achievement tests, Advanced Placement Examinations, industry
373 certification examinations, assessments related to postsecondary
374 education, or other assessments.

375 6. Contributions to the Stanley G. Tate Florida Prepaid

376 College Program pursuant to s. 1009.98 or the Florida College
 377 Savings Program pursuant to s. 1009.981 for the benefit of the
 378 eligible student.

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

385 8. Tuition and fees for part-time tutoring services or
 386 fees for services provided by a choice navigator. Such services
 387 must be provided by a person who holds a valid Florida
 388 educator's certificate pursuant to s. 1012.56, a person who
 389 holds an adjunct teaching certificate pursuant to s. 1012.57, a
 390 person who has a bachelor's degree or a graduate degree in the
 391 subject area in which instruction is given, a person who has
 392 demonstrated a mastery of subject area knowledge pursuant to s.
 393 1012.56(5), or a person certified by a nationally or
 394 internationally recognized research-based training program as
 395 approved by the department. As used in this subparagraph
 396 ~~paragraph~~, the term "part-time tutoring services" does not
 397 qualify as regular school attendance as defined in s.
 398 1003.01(13)(e).

399 9. Fees for specialized summer education programs.

400 10. Fees for specialized after-school education programs.

401 11. Transition services provided by job coaches.

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

405 13. Tuition and fees associated with programs offered by
 406 Voluntary Prekindergarten Education Program providers approved
 407 pursuant to s. 1002.55 and school readiness providers approved
 408 pursuant to s. 1002.88.

409 14. Fees for services provided at a center that is a
 410 member of the Professional Association of Therapeutic
 411 Horsemanship International.

412 15. Fees for services provided by a therapist who is
 413 certified by the Certification Board for Music Therapists or
 414 credentialed by the Art Therapy Credentials Board, Inc.

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

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

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

421 b. The Commissioner of Education suspends or revokes
 422 program participation or use of funds;

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

425 d. The student enrolls in a public school. However, if a

426 student enters a Department of Juvenile Justice detention center
427 for a period of no more than 21 days, the student is not
428 considered to have returned to a public school on a full-time
429 basis for that purpose; or

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

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

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

439 (II) Two consecutive fiscal years in which an account has
440 been inactive.

441 b. Reimbursements for program expenditures may continue
442 until the account balance is expended or remaining funds have
443 reverted to the state ~~student returns to a public school,~~
444 ~~graduates from high school, or reaches the age of 21, whichever~~
445 ~~occurs first. A scholarship student who enrolls in a public~~
446 ~~school or public school program is considered to have returned~~
447 ~~to a public school for the purpose of determining the end of the~~
448 ~~scholarship's term. However, if a student enters a Department of~~
449 ~~Juvenile Justice detention center for a period of no more than~~
450 ~~21 days, the student is not considered to have returned to a~~

451 ~~public school for that purpose.~~

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

454 (f) Participating in virtual instruction pursuant to s.
455 1002.455 that receives state funding pursuant to the student's
456 participation.

457 (7) SCHOOL DISTRICT OBLIGATIONS.—

458 (b)1. The parent of a student with a disability who does
459 not have an IEP in accordance with subparagraph (3)(b)4. or who
460 seeks a reevaluation of an existing IEP may request an IEP
461 meeting and evaluation from the school district in order to
462 obtain or revise a matrix of services. The school district shall
463 notify a parent who has made a request for an IEP that the
464 district is required to complete the IEP and matrix of services
465 within 30 days after receiving notice of the parent's request.
466 The school district shall conduct a meeting and develop an IEP
467 and a matrix of services within 30 days after receipt of the
468 parent's request in accordance with State Board of Education
469 rules. The district must accept the diagnosis and consider the
470 service plan of the licensed professional providing the
471 diagnosis pursuant to subparagraph (3)(b)4. The school district
472 must complete a matrix that assigns the student to one of the
473 levels of service as they existed before the 2000-2001 school
474 year. For a nonpublic school student without an IEP, the school
475 district is authorized to use evaluation reports and plans of

476 care developed by the licensed professionals under subparagraph
 477 (4)(b)3. to complete the matrix of services.

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

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

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

488 ~~(d) The school district in which a participating student~~
 489 ~~resides must notify the student and his or her parent about the~~
 490 ~~locations and times to take all statewide assessments under s.~~
 491 ~~1008.22 if the student chooses to participate in such~~
 492 ~~assessments.~~ Upon the request of the department, a school
 493 district shall coordinate with the department to provide to a
 494 participating private school the statewide assessments
 495 administered under s. 1008.22 and any related materials for
 496 administering the assessments. For a student who participates in
 497 the Family Empowerment Scholarship Program whose parent requests
 498 that the student take the statewide assessments under s.
 499 1008.22, the district in which the student attends a private
 500 school shall provide locations and times to take all statewide

501 assessments. A school district is responsible for implementing
 502 test administrations at a participating private school,
 503 including the:

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

513 ~~(f) A school district shall report all students who are
 514 receiving a scholarship under this program. Students receiving a
 515 scholarship shall be reported separately from other students
 516 reported for purposes of the Florida Education Finance Program.~~

517 ~~(g) A school district shall be held harmless for students
 518 who are receiving a scholarship under this program from the
 519 weighted enrollment ceiling for group 2 programs in s.
 520 1011.62(1)(d)3.b. during the first school year in which the
 521 students are reported.~~

522 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

523 (a) The department shall:

- 524 1. Publish and update, as necessary, information on the
 525 department website about the Family Empowerment Scholarship

526 Program, including, but not limited to, student eligibility
527 criteria, parental responsibilities, and relevant data.

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

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

539 4. Notify eligible nonprofit scholarship-funding
540 organizations of the deadlines for submitting the verified list
541 of students determined to be eligible for a scholarship. An
542 eligible nonprofit scholarship-funding organization may not
543 submit a student for funding after February 1.

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

546 ~~5.6.~~ Deny or terminate program participation upon a
547 parent's failure to comply with subsection (10).

548 ~~6.7.~~ Notify the parent and the organization when a
549 scholarship account is closed and program funds revert to the
550 state.

551 ~~7.8.~~ Notify an eligible nonprofit scholarship-funding
552 organization of any of the organization's or other
553 organization's identified students who are receiving
554 scholarships under this chapter.

555 ~~8.9.~~ Maintain on its website a list of approved providers
556 as required by s. 1002.66, eligible postsecondary educational
557 institutions, eligible private schools, and eligible
558 organizations and may identify or provide links to lists of
559 other approved providers.

560 ~~9.10.~~ Require each organization to verify eligible
561 expenditures before the distribution of funds for any
562 expenditures made pursuant to subparagraphs (4) (b)1. and 2.
563 Review of expenditures made for services specified in
564 subparagraphs (4) (b)3.-15. may be completed after the purchase
565 is made.

566 ~~10.11.~~ Investigate any written complaint of a violation of
567 this section by a parent, a student, a private school, a public
568 school, a school district, an organization, a provider, or
569 another appropriate party in accordance with the process
570 established under s. 1002.421.

571 ~~11.12.~~ Require quarterly reports by an organization, which
572 must include, at a minimum, the number of students participating
573 in the program; the demographics of program participants; the
574 disability category of program participants; the matrix level of
575 services, if known; the program award amount per student; the

576 total expenditures for the purposes specified in paragraph
577 (4)(b); the types of providers of services to students; and any
578 other information deemed necessary by the department.

579 ~~12.13.~~ Notify eligible nonprofit scholarship-funding
580 organizations that scholarships may not be awarded in a school
581 district in which the award will exceed 99 percent of the school
582 district's share of state funding through the Florida Education
583 Finance Program as calculated by the department.

584 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-
585 funding organizations and, when the Florida Education Finance
586 Program is recalculated, adjust the amount of state funds
587 allocated to school districts through the Florida Education
588 Finance Program based upon the results of the cross-check
589 completed pursuant to subparagraph 2.

590 (c) The department shall notify each school district of
591 the full-time equivalent student consensus estimate of students
592 participating in the program developed pursuant to s.
593 216.136(4)(a).

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

598 (d) For a student determined eligible pursuant to
599 paragraph (3)(b), discuss the school's academic programs and
600 policies, specialized services, code of conduct, and attendance

601 policies before enrollment with the parent to determine which
 602 programs and services may meet the student's individual needs.

603
 604 If a private school fails to meet the requirements of this
 605 subsection or s. 1002.421, the commissioner may determine that
 606 the private school is ineligible to participate in the
 607 scholarship program.

608 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 609 PARTICIPATION.—

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

614 1. Select the private school and apply for the admission
 615 of his or her student.

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

619 3. Inform the applicable school district when the parent
 620 withdraws his or her student from a public school to attend an
 621 eligible private school.

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

625 5. Meet with the private school's principal or the

626 principal's designee to review the school's academic programs
627 and policies, specialized services ~~customized educational~~
628 ~~programs~~, code of student conduct, and attendance policies
629 before ~~prior to~~ enrollment.

630 6. Require that the student participating in the
631 scholarship program takes the norm-referenced assessment offered
632 by the private school. The parent may also choose to have the
633 student participate in the statewide assessments pursuant to
634 paragraph (7)(d). If the parent requests that the student
635 participating in the program take all statewide assessments
636 required pursuant to s. 1008.22, the parent is responsible for
637 transporting the student to the assessment site designated by
638 the school district.

639 7. Approve each payment before the scholarship funds may
640 be deposited by funds transfer ~~Restrictively endorse the~~
641 ~~warrant, issued in the name of the parent pursuant to~~
642 ~~subparagraph (12)(a)4. (12)(a)6., to the private school for~~
643 ~~deposit into the private school's account.~~ The parent may not
644 designate any entity or individual associated with the
645 participating private school as the parent's attorney in fact to
646 approve a funds transfer. A participant who fails to comply with
647 this paragraph forfeits the ~~endorse a scholarship warrant.~~

648 8. Agree to have the organization commit scholarship funds
649 on behalf of his or her student for tuition and fees for which
650 the parent is responsible for payment at the private school

651 before using empowerment account funds for additional authorized
652 uses under paragraph (4)(a). A parent is responsible for all
653 eligible expenses in excess of the amount of the scholarship.

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

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

663 2. Sign an agreement with the organization and annually
664 submit a sworn compliance statement to the organization to
665 satisfy or maintain program eligibility, including eligibility
666 to receive and spend program payments by:

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

670 b. Affirming that the program funds are used only for
671 authorized purposes serving the student's educational needs, as
672 described in paragraph (4)(b); that any prepaid college plan or
673 college savings plan funds contributed pursuant to subparagraph
674 (4)(b)6. will not be transferred to another beneficiary while
675 the plan contains funds contributed pursuant to this section;

676 and that they will not receive a payment, refund, or rebate of
677 any funds provided under this section.

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

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

683 (II) Providing an annual evaluation in accordance with s.
684 1002.41(1)(f); or

685 (III) Requiring the child to take any preassessments and
686 postassessments selected by the provider if the child is 4 years
687 of age and is enrolled in a program provided by an eligible
688 Voluntary Prekindergarten Education Program provider. A student
689 with disabilities for whom the physician or psychologist who
690 issued the diagnosis or the IEP team determines that a
691 preassessment and postassessment is not appropriate is exempt
692 from this requirement. A participating provider shall report a
693 student's scores to the parent.

694 d. Affirming that the student remains in good standing
695 with the provider or school if those options are selected by the
696 parent.

697 e. Enrolling his or her child in a program from a
698 Voluntary Prekindergarten Education Program provider authorized
699 under s. 1002.55, a school readiness provider authorized under
700 s. 1002.88, or an eligible private school if either option is

701 selected by the parent.

702 f. Renewing participation in the program each year. A
703 student whose participation in the program is not renewed may
704 continue to spend scholarship funds that are in his or her
705 account from prior years unless the account must be closed
706 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
707 the student's IEP, a student who was previously eligible for
708 participation in the program shall remain eligible to apply for
709 renewal. However, for a high-risk child to continue to
710 participate in the program in the school year after he or she
711 reaches 6 years of age, the child's application for renewal of
712 program participation must contain documentation that the child
713 has a disability defined in paragraph (2)(e) ~~paragraph (2)(d)~~
714 other than high-risk status.

715 g. Procuring the services necessary to educate the
716 student. If such services include enrollment in an eligible
717 private school, the parent must meet with the private school's
718 principal or the principal's designee to review the school's
719 academic programs and policies, specialized services, code of
720 student conduct, and attendance policies before his or her
721 student is enrolled ~~If a parent does not procure the necessary~~
722 ~~educational services for the student and the student's account~~
723 ~~has been inactive for 2 consecutive fiscal years, the student is~~
724 ~~ineligible for additional scholarship payments until the~~
725 ~~scholarship-funding organization verifies that expenditures from~~

726 ~~the account have occurred.~~ When the student receives a
727 scholarship, the district school board is not obligated to
728 provide the student with a free appropriate public education.
729 For purposes of s. 1003.57 and the Individuals with Disabilities
730 in Education Act, a participating student has only those rights
731 that apply to all other unilaterally parentally placed students,
732 except that, when requested by the parent, school district
733 personnel must develop an IEP or matrix level of services.

734 (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
735 ORGANIZATIONS.—

736 (a) An eligible nonprofit scholarship-funding organization
737 awarding scholarships to eligible students pursuant to paragraph
738 (3) (a):

739 1. Must receive applications, determine student
740 eligibility, notify parents in accordance with the requirements
741 of this section, and provide the department with information on
742 the student to enable the department to determine student
743 funding in accordance with paragraph (12) (a).

744 2. Shall verify the household income level of students
745 ~~pursuant to subparagraph (3) (a)1.~~ and submit the verified list
746 of students and related documentation to the department when
747 necessary.

748 3. Shall award scholarships in priority order pursuant to
749 paragraph (3) (a).

750 4. Shall establish and maintain separate empowerment

751 accounts for each eligible student. For each account, the
752 organization must maintain a record of accrued interest that is
753 retained in the student's account and available only for
754 authorized program expenditures.

755 5. May permit eligible students to use program funds for
756 the purposes specified in paragraph (4)(a) by paying for the
757 authorized use directly, then submitting a reimbursement request
758 to the eligible nonprofit scholarship-funding organization.
759 However, an eligible nonprofit scholarship-funding organization
760 may require the use of an online platform for direct purchases
761 of products so long as such use does not limit a parent's choice
762 of curriculum or academic programs. If a parent purchases a
763 product identical to one offered by an organization's online
764 platform for a lower price, the organization shall reimburse the
765 parent the cost of the product.

766 6. May, from eligible contributions received pursuant to
767 s. 1002.395(6)(l)1. ~~s. 1002.395(6)(j)1.~~, use an amount not to
768 exceed 2.5 percent of the total amount of all scholarships
769 funded under this section for administrative expenses associated
770 with performing functions under this section. An eligible
771 nonprofit scholarship-funding organization that has, for the
772 prior fiscal year, complied with the expenditure requirements of
773 s. 1002.395(6)(l)2., may use an amount not to exceed 3 percent.
774 Such administrative expense amount is considered within the 3
775 percent limit on the total amount an organization may use to

776 administer scholarships under this chapter.

777 ~~7.5.~~ Must, in a timely manner, submit any information
778 requested by the department relating to the scholarship under
779 this section.

780 ~~8.6.~~ Must notify the department about any violation of
781 this section ~~by a parent or a private school.~~

782 9. Must document each student's eligibility for a fiscal
783 year before granting a scholarship for that fiscal year. A
784 student is ineligible for a scholarship if the student's account
785 has been inactive for 2 consecutive fiscal years.

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

788 11. Shall commit scholarship funds on behalf of the
789 student for tuition and fees for which the parent is responsible
790 for payment at the private school before using empowerment
791 account funds for additional authorized uses under paragraph (4)
792 (a).

793 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

794 (a)1. Scholarships for students determined eligible
795 pursuant to paragraph (3) (a) may be funded once all scholarships
796 have been funded in accordance with s. 1002.395(6)(1)2. are
797 ~~established for up to 18,000 students annually beginning in the~~
798 ~~2019-2020 school year. Beginning in the 2020-2021 school year,~~
799 ~~the maximum number of students participating in the scholarship~~
800 ~~program under this section shall annually increase by 1.0~~

801 ~~percent of the state's total full-time equivalent student~~
802 ~~membership. An eligible student who meets any of the following~~
803 ~~requirements shall be excluded from the maximum number of~~
804 ~~students if the student:~~

805 ~~a. Is a dependent child of a law enforcement officer or a~~
806 ~~member of the United States Armed Forces, a foster child, or an~~
807 ~~adopted child; or~~

808 ~~b. Is determined eligible pursuant to subparagraph~~
809 ~~(3)(a)1. or subparagraph (3)(a)2. and either spent the prior~~
810 ~~school year in attendance at a Florida public school; or,~~
811 ~~beginning in the 2022-2023 school year, is eligible to enroll in~~
812 ~~kindergarten. For purposes of this subparagraph, the term "prior~~
813 ~~school year in attendance" means that the student was enrolled~~
814 ~~and reported by a school district for funding during either the~~
815 ~~preceding October or February full-time equivalent student~~
816 ~~membership surveys in kindergarten through grade 12, which~~
817 ~~includes time spent in a Department of Juvenile Justice~~
818 ~~commitment program if funded under the Florida Education Finance~~
819 ~~Program.~~

820 ~~2. The scholarship amount provided to a student for any~~
821 ~~single school year shall be for tuition and fees for an eligible~~
822 ~~private school, not to exceed annual limits, which shall be~~
823 ~~determined in accordance with this subparagraph. The calculated~~
824 ~~scholarship amount for a participating student determined~~
825 ~~eligible pursuant to paragraph (3)(a) shall be based upon the~~

826 grade level and school district in which the student was
827 assigned as 100 percent of the funds per unweighted full-time
828 equivalent in the Florida Education Finance Program for a
829 student in the basic program established pursuant to s.
830 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
831 for all categorical programs, except for the exceptional student
832 education guaranteed allocation established pursuant to s.
833 1011.62(1)(e).

834 ~~3. The amount of the scholarship shall be the calculated~~
835 ~~amount or the amount of the private school's tuition and fees,~~
836 ~~whichever is less. The amount of any assessment fee required by~~
837 ~~the participating private school and any costs to provide a~~
838 ~~digital device, including Internet access, if necessary, to the~~
839 ~~student may be paid from the total amount of the scholarship.~~

840 2.4. A scholarship of \$750 or an amount equal to the
841 school district expenditure per student riding a school bus, as
842 determined by the department, whichever is greater, may be
843 awarded to an eligible a student who is ~~determined eligible~~
844 ~~pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and~~
845 enrolled in a Florida public school that is different from the
846 school to which the student was assigned or in a lab school as
847 defined in s. 1002.32 if the school district does not provide
848 the student with transportation to the school.

849 3.5. The organization must provide the department with the
850 documentation necessary to verify the student's participation.

851 Upon receiving the documentation, the department shall transfer,
852 beginning August 1, from state funds only, the amount calculated
853 pursuant to subparagraph 2. to the organization for quarterly
854 disbursement to parents of participating students each school
855 year in which the scholarship is in force. For a student exiting
856 a Department of Juvenile Justice commitment program who chooses
857 to participate in the scholarship program, the amount of the
858 Family Empowerment Scholarship calculated pursuant to
859 subparagraph 2. must be transferred from the school district in
860 which the student last attended a public school before
861 commitment to the Department of Juvenile Justice. When a student
862 enters the scholarship program, the organization must receive
863 all documentation required for the student's participation,
864 including the private school's and the student's fee schedules,
865 at least 30 days before the first quarterly scholarship payment
866 is made for the student.

867 ~~4.6.~~ The initial payment shall be made after the
868 organization's verification of admission acceptance, and
869 subsequent payments shall be made upon verification of continued
870 enrollment and attendance at the private school. Payment must be
871 ~~by individual warrant made payable to the student's parent or by~~
872 funds transfer or any other means of payment that the department
873 deems to be commercially viable or cost-effective. ~~If the~~
874 ~~payment is made by warrant, the warrant must be delivered by the~~
875 ~~organization to the private school of the parent's choice, and~~

876 ~~the parent shall restrictively endorse the warrant to the~~
877 ~~private school. An organization shall ensure that the parent to~~
878 ~~whom the warrant is made has restrictively endorsed the warrant~~
879 ~~to the private school for deposit into the account of the~~
880 ~~private school or that the parent has approved a funds transfer~~
881 before any scholarship funds are deposited.

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

885 (b)1. Scholarships for students determined eligible
886 pursuant to paragraph (3) (b) are established for up to 26,500
887 students annually beginning in the 2022-2023 school year.
888 Beginning in the 2023-2024 school year, the maximum number of
889 students participating in the scholarship program under this
890 section shall annually increase by 3.0 ~~1.0~~ percent of the
891 state's total exceptional student education full-time equivalent
892 student membership, not including gifted students. An eligible
893 student who meets any of the following requirements shall be
894 excluded from the maximum number of students if the student:

895 a. Received specialized instructional services under the
896 Voluntary Prekindergarten Education Program pursuant to s.
897 1002.66 during the previous school year and the student has a
898 current IEP developed by the district school board in accordance
899 with rules of the State Board of Education;

900 b. Is a dependent child of a law enforcement officer or a

901 member of the United States Armed Forces, a foster child, or an
 902 adopted child; or

903 c. Spent the prior school year in attendance at a Florida
 904 public school or the Florida School for the Deaf and the Blind.
 905 For purposes of this subparagraph, the term "prior school year
 906 in attendance" means that the student was enrolled and reported
 907 by:

908 (I) A school district for funding during either the
 909 preceding October or February full-time equivalent student
 910 membership surveys in kindergarten through grade 12, which
 911 includes time spent in a Department of Juvenile Justice
 912 commitment program if funded under the Florida Education Finance
 913 Program;

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

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

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

923 2. For a student who has a Level I to Level III matrix of
 924 services or a diagnosis by a physician or psychologist, the
 925 calculated scholarship amount for a student participating in the

926 program must be based upon the grade level and school district
927 in which the student would have been enrolled as the total funds
928 per unweighted full-time equivalent in the Florida Education
929 Finance Program for a student in the basic exceptional student
930 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
931 plus a per full-time equivalent share of funds for all
932 categorical programs, as funded in the General Appropriations
933 Act, except that for the exceptional student education
934 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
935 2., the funds must be allocated based on the school district's
936 average exceptional student education guaranteed allocation
937 funds per exceptional student education full-time equivalent
938 student.

939 3. For a student with a Level IV or Level V matrix of
940 services, the calculated scholarship amount must be based upon
941 the school district to which the student would have been
942 assigned as the total funds per full-time equivalent for the
943 Level IV or Level V exceptional student education program
944 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
945 equivalent share of funds for all categorical programs, as
946 funded in the General Appropriations Act.

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

951 2021 school year.

952 5. For a student who received a John M. McKay Scholarship
953 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
954 shall be the greater of the amount calculated pursuant to
955 subparagraph 2. or the amount the student received for the 2020-
956 2021 school year.

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

959 7. Upon receiving the documentation, the department shall
960 release, from state funds only, the student's scholarship funds
961 to the organization, to be deposited into the student's account
962 in four equal amounts no later than September 1, November 1,
963 February 1, and April 1 of each school year in which the
964 scholarship is in force.

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

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

976 term contract pursuant to s. 287.056.

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

980 ~~11.10.~~ Moneys received pursuant to this section do not
 981 constitute taxable income to the qualified student or the parent
 982 of the qualified student.

983 Section 6. Paragraphs (b) through (f), (g) through (i),
 984 and (j) and (k) of subsection (2) of section 1002.395, Florida
 985 Statutes, are redesignated as paragraphs (c) through (g), (i)
 986 through (k), and (o) and (p), respectively, paragraphs (e)
 987 through (f) and (g) through (q) of subsection (6) are
 988 redesignated as paragraphs (f) through (g) and (i) through (s),
 989 respectively, present paragraphs (e) and (g) of subsection (2),
 990 paragraph (b) of subsection (3), subsection (4), present
 991 paragraphs (b), (d), (f), (j), and (o) of subsection (6),
 992 subsection (7), paragraphs (a), (b), (c), (e), (f), and (j) of
 993 subsection (9), paragraph (b) of subsection (11), and subsection
 994 (15) are amended, and new paragraphs (b), (h), (l), (m), and (n)
 995 are added to subsection (2), paragraphs (e), (h), (t), (u), (v),
 996 (w), and (x) are added to subsection (6), paragraph (k) is added
 997 to subsection (9), and paragraphs (e) through (h) are added to
 998 subsection (11) of that section, to read:

999 1002.395 Florida Tax Credit Scholarship Program.—

1000 (2) DEFINITIONS.—As used in this section, the term:

1001 (b) "Choice navigator" means an individual who meets the
1002 requirements of sub-subparagraph (6)(d)2.h. and who provides
1003 consultations, at a mutually agreed upon location, on the
1004 selection of, application for, and enrollment in educational
1005 options addressing the academic needs of a student; curriculum
1006 selection; and advice on career and postsecondary education
1007 opportunities. However, nothing in this section authorizes a
1008 choice navigator to oversee or exercise control over the
1009 curricula or academic programs of a personalized education
1010 program.

1011 (f)~~(e)~~ "Eligible contribution" means a monetary
1012 contribution from a taxpayer, subject to the restrictions
1013 provided in this section, to an eligible nonprofit scholarship-
1014 funding organization pursuant to ss. 212.099, 212.1832,
1015 1002.395, and 1002.40. The taxpayer making the contribution may
1016 not designate a specific child as the beneficiary of the
1017 contribution.

1018 (h) "Eligible postsecondary educational institution" means
1019 a Florida College System institution; a state university; a
1020 school district technical center; a school district adult
1021 general education center; an independent college or university
1022 eligible to participate in the William L. Boyd, IV, Effective
1023 Access to Student Education Grant Program under s. 1009.89; or
1024 an accredited independent postsecondary educational institution,
1025 as defined in s. 1005.02, which is licensed to operate in this

1026 state under part III of chapter 1005 or is approved to
 1027 participate in a reciprocity agreement as defined in s.
 1028 1000.35(2).

1029 (i)~~(g)~~ "Eligible private school" means a private school,
 1030 as defined in s. 1002.01 ~~s. 1002.01(2)~~, located in Florida which
 1031 offers an education to students in any grades K-12 and that
 1032 meets the requirements in subsection (8).

1033 (l) "Personalized education program" has the same meaning
 1034 as in s. 1002.01.

1035 (m) "Personalized education student" means a student whose
 1036 parent applies to an eligible nonprofit scholarship-funding
 1037 organization for participation in a personalized education
 1038 program.

1039 (n) "Student learning plan" means a customized learning
 1040 plan developed by a parent, at least annually, to guide
 1041 instruction for his or her student and to identify the goods and
 1042 services needed to address the academic needs of his or her
 1043 student.

1044 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

1045 (b)1. A student is eligible for a Florida tax credit
 1046 scholarship under this section if the student is a resident of
 1047 this state and is eligible to enroll in kindergarten through
 1048 grade 12 in a public school in this state ~~meets one or more of~~
 1049 ~~the following criteria:~~

1050 ~~1. The student is on the direct certification list or the~~

1051 ~~student's household income level does not exceed 375 percent of~~
1052 ~~the federal poverty level or an adjusted maximum percent of the~~
1053 ~~federal poverty level authorized under s. 1002.394(3)(a)3.; or~~

1054 ~~2. The student is currently placed, or during the previous~~
1055 ~~state fiscal year was placed, in foster care or in out-of-home~~
1056 ~~care as defined in s. 39.01.~~

1057 2. Priority must be given in the following order: to

1058 a. A student whose household income level does not exceed
1059 185 percent of the federal poverty level or who is in foster
1060 care or out-of-home care.

1061 b. A student whose household income level exceeds 185
1062 percent of the federal poverty level, but does not exceed 400
1063 percent of the federal poverty level. who initially receives a
1064 scholarship based on eligibility under this paragraph remains
1065 eligible to participate until he or she graduates from high
1066 school or attains the age of 21 years, whichever occurs first,
1067 regardless of the student's household income level. A sibling of
1068 a student who is participating in the scholarship program under
1069 this subsection is eligible for a scholarship if the student
1070 resides in the same household as the sibling.

1071 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible
1072 for a scholarship while he or she is:

1073 (a) Enrolled in a public school, including, but not
1074 limited to, the Florida School for the Deaf and the Blind, the
1075 College-Preparatory Boarding Academy, a developmental research

1076 school authorized under s. 1002.32, or a charter school
 1077 authorized under this chapter. For purposes of this paragraph, a
 1078 3- or 4-year-old child who receives services funded through the
 1079 Florida Education Finance Program is considered a student
 1080 enrolled in a public school;

1081 (b)(a) Enrolled in a school operating for the purpose of
 1082 providing educational services to youth in a Department of
 1083 Juvenile Justice commitment program ~~programs;~~

1084 ~~(b)~~ ~~Receiving a scholarship from another eligible~~
 1085 ~~nonprofit scholarship-funding organization under this section;~~

1086 (c) Receiving any other ~~an~~ educational scholarship
 1087 pursuant to this chapter;

1088 (d) Not having regular and direct contact with his or her
 1089 private school teachers pursuant to s. 1002.421(1)(i) unless he
 1090 or she is enrolled in a personalized education program;

1091 (e)(d) Participating in a home education program as
 1092 defined in s. 1002.01(1);

1093 (f)(e) Participating in a private tutoring program
 1094 pursuant to s. 1002.43 unless he or she is enrolled in a
 1095 personalized education program; or

1096 (g)(f) Participating in a virtual instruction pursuant to
 1097 s. 1002.455 school, correspondence school, or distance learning
 1098 ~~program~~ that receives state funding pursuant to the student's
 1099 participation ~~unless the participation is limited to no more~~
 1100 ~~than two courses per school year; or~~

1101 ~~(g) Enrolled in the Florida School for the Deaf and the~~
 1102 ~~Blind.~~

1103 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 1104 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 1105 organization:

1106 (b) Must comply with the following background check
 1107 requirements:

1108 1. All owners and operators as defined in subparagraph
 1109 (2)(k)1. ~~(2)(i)1.~~ are, before employment or engagement to
 1110 provide services, subject to level 2 background screening as
 1111 provided under chapter 435. The fingerprints for the background
 1112 screening must be electronically submitted to the Department of
 1113 Law Enforcement and can be taken by an authorized law
 1114 enforcement agency or by an employee of the eligible nonprofit
 1115 scholarship-funding organization or a private company who is
 1116 trained to take fingerprints. However, the complete set of
 1117 fingerprints of an owner or operator may not be taken by the
 1118 owner or operator. The results of the state and national
 1119 criminal history check shall be provided to the Department of
 1120 Education for screening under chapter 435. The cost of the
 1121 background screening may be borne by the eligible nonprofit
 1122 scholarship-funding organization or the owner or operator.

1123 2. Every 5 years following employment or engagement to
 1124 provide services or association with an eligible nonprofit
 1125 scholarship-funding organization, each owner or operator must

1126 meet level 2 screening standards as described in s. 435.04, at
1127 which time the nonprofit scholarship-funding organization shall
1128 request the Department of Law Enforcement to forward the
1129 fingerprints to the Federal Bureau of Investigation for level 2
1130 screening. If the fingerprints of an owner or operator are not
1131 retained by the Department of Law Enforcement under subparagraph
1132 3., the owner or operator must electronically file a complete
1133 set of fingerprints with the Department of Law Enforcement. Upon
1134 submission of fingerprints for this purpose, the eligible
1135 nonprofit scholarship-funding organization shall request that
1136 the Department of Law Enforcement forward the fingerprints to
1137 the Federal Bureau of Investigation for level 2 screening, and
1138 the fingerprints shall be retained by the Department of Law
1139 Enforcement under subparagraph 3.

1140 3. Fingerprints submitted to the Department of Law
1141 Enforcement as required by this paragraph must be retained by
1142 the Department of Law Enforcement in a manner approved by rule
1143 and entered in the statewide automated biometric identification
1144 system authorized by s. 943.05(2)(b). The fingerprints must
1145 thereafter be available for all purposes and uses authorized for
1146 arrest fingerprints entered in the statewide automated biometric
1147 identification system pursuant to s. 943.051.

1148 4. The Department of Law Enforcement shall search all
1149 arrest fingerprints received under s. 943.051 against the
1150 fingerprints retained in the statewide automated biometric

1151 identification system under subparagraph 3. Any arrest record
1152 that is identified with an owner's or operator's fingerprints
1153 must be reported to the Department of Education. The Department
1154 of Education shall participate in this search process by paying
1155 an annual fee to the Department of Law Enforcement and by
1156 informing the Department of Law Enforcement of any change in the
1157 employment, engagement, or association status of the owners or
1158 operators whose fingerprints are retained under subparagraph 3.
1159 The Department of Law Enforcement shall adopt a rule setting the
1160 amount of the annual fee to be imposed upon the Department of
1161 Education for performing these services and establishing the
1162 procedures for the retention of owner and operator fingerprints
1163 and the dissemination of search results. The fee may be borne by
1164 the owner or operator of the nonprofit scholarship-funding
1165 organization.

1166 5. A nonprofit scholarship-funding organization whose
1167 owner or operator fails the level 2 background screening is not
1168 eligible to provide scholarships under this section.

1169 6. A nonprofit scholarship-funding organization whose
1170 owner or operator in the last 7 years has filed for personal
1171 bankruptcy or corporate bankruptcy in a corporation of which he
1172 or she owned more than 20 percent shall not be eligible to
1173 provide scholarships under this section.

1174 7. In addition to the offenses listed in s. 435.04, a
1175 person required to undergo background screening pursuant to this

1176 part or authorizing statutes must not have an arrest awaiting
 1177 final disposition for, must not have been found guilty of, or
 1178 entered a plea of nolo contendere to, regardless of
 1179 adjudication, and must not have been adjudicated delinquent, and
 1180 the record must not have been sealed or expunged for, any of the
 1181 following offenses or any similar offense of another
 1182 jurisdiction:

- 1183 a. Any authorizing statutes, if the offense was a felony.
- 1184 b. This chapter, if the offense was a felony.
- 1185 c. Section 409.920, relating to Medicaid provider fraud.
- 1186 d. Section 409.9201, relating to Medicaid fraud.
- 1187 e. Section 741.28, relating to domestic violence.
- 1188 f. Section 817.034, relating to fraudulent acts through
 1189 mail, wire, radio, electromagnetic, photoelectronic, or
 1190 photooptical systems.
- 1191 g. Section 817.234, relating to false and fraudulent
 1192 insurance claims.
- 1193 h. Section 817.505, relating to patient brokering.
- 1194 i. Section 817.568, relating to criminal use of personal
 1195 identification information.
- 1196 j. Section 817.60, relating to obtaining a credit card
 1197 through fraudulent means.
- 1198 k. Section 817.61, relating to fraudulent use of credit
 1199 cards, if the offense was a felony.
- 1200 l. Section 831.01, relating to forgery.

1201 m. Section 831.02, relating to uttering forged
 1202 instruments.

1203 n. Section 831.07, relating to forging bank bills, checks,
 1204 drafts, or promissory notes.

1205 o. Section 831.09, relating to uttering forged bank bills,
 1206 checks, drafts, or promissory notes.

1207 p. Section 831.30, relating to fraud in obtaining
 1208 medicinal drugs.

1209 q. Section 831.31, relating to the sale, manufacture,
 1210 delivery, or possession with the intent to sell, manufacture, or
 1211 deliver any counterfeit controlled substance, if the offense was
 1212 a felony.

1213 (d)1. For the 2023-2024 school year, may fund no more than
 1214 20,000 scholarships for students who are enrolled pursuant to
 1215 paragraph (7) (b). The number of scholarships funded for such
 1216 students may increase by 40,000 in each subsequent school year.
 1217 This subparagraph is repealed July 1, 2027.

1218 2. Must establish and maintain separate empowerment
 1219 accounts from eligible contributions for each eligible student.
 1220 For each account, the organization must maintain a record of
 1221 accrued interest retained in the student's account. The
 1222 organization must verify that scholarship funds are used for
 1223 ~~provide scholarships, from eligible contributions, to eligible~~
 1224 ~~students for the cost of:~~

1225 ~~a.1.~~ Tuition and fees for full-time or part-time

1226 enrollment in an eligible private school.~~;~~ ~~or~~

1227 b.2. Transportation to a Florida public school in which a

1228 student is enrolled and that is different from the school to

1229 which the student was assigned or to a lab school as defined in

1230 s. 1002.32.

1231 c. Instructional materials, including digital materials

1232 and Internet resources.

1233 d. Curriculum as defined in s. 1002.394(2).

1234 e. Tuition and fees associated with full-time or part-time

1235 enrollment in a home education instructional program; an

1236 eligible postsecondary educational institution or a program

1237 offered by the postsecondary educational institution, unless the

1238 program is subject to s. 1009.25 or reimbursed pursuant to s.

1239 1009.30; an approved preapprenticeship program as defined in s.

1240 446.021(5) which is not subject to s. 1009.25 and complies with

1241 all applicable requirements of the Department of Education

1242 pursuant to chapter 1005; a private tutoring program authorized

1243 under s. 1002.43; a virtual program offered by a department-

1244 approved private online provider that meets the provider

1245 qualifications specified in s. 1002.45(2)(a); the Florida

1246 Virtual School as a private paying student; or an approved

1247 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1248 f. Fees for nationally standardized, norm-referenced

1249 achievement tests, Advanced Placement Examinations, industry

1250 certification examinations, assessments related to postsecondary

1251 education, or other assessments.

1252 g. Contracted services provided by a public school or
1253 school district, including classes. A student who receives
1254 contracted services under this sub-subparagraph is not
1255 considered enrolled in a public school for eligibility purposes
1256 as specified in subsection (11) but rather attending a public
1257 school on a part-time basis as authorized under s. 1002.44.

1258 h. Tuition and fees for part-time tutoring services or
1259 fees for services provided by a choice navigator. Such services
1260 must be provided by a person who holds a valid Florida
1261 educator's certificate pursuant to s. 1012.56, a person who
1262 holds an adjunct teaching certificate pursuant to s. 1012.57, a
1263 person who has a bachelor's degree or a graduate degree in the
1264 subject area in which instruction is given, a person who has
1265 demonstrated a mastery of subject area knowledge pursuant to s.
1266 1012.56(5), or a person certified by a nationally or
1267 internationally recognized research-based training program as
1268 approved by the Department of Education. As used in this
1269 paragraph, the term "part-time tutoring services" does not
1270 qualify as regular school attendance as defined in s.
1271 1003.01(13)(e).

1272 (e) For students determined eligible pursuant to paragraph
1273 (7)(b), must:

1274 1. Maintain a signed agreement from the parent which
1275 constitutes compliance with the attendance requirements under

1276 ss. 1003.01(13) and 1003.21(1).

1277 2. Receive eligible student test scores and, beginning
1278 with the 2027-2028 school year, by August 15, annually report
1279 test scores for students pursuant to paragraph (7) (b) to a state
1280 university pursuant to paragraph (9) (f).

1281 3. Provide parents with information, guidance, and support
1282 to create and annually update a student learning plan for their
1283 student. The organization must maintain the plan and allow
1284 parents to electronically submit, access, and revise the plan
1285 continuously.

1286 4. Upon submission by the parent of an annual student
1287 learning plan, fund a scholarship for a student determined
1288 eligible.

1289 (g)~~(f)~~ Must provide a renewal or initial scholarship to an
1290 eligible student on a first-come, first-served basis unless the
1291 student qualifies for priority pursuant to paragraph (f) ~~(e)~~.

1292 (h) Each eligible nonprofit scholarship-funding
1293 organization must refer any student eligible for a scholarship
1294 pursuant to this section who did not receive a renewal or
1295 initial scholarship based solely on the lack of available funds
1296 under this section and s. 1002.40(11)(i) to another eligible
1297 nonprofit scholarship-funding organization that may have funds
1298 available.

1299 (l)~~(j)~~1. May use eligible contributions received pursuant
1300 to this section and ss. 212.099, 212.1832, and 1002.40 during

1301 the state fiscal year in which such contributions are collected
1302 for administrative expenses if the organization has operated as
1303 an eligible nonprofit scholarship-funding organization for at
1304 least the preceding 3 fiscal years and did not have any findings
1305 of material weakness or material noncompliance in its most
1306 recent audit under paragraph (o) or is in good standing in each
1307 state in which it administers a scholarship program and the
1308 audited financial statements for the preceding 3 fiscal years
1309 are free of material misstatements and going concern issues ~~(m)~~.
1310 Administrative expenses from eligible contributions may not
1311 exceed 3 percent of the total amount of all scholarships funded
1312 by an eligible scholarship-funding organization under this
1313 chapter. Such administrative expenses must be reasonable and
1314 necessary for the organization's management and distribution of
1315 scholarships funded under this chapter. Administrative expenses
1316 may include developing or contracting with rideshare programs or
1317 facilitating carpool strategies for recipients of a
1318 transportation scholarship. No funds authorized under this
1319 subparagraph shall be used for lobbying or political activity or
1320 expenses related to lobbying or political activity. Up to one-
1321 third of the funds authorized for administrative expenses under
1322 this subparagraph may be used for expenses related to the
1323 recruitment of contributions from taxpayers. An eligible
1324 nonprofit scholarship-funding organization may not charge an
1325 application fee.

1326 2. Must award ~~expend~~ for annual or partial-year
1327 scholarships an amount equal to or greater than 75 percent of
1328 all estimated ~~the~~ net eligible contributions, as defined in
1329 subsection (2), and all funds carried forward from the prior
1330 state fiscal year remaining after administrative expenses before
1331 funding any scholarships to students determined eligible
1332 pursuant to s. 1002.394(3)(a) ~~during the state fiscal year in~~
1333 ~~which such contributions are collected~~. No more than 25 percent
1334 of such net eligible contributions may be carried forward to the
1335 following state fiscal year. All amounts carried forward, for
1336 audit purposes, must be specifically identified for particular
1337 students, by student name and the name of the school to which
1338 the student is admitted, subject to the requirements of ss.
1339 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable
1340 rules and regulations issued pursuant thereto. Any amounts
1341 carried forward shall be expended for annual or partial-year
1342 scholarships in the following state fiscal year. No later than
1343 September 30 of each year, net eligible contributions remaining
1344 on June 30 of each year that are in excess of the 25 percent
1345 that may be carried forward shall be used to provide
1346 scholarships to eligible students or transferred to other
1347 eligible nonprofit scholarship-funding organizations to provide
1348 scholarships for eligible students. All transferred funds must
1349 be deposited by each eligible nonprofit scholarship-funding
1350 organization receiving such funds into its scholarship account.

1351 All transferred amounts received by any eligible nonprofit
1352 scholarship-funding organization must be separately disclosed in
1353 the annual financial audit required under paragraph (o) ~~(m)~~.

1354 3. Must, before granting a scholarship for an academic
1355 year, document each scholarship student's eligibility for that
1356 academic year. A scholarship-funding organization may not grant
1357 multiyear scholarships in one approval process.

1358 (q) ~~(e)~~ 1.a. Must participate in the joint development of
1359 agreed-upon procedures during the 2009-2010 state fiscal year.
1360 The agreed-upon procedures must uniformly apply to all private
1361 schools and must determine, at a minimum, whether the private
1362 school has been verified as eligible by the Department of
1363 Education under s. 1002.421; has an adequate accounting system,
1364 system of financial controls, and process for deposit and
1365 classification of scholarship funds; and has properly expended
1366 scholarship funds for education-related expenses. During the
1367 development of the procedures, the participating scholarship-
1368 funding organizations shall specify guidelines governing the
1369 materiality of exceptions that may be found during the
1370 accountant's performance of the procedures. The procedures and
1371 guidelines shall be provided to private schools and the
1372 Commissioner of Education by March 15, 2011.

1373 b. Must participate in a joint review of the agreed-upon
1374 procedures and guidelines developed under sub-subparagraph a.,
1375 by February of each biennium, if the scholarship-funding

1376 organization provided more than \$250,000 in scholarship funds ~~to~~
1377 ~~an eligible private school~~ under this chapter during the state
1378 fiscal year preceding the biennial review. If the procedures and
1379 guidelines are revised, the revisions must be provided to
1380 private schools and the Commissioner of Education by March 15 of
1381 the year in which the revisions were completed. The revised
1382 agreed-upon procedures and guidelines shall take effect the
1383 subsequent school year. ~~For the 2018-2019 school year only, the~~
1384 ~~joint review of the agreed-upon procedures must be completed and~~
1385 ~~the revisions submitted to the commissioner no later than~~
1386 ~~September 15, 2018. The revised procedures are applicable to the~~
1387 ~~2018-2019 school year.~~

1388 c. Must monitor the compliance of a private school with s.
1389 1002.421(1)(q) if the scholarship-funding organization provided
1390 the majority of the scholarship funding to the school. For each
1391 private school subject to s. 1002.421(1)(q), the appropriate
1392 scholarship-funding organization shall annually notify the
1393 Commissioner of Education by October 30 of:

1394 (I) A private school's failure to submit a report required
1395 under s. 1002.421(1)(q); or

1396 (II) Any material exceptions set forth in the report
1397 required under s. 1002.421(1)(q).

1398 2. Must seek input from the accrediting associations that
1399 are members of the Florida Association of Academic Nonpublic
1400 Schools and the Department of Education when jointly developing

1401 the agreed-upon procedures and guidelines under sub-subparagraph
1402 1.a. and conducting a review of those procedures and guidelines
1403 under sub-subparagraph 1.b.

1404 (t) Must participate in the joint development of agreed-
1405 upon purchasing guidelines for authorized uses of scholarship
1406 funds under this chapter. By December 31, 2023, and by each
1407 December 31 thereafter, the purchasing guidelines must be
1408 provided to the Commissioner of Education and published on the
1409 eligible nonprofit scholarship-funding organization's website.
1410 Published purchasing guidelines shall remain in effect until
1411 there is unanimous agreement to revise the guidelines and the
1412 revisions must be provided to the commissioner and published on
1413 the organization's website within 30 days after such revisions.

1414 (u) May permit eligible students to use program funds for
1415 the purposes specified in paragraph (d) by paying for the
1416 authorized use directly, then submitting a reimbursement request
1417 to the eligible nonprofit scholarship-funding organization.
1418 However, an eligible nonprofit scholarship-funding organization
1419 may require the use of an online platform for direct purchases
1420 of products so long as such use does not limit a parent's choice
1421 of curriculum or academic programs. If a parent purchases a
1422 product identical to one offered by an organization's online
1423 platform for a lower price, the organization shall reimburse the
1424 parent the cost of the product.

1425 (v) Must notify each parent that participation in the

1426 scholarship program does not guarantee enrollment.

1427 (w) Shall commit scholarship funds on behalf of the
1428 student for tuition and fees for which the parent is responsible
1429 for payment at the private school before using empowerment
1430 account funds for additional authorized uses under paragraph
1431 (d).

1432 (x) Beginning September 30, 2023, must submit to the
1433 department quarterly reports that provide the estimated and
1434 actual amounts of the net eligible contributions, as defined in
1435 subsection (2), and all funds carried forward from the prior
1436 state fiscal year.

1437
1438 Information and documentation provided to the Department of
1439 Education and the Auditor General relating to the identity of a
1440 taxpayer that provides an eligible contribution under this
1441 section shall remain confidential at all times in accordance
1442 with s. 213.053.

1443 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1444 PARTICIPATION.—

1445 (a) A parent whose student will be enrolled full time in a
1446 private school must:

1447 1. The parent must Select an eligible private school and
1448 apply for the admission of his or her child.

1449 2. (b) The parent must Inform the child's school district
1450 when the parent withdraws his or her child to attend an eligible

1451 private school.

1452 3.(e) Require his or her any student participating in the
1453 ~~scholarship~~ program to ~~must~~ remain in attendance throughout the
1454 school year unless excused by the school for illness or other
1455 good cause ~~and~~.

1456 ~~(d) Each parent and each student has an obligation to the~~
1457 ~~private school to~~ comply with the private school's published
1458 policies.

1459 4. Meet with the private school's principal or the
1460 principal's designee to review the school's academic programs
1461 and policies, specialized services, code of student conduct, and
1462 attendance policies before enrollment in the private school.

1463 5.(e) Require his or her ~~The parent shall ensure that the~~
1464 student participating in the ~~scholarship~~ program to take ~~takes~~
1465 the norm-referenced assessment offered by the private school.
1466 The parent may also choose to have the student participate in
1467 the statewide assessments pursuant to s. 1008.22. If the parent
1468 requests that the student participating in the scholarship
1469 program take statewide assessments pursuant to s. 1008.22 and
1470 the private school has not chosen to offer and administer the
1471 statewide assessments, the parent is responsible for
1472 transporting the student to the assessment site designated by
1473 the school district.

1474 6.(f) Upon receipt of a scholarship warrant from the
1475 ~~eligible nonprofit scholarship funding organization, the parent~~

1476 ~~to whom the warrant is made must restrictively endorse the~~
1477 ~~warrant to the private school for deposit into the account of~~
1478 ~~the private school. If payments are made by funds transfer, the~~
1479 ~~parent must~~ Approve each payment before the scholarship funds
1480 may be deposited by funds transfer. The parent may not designate
1481 any entity or individual associated with the participating
1482 private school as the parent's attorney in fact to ~~endorse a~~
1483 ~~scholarship warrant or~~ approve a funds transfer. A participant
1484 who fails to comply with this paragraph forfeits the
1485 scholarship.

1486 7.(g) ~~The parent shall~~ Authorize the nonprofit
1487 scholarship-funding organization to access information needed
1488 for income eligibility determination and verification held by
1489 other state or federal agencies, including the Department of
1490 Revenue, the Department of Children and Families, the Department
1491 of Education, the Department of Economic Opportunity, and the
1492 Agency for Health Care Administration.

1493 8. Agree to have the organization commit scholarship funds
1494 on behalf of his or her student for tuition and fees for which
1495 the parent is responsible for payment at the private school
1496 before using empowerment account funds for additional authorized
1497 uses under paragraph (6)(d). A parent is responsible for all
1498 eligible expenses in excess of the amount of the scholarship.

1499 (b) A parent whose student will not be enrolled full time
1500 in a public or private school must:

1501 1. Apply to an eligible nonprofit scholarship-funding
1502 organization to participate in the program as a personalized
1503 education student by a date set by the organization. The request
1504 must be communicated directly to the organization in a manner
1505 that creates a written or electronic record of the request and
1506 the date of receipt of the request.

1507 2. Sign an agreement with the organization and annually
1508 submit a sworn compliance statement to the organization to
1509 satisfy or maintain program eligibility, including eligibility
1510 to receive and spend program payments, by:

1511 a. Affirming that the program funds are used only for
1512 authorized purposes serving the student's educational needs, as
1513 described in paragraph (6)(d), and that they will not receive a
1514 payment, refund, or rebate of any funds provided under this
1515 section.

1516 b. Affirming that the parent is responsible for all
1517 eligible expenses in excess of the amount of the scholarship and
1518 for the education of his or her student.

1519 c. Submitting a student learning plan to the organization
1520 and revising the plan at least annually before program renewal.

1521 d. Requiring his or her student to take a nationally norm-
1522 referenced test identified by the Department of Education, or a
1523 statewide assessment under s. 1008.22, and provide assessment
1524 results to the organization before the student's program
1525 renewal.

1526 e. Renewing participation in the program each year. A
1527 student whose participation in the program is not renewed may
1528 continue to spend scholarship funds that are in his or her
1529 account from prior years unless the account must be closed
1530 pursuant to s. 1002.394(5)(a)2.

1531 f. Procuring the services necessary to educate the
1532 student. When the student receives a scholarship, the district
1533 school board is not obligated to provide the student with a free
1534 appropriate public education.

1535
1536 An eligible nonprofit scholarship-funding organization may not
1537 further regulate, exercise control over, or require
1538 documentation beyond the requirements of this subsection unless
1539 the regulation, control, or documentation is necessary for
1540 participation in the program.

1541 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1542 Education shall:

1543 (a) Annually submit to the department and division, by
1544 March 15, a list of eligible nonprofit scholarship-funding
1545 organizations that meet the requirements of paragraph (2)(g)
1546 ~~(2)(f)~~.

1547 (b) Annually verify the eligibility of nonprofit
1548 scholarship-funding organizations that meet the requirements of
1549 paragraph (2)(g) ~~(2)(f)~~.

1550 (c) Annually verify the eligibility of expenditures as

1551 provided in paragraph (6) (d) using the audit required by
1552 paragraph (6) (o) ~~(6) (m)~~.

1553 (e) Maintain and annually publish a list of nationally
1554 norm-referenced tests identified for purposes of satisfying the
1555 testing requirement in subparagraph (8) (b)1. The tests must meet
1556 industry standards of quality in accordance with State Board of
1557 Education rule.

1558 (f) Issue a project grant award to a state university, to
1559 which participating private schools and eligible nonprofit
1560 scholarship-funding organizations must report the scores of
1561 participating students on the nationally norm-referenced tests
1562 or the statewide assessments administered ~~by the private school~~
1563 in grades 3 through 10. The project term is 2 years, and the
1564 amount of the project is up to \$250,000 per year. The project
1565 grant award must be reissued in 2-year intervals in accordance
1566 with this paragraph.

1567 1. The state university must annually report to the
1568 Department of Education on the student performance of
1569 participating students and, beginning with the 2027-2028 school
1570 year, on the performance of personalized education students:

1571 a. On a statewide basis. The report shall also include, to
1572 the extent possible, a comparison of scholarship students'
1573 performance to the statewide student performance of public
1574 school students with socioeconomic backgrounds similar to those
1575 of students participating in the scholarship program. To

1576 minimize costs and reduce time required for the state
1577 university's analysis and evaluation, the Department of
1578 Education shall coordinate with the state university to provide
1579 data to the state university in order to conduct analyses of
1580 matched students from public school assessment data and
1581 calculate control group student performance using an agreed-upon
1582 methodology with the state university; and

1583 b. On an individual school basis for students enrolled
1584 full time in a private school. The annual report must include
1585 student performance for each participating private school in
1586 which ~~at least 51 percent of the total~~ enrolled students in the
1587 private school participated in a scholarship program under this
1588 section, s. 1002.394(12)(a), or s. 1002.40 ~~the Florida Tax~~
1589 ~~Credit Scholarship Program~~ in the prior school year. The report
1590 shall be according to each participating private school, and for
1591 participating students, in which there are at least 30
1592 participating students who have scores for tests administered.
1593 If the state university determines that the 30-participating-
1594 student cell size may be reduced without disclosing personally
1595 identifiable information, as described in 34 C.F.R. s. 99.12, of
1596 a participating student, the state university may reduce the
1597 participating-student cell size, but the cell size must not be
1598 reduced to less than 10 participating students. The department
1599 shall provide each private school's prior school year's student
1600 enrollment information to the state university no later than

1601 June 15 of each year, or as requested by the state university.

1602 2. The sharing and reporting of student performance data
 1603 under this paragraph must be in accordance with requirements of
 1604 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
 1605 Educational Rights and Privacy Act, and the applicable rules and
 1606 regulations issued pursuant thereto, and shall be for the sole
 1607 purpose of creating the annual report required by subparagraph
 1608 1. All parties must preserve the confidentiality of such
 1609 information as required by law. The annual report must not
 1610 disaggregate data to a level that will identify individual
 1611 participating schools, except as required under sub-subparagraph
 1612 1.b., or disclose the academic level of individual students.

1613 3. The annual report required by subparagraph 1. shall be
 1614 published by the Department of Education on its website.

1615 (j) Provide a process to match the direct certification
 1616 list with the scholarship application data submitted by any
 1617 nonprofit scholarship-funding organization eligible to receive
 1618 the 3-percent administrative allowance under paragraph (6) (1)
 1619 ~~(6) (j)~~.

1620 (k) Notify each school district of the full-time
 1621 equivalent student consensus estimate of scholarship students
 1622 developed pursuant to s. 216.136(4) (a).

1623 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1624 (b) Payment of the scholarship by the eligible nonprofit
 1625 scholarship-funding organization shall be ~~by individual warrant~~

1626 ~~made payable to the student's parent or~~ by funds transfer,
1627 including, but not limited to, debit cards, electronic payment
1628 cards, or any other means of payment that the department deems
1629 to be commercially viable or cost-effective. ~~If the payment is~~
1630 ~~made by warrant, the warrant must be delivered by the eligible~~
1631 ~~nonprofit scholarship-funding organization to the private school~~
1632 ~~of the parent's choice, and the parent shall restrictively~~
1633 ~~endorse the warrant to the private school.~~ An eligible nonprofit
1634 scholarship-funding organization shall ensure ~~that the parent to~~
1635 ~~whom the warrant is made restrictively endorsed the warrant to~~
1636 ~~the private school for deposit into the account of the private~~
1637 ~~school or~~ that the parent has approved a funds transfer before
1638 any scholarship funds are deposited.

1639 (e) An eligible nonprofit scholarship-funding organization
1640 may not transfer any funds to an account of a student determined
1641 eligible under this section which has a balance in excess of
1642 \$24,000.

1643 (f) A scholarship awarded to an eligible student shall
1644 remain in force until:

1645 1. The organization determines that the student is not
1646 eligible for program renewal;

1647 2. The Commissioner of Education suspends or revokes
1648 program participation or use of funds;

1649 3. The student's parent has forfeited participation in the
1650 program for failure to comply with subsection (7);

1651 4. The student enrolls in a public school. However, if a
 1652 student enters a Department of Juvenile Justice detention center
 1653 for a period of no more than 21 days, the student is not
 1654 considered to have returned to a public school on a full-time
 1655 basis for that purpose; or

1656 5. The student graduates from high school or attains 21
 1657 years of age, whichever occurs first.

1658 (g) Reimbursements for program expenditures may continue
 1659 until the account balance is expended or remaining funds have
 1660 reverted to the state.

1661 (h) A student's scholarship account must be closed and any
 1662 remaining funds shall revert to the state after:

1663 1. Denial or revocation of program eligibility by the
 1664 commissioner for fraud or abuse, including, but not limited to,
 1665 the student or student's parent accepting any payment, refund,
 1666 or rebate, in any manner, from a provider of any services
 1667 received pursuant to paragraph (6) (d); or

1668 2. Two consecutive fiscal years in which an account has
 1669 been inactive.

1670 (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
 1671 APPLICATION.—In order to participate in the scholarship program
 1672 created under this section, a charitable organization that seeks
 1673 to be a nonprofit scholarship-funding organization must submit
 1674 an application for initial approval or renewal to the Office of
 1675 Independent Education and Parental Choice. The office shall

1676 provide at least two application periods in which charitable
1677 organizations may apply to participate in the program ~~no later~~
1678 ~~than September 1 of each year before the school year for which~~
1679 ~~the organization intends to offer scholarships.~~

1680 (a) An application for initial approval must include:

1681 1. A copy of the organization's incorporation documents
1682 and registration with the Division of Corporations of the
1683 Department of State.

1684 2. A copy of the organization's Internal Revenue Service
1685 determination letter as a s. 501(c)(3) not-for-profit
1686 organization.

1687 3. A description of the organization's financial plan that
1688 demonstrates sufficient funds to operate throughout the school
1689 year.

1690 4. A description of the geographic region that the
1691 organization intends to serve and an analysis of the demand and
1692 unmet need for eligible students in that area.

1693 5. The organization's organizational chart.

1694 6. A description of the criteria and methodology that the
1695 organization will use to evaluate scholarship eligibility.

1696 7. A description of the application process, including
1697 deadlines and any associated fees.

1698 8. A description of the deadlines for attendance
1699 verification and scholarship payments.

1700 9. A copy of the organization's policies on conflict of

1701 interest and whistleblowers.

1702 10. A copy of a surety bond or letter of credit to secure
 1703 the faithful performance of the obligations of the eligible
 1704 nonprofit scholarship-funding organization in accordance with
 1705 this section in an amount equal to 25 percent of the scholarship
 1706 funds anticipated for each school year or \$100,000, whichever is
 1707 greater. The surety bond or letter of credit must specify that
 1708 any claim against the bond or letter of credit may be made only
 1709 by an eligible nonprofit scholarship-funding organization to
 1710 provide scholarships to and on behalf of students who would have
 1711 had scholarships funded if it were not for the diversion of
 1712 funds giving rise to the claim against the bond or letter of
 1713 credit.

1714 (b) In addition to the information required by
 1715 subparagraphs (a)1.-9., an application for renewal must include:

1716 1. A surety bond or letter of credit to secure the
 1717 faithful performance of the obligations of the eligible
 1718 nonprofit scholarship-funding organization in accordance with
 1719 this section equal to the amount of undisbursed donations held
 1720 by the organization based on the annual report submitted
 1721 pursuant to paragraph (6) (o) ~~(6) (m)~~. The amount of the surety
 1722 bond or letter of credit must be at least \$100,000, but not more
 1723 than \$25 million. The surety bond or letter of credit must
 1724 specify that any claim against the bond or letter of credit may
 1725 be made only by an eligible nonprofit scholarship-funding

1726 organization to provide scholarships to and on behalf of
1727 students who would have had scholarships funded if it were not
1728 for the diversion of funds giving rise to the claim against the
1729 bond or letter of credit.

1730 2. The organization's completed Internal Revenue Service
1731 Form 990 submitted no later than November 30 of the year before
1732 the school year that the organization intends to offer the
1733 scholarships, notwithstanding the department's ~~September 1~~
1734 application deadline.

1735 3. A copy of the statutorily required audit to the
1736 Department of Education and Auditor General.

1737 4. An annual report that includes:

1738 a. The number of students who completed applications, by
1739 county and by grade.

1740 b. The number of students who were approved for
1741 scholarships, by county and by grade.

1742 c. The number of students who received funding for
1743 scholarships within each funding category, by county and by
1744 grade.

1745 d. The amount of funds received, the amount of funds
1746 distributed in scholarships, and an accounting of remaining
1747 funds and the obligation of those funds.

1748 e. A detailed accounting of how the organization spent the
1749 administrative funds allowable under paragraph (6) (l) ~~(6) (j)~~.

1750 (c) In consultation with the Department of Revenue and the

1751 Chief Financial Officer, the Office of Independent Education and
1752 Parental Choice shall review the application. The Department of
1753 Education shall notify the organization in writing of any
1754 deficiencies within 30 days after receipt of the application and
1755 allow the organization 30 days to correct any deficiencies.

1756 (d) Within 30 days after receipt of the finalized
1757 application by the Office of Independent Education and Parental
1758 Choice, the Commissioner of Education shall recommend approval
1759 or disapproval of the application to the State Board of
1760 Education. The State Board of Education shall consider the
1761 application and recommendation at the next scheduled meeting,
1762 adhering to appropriate meeting notice requirements. If the
1763 State Board of Education disapproves the organization's
1764 application, it shall provide the organization with a written
1765 explanation of that determination. The State Board of
1766 Education's action is not subject to chapter 120.

1767 (e) If the State Board of Education disapproves the
1768 renewal of a nonprofit scholarship-funding organization, the
1769 organization must notify the affected eligible students and
1770 parents of the decision within 15 days after disapproval. An
1771 eligible student affected by the disapproval of an
1772 organization's participation remains eligible under this section
1773 until the end of the school year in which the organization was
1774 disapproved. The student must apply and be accepted by another
1775 eligible nonprofit scholarship-funding organization for the

1776 | upcoming school year. The student shall be given priority in
1777 | accordance with paragraph (6)(g) ~~(6)(f)~~.

1778 | (f) All remaining funds held by a nonprofit scholarship-
1779 | funding organization that is disapproved for participation must
1780 | be transferred to other eligible nonprofit scholarship-funding
1781 | organizations to provide scholarships for eligible students. All
1782 | transferred funds must be deposited by each eligible nonprofit
1783 | scholarship-funding organization receiving such funds into its
1784 | scholarship account. All transferred amounts received by any
1785 | eligible nonprofit scholarship-funding organization must be
1786 | separately disclosed in the annual financial audit required
1787 | under subsection (6).

1788 | (g) A nonprofit scholarship-funding organization is a
1789 | renewing organization if it maintains continuous approval and
1790 | participation in the program. An organization that chooses not
1791 | to participate for 1 year or more or is disapproved to
1792 | participate for 1 year or more must submit an application for
1793 | initial approval in order to participate in the program again.

1794 | (h) The State Board of Education shall adopt rules
1795 | providing guidelines for receiving, reviewing, and approving
1796 | applications for new and renewing nonprofit scholarship-funding
1797 | organizations. The rules must include a process for compiling
1798 | input and recommendations from the Chief Financial Officer, the
1799 | Department of Revenue, and the Department of Education. The
1800 | rules must also require that the nonprofit scholarship-funding

1801 organization make a brief presentation to assist the State Board
1802 of Education in its decision.

1803 (i) A state university; or an independent college or
1804 university which is eligible to participate in the William L.
1805 Boyd, IV, Effective Access to Student Education Grant Program,
1806 located and chartered in this state, is not for profit, and is
1807 accredited by the Commission on Colleges of the Southern
1808 Association of Colleges and Schools, is exempt from the initial
1809 or renewal application process, but must file a registration
1810 notice with the Department of Education to be an eligible
1811 nonprofit scholarship-funding organization. The State Board of
1812 Education shall adopt rules that identify the procedure for
1813 filing the registration notice with the department. The rules
1814 must identify appropriate reporting requirements for fiscal,
1815 programmatic, and performance accountability purposes consistent
1816 with this section, but shall not exceed the requirements for
1817 eligible nonprofit scholarship-funding organizations for
1818 charitable organizations.

1819 Section 7. Paragraphs (e) and (f) of subsection (2) and
1820 paragraphs (g) and (i) of subsection (11) of section 1002.40,
1821 Florida Statutes, are amended to read:

1822 1002.40 The Hope Scholarship Program.—

1823 (2) DEFINITIONS.—As used in this section, the term:

1824 (e) "Eligible nonprofit scholarship-funding organization"
1825 or "organization" has the same meaning as provided in s.

1826 1002.395(2) ~~s. 1002.395(2)(f)~~.

1827 (f) "Eligible private school" has the same meaning as
1828 provided in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.

1829 (11) FUNDING AND PAYMENT.—

1830 (g) An eligible nonprofit scholarship-funding
1831 organization, subject to the limitations of s. 1002.395(6)(1)1.
1832 ~~s. 1002.395(6)(j)1.~~, may use eligible contributions received
1833 during the state fiscal year in which such contributions are
1834 collected for administrative expenses.

1835 (i) Notwithstanding s. 1002.395(6)(1)2. ~~s. 1002.395(6)~~
1836 ~~(j)2.~~, no more than 5 percent of net eligible contributions may
1837 be carried forward to the following state fiscal year by an
1838 eligible scholarship-funding organization. For audit purposes,
1839 all amounts carried forward must be specifically identified for
1840 individual students by student name and by the name of the
1841 school to which the student is admitted, subject to the
1842 requirements of ss. 1002.21 and 1002.22 and 20 U.S.C. s. 1232g,
1843 and the applicable rules and regulations issued pursuant to such
1844 requirements. Any amounts carried forward shall be expended for
1845 annual scholarships or partial-year scholarships in the
1846 following state fiscal year. Net eligible contributions
1847 remaining on June 30 of each year which are in excess of the 5
1848 percent that may be carried forward shall be transferred to
1849 other eligible nonprofit scholarship-funding organizations
1850 participating in the Hope Scholarship Program to provide

1851 scholarships for eligible students. All transferred funds must
1852 be deposited by each eligible nonprofit scholarship-funding
1853 organization receiving such funds into the scholarship account
1854 of eligible students. All transferred amounts received by an
1855 eligible nonprofit scholarship-funding organization must be
1856 separately disclosed in the annual financial audit requirement
1857 under s. 1002.395(6)(o) ~~s. 1002.395(6)(m)~~. If no other eligible
1858 nonprofit scholarship-funding organization participates in the
1859 Hope Scholarship Program, net eligible contributions in excess
1860 of the 5 percent may be used to fund scholarships for students
1861 eligible under s. 1002.395 only after fully exhausting all
1862 contributions made in support of scholarships under that section
1863 in accordance with the priority established in s. 1002.395(6)(f)
1864 before ~~s. 1002.395(6)(e)~~ ~~prior to~~ awarding any initial
1865 scholarships.

1866 Section 8. Subsection (1) and paragraph (c) of subsection
1867 (3) of section 1002.421, Florida Statutes, are amended to read:
1868 1002.421 State school choice scholarship program
1869 accountability and oversight.—

1870 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
1871 school participating in an educational scholarship program
1872 established pursuant to this chapter must be a private school as
1873 defined in s. 1002.01 ~~s. 1002.01(2)~~ in this state, be
1874 registered, and be in compliance with all requirements of this
1875 section in addition to private school requirements outlined in

1876 s. 1002.42, specific requirements identified within respective
 1877 scholarship program laws, and other provisions of Florida law
 1878 that apply to private schools, and must:

1879 (a) Comply with the antidiscrimination provisions of 42
 1880 U.S.C. s. 2000d.

1881 (b) Notify the department of its intent to participate in
 1882 a scholarship program.

1883 (c) Notify the department of any change in the school's
 1884 name, school director, mailing address, or physical location
 1885 within 15 days after the change.

1886 (d) Provide to the department or scholarship-funding
 1887 organization all documentation required for a student's
 1888 participation, including the private school's and student's
 1889 individual fee schedule, and attendance verification as required
 1890 by the department or scholarship-funding organization, prior to
 1891 scholarship payment.

1892 (e) Annually complete and submit to the department a
 1893 notarized scholarship compliance statement certifying that all
 1894 school employees and contracted personnel with direct student
 1895 contact have undergone background screening pursuant to s.
 1896 435.12 and have met the screening standards as provided in s.
 1897 435.04.

1898 (f) Demonstrate fiscal soundness and accountability by:

1899 1. Being in operation for at least 3 school years or
 1900 obtaining a surety bond or letter of credit for the amount equal

1901 to the scholarship funds for any quarter and filing the surety
 1902 bond or letter of credit with the department.

1903 2. Requiring the parent of each scholarship student to
 1904 personally restrictively endorse the scholarship warrant to the
 1905 school or to approve a funds transfer before any funds are
 1906 deposited for a student. The school may not act as attorney in
 1907 fact for the parent of a scholarship student under the authority
 1908 of a power of attorney executed by such parent, or under any
 1909 other authority, to endorse a scholarship warrant or approve a
 1910 funds transfer on behalf of such parent.

1911 (g) Meet applicable state and local health, safety, and
 1912 welfare laws, codes, and rules, including:

- 1913 1. Firesafety.
- 1914 2. Building safety.

1915 (h) Employ or contract with teachers who hold
 1916 baccalaureate or higher degrees, have at least 3 years of
 1917 teaching experience in public or private schools, or have
 1918 special skills, knowledge, or expertise that qualifies them to
 1919 provide instruction in subjects taught.

1920 (i) Maintain a physical location in the state at which
 1921 each student has regular and direct contact with teachers.

1922 (j) Publish on the school's website, or provide in a
 1923 written format, information for parents regarding the school,
 1924 including, but not limited to, programs, services, ~~and~~ the
 1925 qualifications of classroom teachers, and a statement that a

1926 parentally placed private school student with a disability does
1927 not have an individual right to receive some or all of the
1928 special education and related services that the student would
1929 receive if enrolled in a public school under the Individuals
1930 with Disabilities Education Act (IDEA), as amended.

1931 (k) At a minimum, provide the parent of each scholarship
1932 student with a written explanation of the student's progress on
1933 a quarterly basis.

1934 (l) Cooperate with a student whose parent chooses to
1935 participate in the statewide assessments pursuant to s. 1008.22.

1936 (m) Require each employee and contracted personnel with
1937 direct student contact, upon employment or engagement to provide
1938 services, to undergo a state and national background screening,
1939 pursuant to s. 943.0542, by electronically filing with the
1940 Department of Law Enforcement a complete set of fingerprints
1941 taken by an authorized law enforcement agency or an employee of
1942 the private school, a school district, or a private company who
1943 is trained to take fingerprints and deny employment to or
1944 terminate an employee if he or she fails to meet the screening
1945 standards under s. 435.04. Results of the screening shall be
1946 provided to the participating private school. For purposes of
1947 this paragraph:

1948 1. An "employee or contracted personnel with direct
1949 student contact" means any employee or contracted personnel who
1950 has unsupervised access to a scholarship student for whom the

1951 private school is responsible.

1952 2. The costs of fingerprinting and the background check
1953 shall not be borne by the state.

1954 3. Continued employment of an employee or contracted
1955 personnel after notification that he or she has failed the
1956 background screening under this paragraph shall cause a private
1957 school to be ineligible for participation in a scholarship
1958 program.

1959 4. An employee or contracted personnel holding a valid
1960 Florida teaching certificate who has been fingerprinted pursuant
1961 to s. 1012.32 is not required to comply with the provisions of
1962 this paragraph.

1963 5. All fingerprints submitted to the Department of Law
1964 Enforcement as required by this section shall be retained by the
1965 Department of Law Enforcement in a manner provided by rule and
1966 entered in the statewide automated biometric identification
1967 system authorized by s. 943.05 (2) (b). Such fingerprints shall
1968 thereafter be available for all purposes and uses authorized for
1969 arrest fingerprints entered in the statewide automated biometric
1970 identification system pursuant to s. 943.051.

1971 6. The Department of Law Enforcement shall search all
1972 arrest fingerprints received under s. 943.051 against the
1973 fingerprints retained in the statewide automated biometric
1974 identification system under subparagraph 5. Any arrest record
1975 that is identified with the retained fingerprints of a person

1976 | subject to the background screening under this section shall be
 1977 | reported to the employing school with which the person is
 1978 | affiliated. Each private school participating in a scholarship
 1979 | program is required to participate in this search process by
 1980 | informing the Department of Law Enforcement of any change in the
 1981 | employment or contractual status of its personnel whose
 1982 | fingerprints are retained under subparagraph 5. The Department
 1983 | of Law Enforcement shall adopt a rule setting the amount of the
 1984 | annual fee to be imposed upon each private school for performing
 1985 | these searches and establishing the procedures for the retention
 1986 | of private school employee and contracted personnel fingerprints
 1987 | and the dissemination of search results. The fee may be borne by
 1988 | the private school or the person fingerprinted.

1989 | 7. Employees and contracted personnel whose fingerprints
 1990 | are not retained by the Department of Law Enforcement under
 1991 | subparagraphs 5. and 6. are required to be refingerprinted and
 1992 | must meet state and national background screening requirements
 1993 | upon reemployment or reengagement to provide services in order
 1994 | to comply with the requirements of this section.

1995 | 8. Every 5 years following employment or engagement to
 1996 | provide services with a private school, employees or contracted
 1997 | personnel required to be screened under this section must meet
 1998 | screening standards under s. 435.04, at which time the private
 1999 | school shall request the Department of Law Enforcement to
 2000 | forward the fingerprints to the Federal Bureau of Investigation

2001 for national processing. If the fingerprints of employees or
 2002 contracted personnel are not retained by the Department of Law
 2003 Enforcement under subparagraph 5., employees and contracted
 2004 personnel must electronically file a complete set of
 2005 fingerprints with the Department of Law Enforcement. Upon
 2006 submission of fingerprints for this purpose, the private school
 2007 shall request that the Department of Law Enforcement forward the
 2008 fingerprints to the Federal Bureau of Investigation for national
 2009 processing, and the fingerprints shall be retained by the
 2010 Department of Law Enforcement under subparagraph 5.

2011 (n) Adopt policies establishing standards of ethical
 2012 conduct for educational support employees, instructional
 2013 personnel, and school administrators. The policies must require
 2014 all educational support employees, instructional personnel, and
 2015 school administrators, as defined in s. 1012.01, to complete
 2016 training on the standards; establish the duty of educational
 2017 support employees, instructional personnel, and school
 2018 administrators to report, and procedures for reporting, alleged
 2019 misconduct by other educational support employees, instructional
 2020 personnel, and school administrators which affects the health,
 2021 safety, or welfare of a student; and include an explanation of
 2022 the liability protections provided under ss. 39.203 and 768.095.
 2023 A private school, or any of its employees, may not enter into a
 2024 confidentiality agreement regarding terminated or dismissed
 2025 educational support employees, instructional personnel, or

2026 school administrators, or employees, personnel, or
2027 administrators who resign in lieu of termination, based in whole
2028 or in part on misconduct that affects the health, safety, or
2029 welfare of a student, and may not provide the employees,
2030 personnel, or administrators with employment references or
2031 discuss the employees', personnel's, or administrators'
2032 performance with prospective employers in another educational
2033 setting, without disclosing the employees', personnel's, or
2034 administrators' misconduct. Any part of an agreement or contract
2035 that has the purpose or effect of concealing misconduct by
2036 educational support employees, instructional personnel, or
2037 school administrators which affects the health, safety, or
2038 welfare of a student is void, is contrary to public policy, and
2039 may not be enforced.

2040 (o) Before employing a person in any position that
2041 requires direct contact with students, conduct employment
2042 history checks of previous employers, screen the person through
2043 use of the screening tools described in s. 1001.10(5), and
2044 document the findings. If unable to contact a previous employer,
2045 the private school must document efforts to contact the
2046 employer. The private school may not employ a person whose
2047 educator certificate is revoked, who is barred from reapplying
2048 for an educator certificate, or who is on the disqualification
2049 list maintained by the department pursuant to s. 1001.10(4)(b).

2050 (p) Require each owner or operator of the private school,

2051 prior to employment or engagement to provide services, to
 2052 undergo level 2 background screening as provided under chapter
 2053 435. For purposes of this paragraph, the term "owner or
 2054 operator" means an owner, operator, superintendent, or principal
 2055 of, or a person with equivalent decisionmaking authority over, a
 2056 private school participating in a scholarship program
 2057 established pursuant to this chapter. The fingerprints for the
 2058 background screening must be electronically submitted to the
 2059 Department of Law Enforcement and may be taken by an authorized
 2060 law enforcement agency or a private company who is trained to
 2061 take fingerprints. However, the complete set of fingerprints of
 2062 an owner or operator may not be taken by the owner or operator.
 2063 The owner or operator shall provide a copy of the results of the
 2064 state and national criminal history check to the Department of
 2065 Education. The cost of the background screening may be borne by
 2066 the owner or operator.

2067 1. Every 5 years following employment or engagement to
 2068 provide services, each owner or operator must meet level 2
 2069 screening standards as described in s. 435.04, at which time the
 2070 owner or operator shall request the Department of Law
 2071 Enforcement to forward the fingerprints to the Federal Bureau of
 2072 Investigation for level 2 screening. If the fingerprints of an
 2073 owner or operator are not retained by the Department of Law
 2074 Enforcement under subparagraph 2., the owner or operator must
 2075 electronically file a complete set of fingerprints with the

2076 Department of Law Enforcement. Upon submission of fingerprints
2077 for this purpose, the owner or operator shall request that the
2078 Department of Law Enforcement forward the fingerprints to the
2079 Federal Bureau of Investigation for level 2 screening, and the
2080 fingerprints shall be retained by the Department of Law
2081 Enforcement under subparagraph 2.

2082 2. Fingerprints submitted to the Department of Law
2083 Enforcement as required by this paragraph must be retained by
2084 the Department of Law Enforcement in a manner approved by rule
2085 and entered in the statewide automated biometric identification
2086 system authorized by s. 943.05(2)(b). The fingerprints must
2087 thereafter be available for all purposes and uses authorized for
2088 arrest fingerprints entered in the statewide automated biometric
2089 identification system pursuant to s. 943.051.

2090 3. The Department of Law Enforcement shall search all
2091 arrest fingerprints received under s. 943.051 against the
2092 fingerprints retained in the statewide automated biometric
2093 identification system under subparagraph 2. Any arrest record
2094 that is identified with an owner's or operator's fingerprints
2095 must be reported to the owner or operator, who must report to
2096 the Department of Education. Any costs associated with the
2097 search shall be borne by the owner or operator.

2098 4. An owner or operator who fails the level 2 background
2099 screening is not eligible to participate in a scholarship
2100 program under this chapter.

2101 5. In addition to the offenses listed in s. 435.04, a
 2102 person required to undergo background screening pursuant to this
 2103 part or authorizing statutes may not have an arrest awaiting
 2104 final disposition for, must not have been found guilty of, or
 2105 entered a plea of nolo contendere to, regardless of
 2106 adjudication, and must not have been adjudicated delinquent for,
 2107 and the record must not have been sealed or expunged for, any of
 2108 the following offenses or any similar offense of another
 2109 jurisdiction:

2110 a. Any authorizing statutes, if the offense was a felony.
 2111 b. This chapter, if the offense was a felony.
 2112 c. Section 409.920, relating to Medicaid provider fraud.
 2113 d. Section 409.9201, relating to Medicaid fraud.
 2114 e. Section 741.28, relating to domestic violence.
 2115 f. Section 817.034, relating to fraudulent acts through
 2116 mail, wire, radio, electromagnetic, photoelectronic, or
 2117 photooptical systems.

2118 g. Section 817.234, relating to false and fraudulent
 2119 insurance claims.

2120 h. Section 817.505, relating to patient brokering.
 2121 i. Section 817.568, relating to criminal use of personal
 2122 identification information.

2123 j. Section 817.60, relating to obtaining a credit card
 2124 through fraudulent means.

2125 k. Section 817.61, relating to fraudulent use of credit

2126 | cards, if the offense was a felony.

2127 | 1. Section 831.01, relating to forgery.

2128 | m. Section 831.02, relating to uttering forged

2129 | instruments.

2130 | n. Section 831.07, relating to forging bank bills, checks,

2131 | drafts, or promissory notes.

2132 | o. Section 831.09, relating to uttering forged bank bills,

2133 | checks, drafts, or promissory notes.

2134 | p. Section 831.30, relating to fraud in obtaining

2135 | medicinal drugs.

2136 | q. Section 831.31, relating to the sale, manufacture,

2137 | delivery, or possession with the intent to sell, manufacture, or

2138 | deliver any counterfeit controlled substance, if the offense was

2139 | a felony.

2140 | 6. At least 30 calendar days before a transfer of

2141 | ownership of a private school, the owner or operator shall

2142 | notify the parent of each scholarship student.

2143 | 7. The owner or operator of a private school that has been

2144 | deemed ineligible to participate in a scholarship program

2145 | pursuant to this chapter may not transfer ownership or

2146 | management authority of the school to a relative in order to

2147 | participate in a scholarship program as the same school or a new

2148 | school. For purposes of this subparagraph, the term "relative"

2149 | means father, mother, son, daughter, grandfather, grandmother,

2150 | brother, sister, uncle, aunt, cousin, nephew, niece, husband,

2151 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
2152 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
2153 stepdaughter, stepbrother, stepsister, half-brother, or half-
2154 sister.

2155 (q) Provide a report from an independent certified public
2156 accountant who performs the agreed-upon procedures developed
2157 pursuant to s. 1002.395(6)(q) ~~s. 1002.395(6)(e)~~ if the private
2158 school receives more than \$250,000 in funds from scholarships
2159 awarded under this chapter in a state fiscal year. A private
2160 school subject to this subsection must annually submit the
2161 report by September 15 to the scholarship-funding organization
2162 that awarded the majority of the school's scholarship funds.
2163 However, a school that receives more than \$250,000 in
2164 scholarship funds only through the John M. McKay Scholarship for
2165 Students with Disabilities Program pursuant to s. 1002.39 must
2166 submit the annual report by September 15 to the department. The
2167 agreed-upon procedures must be conducted in accordance with
2168 attestation standards established by the American Institute of
2169 Certified Public Accountants.

2170 (r) Prohibit education support employees, instructional
2171 personnel, and school administrators from employment in any
2172 position that requires direct contact with students if the
2173 personnel or administrators are ineligible for such employment
2174 pursuant to this section or s. 1012.315, or have been terminated
2175 or have resigned in lieu of termination for sexual misconduct

2176 | with a student. If the prohibited conduct occurs subsequent to
 2177 | employment, the private school must report the person and the
 2178 | disqualifying circumstances to the department for inclusion on
 2179 | the disqualification list maintained pursuant to s.
 2180 | 1001.10(4)(b).

2181 |
 2182 | The department shall suspend the payment of funds to a private
 2183 | school that knowingly fails to comply with this subsection, and
 2184 | shall prohibit the school from enrolling new scholarship
 2185 | students, for 1 fiscal year and until the school complies. If a
 2186 | private school fails to meet the requirements of this subsection
 2187 | or has consecutive years of material exceptions listed in the
 2188 | report required under paragraph (q), the commissioner may
 2189 | determine that the private school is ineligible to participate
 2190 | in a scholarship program.

2191 | (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
 2192 | The Commissioner of Education:

2193 | (c) May permanently deny or revoke the authority of an
 2194 | owner, officer, or director ~~or operator~~ to establish or operate
 2195 | a private school in the state and include such individual on the
 2196 | disqualification list maintained by the department pursuant to
 2197 | s. 1001.10(4)(b) if the commissioner decides that the owner,
 2198 | officer, or director: ~~or operator~~

2199 | 1. Is operating or has operated an educational institution
 2200 | in the state or another state or jurisdiction in a manner

2201 contrary to the health, safety, or welfare of the public; or
2202 2. Has operated an educational institution that closed
2203 during the school year. An individual may be removed from the
2204 disqualification list if the individual reimburses the
2205 department or eligible nonprofit scholarship-funding
2206 organization the amount of scholarship funds received by the
2207 educational institution during the school year in which it
2208 closed, ~~and shall include such individuals on the~~
2209 ~~disqualification list maintained by the department pursuant to~~
2210 ~~s. 1001.10(4)(b).~~

2211 Section 9. Section 1002.44, Florida Statutes, is created
2212 to read:

2213 1002.44 Part-time public school enrollment.—

2214 (1) Any public school in this state, including a charter
2215 school, may enroll a student who meets the regular school
2216 attendance criteria in s. 1003.01(13)(b)-(f) on a part-time
2217 basis, subject to space and availability according to the
2218 school's capacity determined pursuant to s. 1002.31(2)(b).

2219 (2) A student attending a public school on a part-time
2220 basis pursuant to this section shall generate full-time
2221 equivalent student membership as described in s. 1011.61(1)(b).
2222 A student receiving a scholarship under this chapter who attends
2223 a public school on a part-time basis through contracted services
2224 provided by the public school or school district may not be
2225 reported for funding.

2226 (3) A student attending a public school on a part-time
 2227 basis pursuant to this section is not considered to be in
 2228 regular attendance at a public school as defined in s.
 2229 1003.01(13)(a).

2230 Section 10. Paragraphs (d) and (e) of subsection (13) and
 2231 subsection (14) of section 1003.01, Florida Statutes, are
 2232 amended, and paragraph (f) is added to subsection (13) of that
 2233 section, to read:

2234 1003.01 Definitions.—As used in this chapter, the term:

2235 (13) "Regular school attendance" means the actual
 2236 attendance of a student during the school day as defined by law
 2237 and rules of the State Board of Education. Regular attendance
 2238 within the intent of s. 1003.21 may be achieved by attendance
 2239 in:

2240 (d) A home education program that meets the requirements
 2241 of chapter 1002; ~~or~~

2242 (e) A private tutoring program that meets the requirements
 2243 of chapter 1002; or.

2244 (f) A personalized education program that meets the
 2245 requirements of s. 1002.395.

2246 (14) "Core-curricula courses" means:

2247 (a) Courses in language arts/reading, mathematics, social
 2248 studies, and science in prekindergarten through grade 3,
 2249 excluding extracurricular courses pursuant to subsection (15);

2250 (b) Courses in grades 4 through 8 in subjects that are

2251 measured by state assessment at any grade level and courses
 2252 required for middle school promotion, excluding extracurricular
 2253 courses pursuant to subsection (15);

2254 (c) Courses in grades 9 through 12 in subjects that are
 2255 measured by state assessment at any grade level and courses that
 2256 are specifically identified by name in statute as required for
 2257 high school graduation and that are not measured by state
 2258 assessment, excluding extracurricular courses pursuant to
 2259 subsection (15);

2260 (d) Exceptional student education courses; and

2261 (e) English for Speakers of Other Languages courses.

2262

2263 The term is limited in meaning and used for the sole purpose of
 2264 designating classes that are subject to the maximum class size
 2265 requirements established in s. 1, Art. IX of the State
 2266 Constitution. This term does not include courses offered under
 2267 ss. 1002.321(3)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
 2268 1003.499 ~~ss. 1002.321(4)(c), 1002.33(7)(a)2.b., 1002.37,~~
 2269 ~~1002.45, and 1003.499.~~

2270 Section 11. No later than November 1, 2023, the State
 2271 Board of Education shall develop and recommend to the Governor
 2272 and Legislature for adoption during the 2024 legislative session
 2273 repeals and revisions to the Florida Early Learning-20 Education
 2274 Code, chapters 1000-1013, Florida Statutes, to reduce regulation
 2275 of public schools. The state board shall review the entirety of

2276 the Florida Early Learning-20 Education Code for potential
2277 repeals and revisions. The state board must make recommendations
2278 addressing repeals and revisions to the statutes governing the
2279 transportation of students. The state board shall consider input
2280 from teachers, superintendents, administrators, school boards,
2281 public and private postsecondary institutions, home educators,
2282 and other entities identified by the state board.

2283 Section 12. Subsection (10) is added to section 1001.10,
2284 Florida Statutes, to read:

2285 1001.10 Commissioner of Education; general powers and
2286 duties.—

2287 (10) Due to the range of school choice options and the
2288 variety of ways students learn, the commissioner shall develop
2289 an online portal that enables parents to choose the best
2290 educational options for their student. The portal, at a minimum,
2291 must:

2292 (a) Recommend educational options based on questions about
2293 the student, including the needs and interests of the student.

2294 (b) Advise parents on the recommended educational options
2295 for their student.

2296 (c) Enable schools to develop a school profile and connect
2297 directly with families who express interest in the school.

2298 (d) Allow parents to complete the school enrollment
2299 process.

2300 Section 13. Paragraph (c) of subsection (22) of section

2301 1002.20, Florida Statutes, is amended to read:

2302 1002.20 K-12 student and parent rights.—Parents of public
 2303 school students must receive accurate and timely information
 2304 regarding their child's academic progress and must be informed
 2305 of ways they can help their child to succeed in school. K-12
 2306 students and their parents are afforded numerous statutory
 2307 rights including, but not limited to, the following:

2308 (22) TRANSPORTATION.—

2309 (c) Parental consent.—Each parent of a public school
 2310 student must be notified in writing and give written consent
 2311 before the student may be transported in a privately owned motor
 2312 vehicle to a school function, ~~in accordance with the provisions~~
 2313 ~~of s. 1006.22(2)(b).~~

2314 Section 14. Subsection (2) of section 1003.25, Florida
 2315 Statutes, is amended to read:

2316 1003.25 Procedures for maintenance and transfer of student
 2317 records.—

2318 (2) The procedure for transferring and maintaining records
 2319 of students who transfer from school to school shall be
 2320 prescribed by rules of the State Board of Education. The
 2321 transfer of records shall occur within 5 ~~3~~ school days. The
 2322 records shall include:

2323 (a) Verified reports of serious or recurrent behavior
 2324 patterns, including threat assessment evaluations and
 2325 intervention services.

2326 (b) Psychological evaluations, including therapeutic
 2327 treatment plans and therapy or progress notes created or
 2328 maintained by school district or charter school staff, as
 2329 appropriate.

2330 Section 15. Subsection (4) of section 1003.4282, Florida
 2331 Statutes, is amended to read:

2332 1003.4282 Requirements for a standard high school
 2333 diploma.—

2334 ~~(4) ONLINE COURSE REQUIREMENT.—At least one course within~~
 2335 ~~the 24 credits required under this section must be completed~~
 2336 ~~through online learning.~~

2337 ~~(a) An online course taken in grade 6, grade 7, or grade 8~~
 2338 ~~fulfills the requirements of this subsection. The requirement is~~
 2339 ~~met through an online course offered by the Florida Virtual~~
 2340 ~~School, a virtual education provider approved by the State Board~~
 2341 ~~of Education, a high school, or an online dual enrollment~~
 2342 ~~course. A student who is enrolled in a full-time or part-time~~
 2343 ~~virtual instruction program under s. 1002.45 meets the~~
 2344 ~~requirement.~~

2345 ~~(b) A district school board or a charter school governing~~
 2346 ~~board, as applicable, may allow a student to satisfy the online~~
 2347 ~~course requirements of this subsection by completing a blended~~
 2348 ~~learning course or a course in which the student earns a~~
 2349 ~~nationally recognized industry certification in information~~
 2350 ~~technology that is identified on the CAPE Industry Certification~~

2351 ~~Funding List pursuant to s. 1008.44 or passing the information~~
 2352 ~~technology certification examination without enrolling in or~~
 2353 ~~completing the corresponding course or courses, as applicable.~~

2354
 2355 ~~For purposes of this subsection, a school district may not~~
 2356 ~~require a student to take the online or blended learning course~~
 2357 ~~outside the school day or in addition to a student's courses for~~
 2358 ~~a given semester. This subsection does not apply to a student~~
 2359 ~~who has an individual education plan under s. 1003.57 which~~
 2360 ~~indicates that an online or blended learning course would be~~
 2361 ~~inappropriate or to an out-of-state transfer student who is~~
 2362 ~~enrolled in a Florida high school and has 1 academic year or~~
 2363 ~~less remaining in high school.~~

2364 Section 16. Subsection (2) of section 1006.21, Florida
 2365 Statutes, is amended to read:

2366 1006.21 Duties of district school superintendent and
 2367 district school board regarding transportation.—

2368 (2) After considering recommendations of the district
 2369 school superintendent, the district school board shall make
 2370 provision for the transportation of students to the public
 2371 schools or school activities they are required or expected to
 2372 attend; authorize transportation routes arranged efficiently and
 2373 economically; provide the necessary transportation facilities,
 2374 and, when authorized under rules of the State Board of Education
 2375 and if more economical to do so, provide limited subsistence in

2376 lieu thereof; and adopt the necessary rules to ensure safety,
2377 economy, and efficiency in the operation of all buses and other
2378 vehicles used to transport students, as prescribed in this
2379 chapter.

2380 Section 17. Subsections (2) through (13) of section
2381 1006.22, Florida Statutes, are renumbered as subsections (1)
2382 through (12), respectively, and present subsections (1), (2),
2383 (11), and (13) of that section are amended to read:

2384 1006.22 Safety and health of students being transported.—
2385 Maximum regard for safety and adequate protection of health are
2386 primary requirements that must be observed by district school
2387 boards in routing buses, appointing drivers, and providing and
2388 operating equipment, in accordance with all requirements of law
2389 and rules of the State Board of Education in providing
2390 transportation pursuant to s. 1006.21:

2391 ~~(1)(a) District school boards shall use school buses, as~~
2392 ~~defined in s. 1006.25, for all regular transportation. Regular~~
2393 ~~transportation or regular use means transportation of students~~
2394 ~~to and from school or school-related activities that are part of~~
2395 ~~a scheduled series or sequence of events to the same location.~~
2396 ~~"Students" means, for the purposes of this section, students~~
2397 ~~enrolled in the public schools in prekindergarten disability~~
2398 ~~programs and in kindergarten through grade 12. District school~~
2399 ~~boards may regularly use motor vehicles other than school buses~~
2400 ~~only under the following conditions:~~

2401 1. ~~When the transportation is for physically handicapped~~
 2402 ~~or isolated students and the district school board has elected~~
 2403 ~~to provide for the transportation of the student through written~~
 2404 ~~or oral contracts or agreements.~~

2405 2. ~~When the transportation is a part of a comprehensive~~
 2406 ~~contract for a specialized educational program between a~~
 2407 ~~district school board and a service provider who provides~~
 2408 ~~instruction, transportation, and other services.~~

2409 3. ~~When the transportation is provided through a public~~
 2410 ~~transit system.~~

2411 4. ~~When the transportation is for trips to and from school~~
 2412 ~~sites or agricultural education sites or for trips to and from~~
 2413 ~~agricultural education-related events or competitions, but is~~
 2414 ~~not for customary transportation between a student's residence~~
 2415 ~~and such sites.~~

2416 5. ~~When the transportation is for trips to and from school~~
 2417 ~~sites but is not for customary transportation between a~~
 2418 ~~student's residence and such sites.~~

2419 ~~(b) When the transportation of students is provided, as~~
 2420 ~~authorized in this subsection, in a vehicle other than a school~~
 2421 ~~bus that is owned, operated, rented, contracted, or leased by a~~
 2422 ~~school district or charter school, the following provisions~~
 2423 ~~shall apply:~~

2424 1. ~~The vehicle must be designed to transport fewer than 10~~
 2425 ~~students or be a multifunction school activity bus, as defined~~

2426 ~~in 49 C.F.R. s. 571.3, if it is designed to transport more than~~
2427 ~~10 persons. Students must be transported in designated seating~~
2428 ~~positions and must use the occupant crash protection system~~
2429 ~~provided by the manufacturer unless the student's physical~~
2430 ~~condition prohibits such use.~~

2431 ~~2. An authorized vehicle may not be driven by a student on~~
2432 ~~a public right-of-way. An authorized vehicle may be driven by a~~
2433 ~~student on school or private property as part of the student's~~
2434 ~~educational curriculum if no other student is in the vehicle.~~

2435 ~~3. The driver of an authorized vehicle transporting~~
2436 ~~students must maintain a valid driver license and must comply~~
2437 ~~with the requirements of the school district's locally adopted~~
2438 ~~safe driver plan, which includes review of driving records for~~
2439 ~~disqualifying violations.~~

2440 ~~4. The district school board or charter school must adopt~~
2441 ~~a policy that addresses procedures and liability for trips under~~
2442 ~~this paragraph, including a provision that school buses are to~~
2443 ~~be used whenever practical and specifying consequences for~~
2444 ~~violation of the policy.~~

2445 ~~(1)(2) Except as provided in subsection (1), District~~
2446 ~~school boards may authorize the transportation of students in~~
2447 ~~privately owned motor vehicles on a case-by-case basis only in~~
2448 ~~the following circumstances:~~

2449 ~~(a) When a student is ill or injured and must be taken~~
2450 ~~home or to a medical treatment facility under nonemergency~~

2451 ~~circumstances; and~~

2452 ~~1. The school has been unable to contact the student's~~
2453 ~~parent or the parent or responsible adult designated by the~~
2454 ~~parent is not available to provide the transportation;~~

2455 ~~2. Proper adult supervision of the student is available at~~
2456 ~~the location to which the student is being transported;~~

2457 ~~3. The transportation is approved by the school principal,~~
2458 ~~or a school administrator designated by the principal to grant~~
2459 ~~or deny such approval, or in the absence of the principal and~~
2460 ~~designee, by the highest ranking school administrator or teacher~~
2461 ~~available under the circumstances; and~~

2462 ~~4. If the school has been unable to contact the parent~~
2463 ~~prior to the transportation, the school shall continue to seek~~
2464 ~~to contact the parent until the school is able to notify the~~
2465 ~~parent of the transportation and the pertinent circumstances.~~

2466 ~~(b) When the transportation is in connection with a school~~
2467 ~~function or event regarding which the district school board or~~
2468 ~~school has undertaken to participate or to sponsor or provide~~
2469 ~~the participation of students; and~~

2470 ~~1. The function or event is a single event that is not~~
2471 ~~part of a scheduled series or sequence of events to the same~~
2472 ~~location, such as, but not limited to, a field trip, a~~
2473 ~~recreational outing, an interscholastic competition or~~
2474 ~~cooperative event, an event connected with an extracurricular~~
2475 ~~activity offered by the school, or an event connected to an~~

2476 ~~educational program, such as, but not limited to, a job~~
 2477 ~~interview as part of a cooperative education program;~~
 2478 ~~2. Transportation is not available, as a practical matter,~~
 2479 ~~using a school bus or school district passenger car; and~~
 2480 ~~3. Each student's parent is notified, in writing,~~
 2481 ~~regarding the transportation arrangement and gives written~~
 2482 ~~consent before a student is transported in a privately owned~~
 2483 ~~motor vehicle.~~

2484 ~~(c) When a district school board requires employees such~~
 2485 ~~as school social workers and attendance officers to use their~~
 2486 ~~own motor vehicles to perform duties of employment, and such~~
 2487 ~~duties include the occasional transportation of students.~~

2488 (10) ~~(11)~~ The district school superintendent shall notify
 2489 the district school board of any school bus or other vehicle
 2490 used to transport students that does not meet all requirements
 2491 of law and rules of the State Board of Education, and the
 2492 district school board shall, if the school bus is in an unsafe
 2493 condition, withdraw it from use as a school bus until the bus
 2494 meets the requirements. The department may inspect or have
 2495 inspected any school bus to determine whether the bus meets
 2496 requirements of law and rules of the State Board of Education.
 2497 The department may, after due notice to a district school board
 2498 that any school bus does not meet certain requirements of law
 2499 and rules of the State Board of Education, rule that the bus
 2500 must be withdrawn from use as a school bus, this ruling to be

2501 effective immediately or upon a date specified in the ruling,
 2502 whereupon the district school board shall withdraw the school
 2503 bus from use as a school bus until it meets requirements of law
 2504 and rules of the State Board of Education and until the
 2505 department has officially revoked the pertinent ruling.
 2506 Notwithstanding any other provisions of this chapter, general
 2507 purpose urban transit systems are declared qualified to
 2508 transport students to and from school.

2509 ~~(12)~~ ~~(13)~~ The State Board of Education may adopt rules to
 2510 implement this section as are necessary to protect ~~or desirable~~
 2511 ~~in the interest of~~ student health and safety.

2512 Section 18. Subsection (4) of section 1006.25, Florida
 2513 Statutes, is amended to read:

2514 1006.25 School buses.—School buses shall be defined and
 2515 meet specifications as follows:

2516 (4) OCCUPANT PROTECTION SYSTEMS.—Students may be
 2517 transported only in designated seating positions, except as
 2518 provided in s. 1006.22(11) ~~s. 1006.22(12)~~, and must use the
 2519 occupant crash protection system provided by the manufacturer,
 2520 which system must comply with the requirements of 49 C.F.R. part
 2521 571 or with specifications of the State Board of Education.

2522 Section 19. Subsection (1) of section 1006.27, Florida
 2523 Statutes, is amended to read:

2524 1006.27 Pooling of school buses and other vehicles and
 2525 related purchases by district school boards; transportation

2526 services contracts.—

2527 (1) The department shall assist district school boards in
 2528 securing school buses and other vehicles for transporting
 2529 students, contractual needs, equipment, and supplies at as
 2530 reasonable prices as possible by providing a plan under which
 2531 district school boards may voluntarily pool their bids for such
 2532 purchases. The department shall prepare bid forms and
 2533 specifications, obtain quotations of prices and make such
 2534 information available to district school boards in order to
 2535 facilitate this service. District school boards from time to
 2536 time, as prescribed by State Board of Education rule, shall
 2537 furnish the department with information concerning the prices
 2538 paid for such items and the department shall furnish to district
 2539 school boards periodic information concerning the lowest prices
 2540 at which school buses and other vehicles, equipment, and related
 2541 supplies are available based upon comparable specifications.

2542 Section 20. Paragraph (k) is added to subsection (2) of
 2543 section 1011.71, Florida Statutes, to read:

2544 1011.71 District school tax.—

2545 (2) In addition to the maximum millage levy as provided in
 2546 subsection (1), each school board may levy not more than 1.5
 2547 mills against the taxable value for school purposes for charter
 2548 schools pursuant to s. 1013.62(1) and (3) and for district
 2549 schools to fund:

2550 (k) Payment of salaries and benefits for employees whose

2551 job duties support activities funded by this subsection.

2552 Section 21. Effective upon this act becoming a law,
 2553 subsection (3), paragraphs (d), (g), and (h) of subsection (5),
 2554 paragraph (f) of subsection (6), and paragraphs (d) and (e) of
 2555 subsection (7) of section 1012.56, Florida Statutes, are
 2556 amended, and paragraph (i) is added to subsection (5) of that
 2557 section, to read:

2558 1012.56 Educator certification requirements.—

2559 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of
 2560 demonstrating mastery of general knowledge are:

2561 (a) Achievement of passing scores on the general knowledge
 2562 examination required by state board rule;

2563 (b) Documentation of a valid professional standard
 2564 teaching certificate issued by another state;

2565 (c) Documentation of a valid certificate issued by the
 2566 National Board for Professional Teaching Standards or a national
 2567 educator credentialing board approved by the State Board of
 2568 Education;

2569 (d) Documentation of two semesters of successful, full-
 2570 time or part-time teaching in a Florida College System
 2571 institution, state university, or private college or university
 2572 that awards an associate or higher degree and is an accredited
 2573 institution or an institution of higher education identified by
 2574 the Department of Education as having a quality program;

2575 (e) Achievement of passing scores, identified in state

2576 board rule, on national or international examinations that test
2577 comparable content and relevant standards in verbal, analytical
2578 writing, and quantitative reasoning skills, including, but not
2579 limited to, the verbal, analytical writing, and quantitative
2580 reasoning portions of the Graduate Record Examination. Passing
2581 scores identified in state board rule must be at approximately
2582 the same level of rigor as is required to pass the general
2583 knowledge examinations; or

2584 (f) Documentation of receipt of a master's or higher
2585 degree from an accredited postsecondary educational institution
2586 that the Department of Education has identified as having a
2587 quality program resulting in a baccalaureate degree or higher.
2588

2589 A school district that employs an individual who does not
2590 achieve passing scores on any subtest of the general knowledge
2591 examination must provide information regarding the availability
2592 of state-level and district-level supports and instruction to
2593 assist him or her in achieving a passing score. Such information
2594 must include, but need not be limited to, state-level test
2595 information guides, school district test preparation resources,
2596 and preparation courses offered by state universities and
2597 Florida College System institutions. The requirement of mastery
2598 of general knowledge shall be waived for an individual who has
2599 been provided 3 years of supports and instruction and who has
2600 been rated effective or highly effective under s. 1012.34 for

2601 each of the last 3 years.

2602 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
 2603 demonstrating mastery of subject area knowledge are:

2604 (d) For a subject requiring a master's or higher degree,
 2605 completion of the subject area specialization requirements
 2606 specified in state board rule and achievement of a passing score
 2607 on the Florida-developed subject area examination or a
 2608 standardized examination that is directly related to the subject
 2609 specified in state board rule;

2610 (g) Documentation of successful completion of a United
 2611 States Defense Language Institute Foreign Language Center
 2612 program; ~~or~~

2613 (h) Documentation of a passing score on the Defense
 2614 Language Proficiency Test (DLPT); or

2615 (i) For a subject requiring only a baccalaureate degree
 2616 for which a Florida subject area examination has been developed,
 2617 documentation of receipt of a master's or higher degree from an
 2618 accredited postsecondary educational institution that the
 2619 Department of Education has identified as having a quality
 2620 program resulting in a baccalaureate degree or higher in the
 2621 certificate subject area as identified by state board rule.

2622
 2623 School districts are encouraged to provide mechanisms for middle
 2624 grades teachers holding only a K-6 teaching certificate to
 2625 obtain a subject area coverage for middle grades through

2626 | postsecondary coursework or district add-on certification.

2627 | (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION

2628 | COMPETENCE.—Acceptable means of demonstrating mastery of

2629 | professional preparation and education competence are:

2630 | (f) Successful completion of professional preparation

2631 | courses as specified in state board rule, successful completion

2632 | of a professional preparation and education competence program

2633 | pursuant to paragraph (8) (b), and documentation of 3 years of

2634 | being rated effective or highly effective under s. 1012.34 while

2635 | holding a temporary certificate ~~achievement of a passing score~~

2636 | ~~on the professional education competency examination required by~~

2637 | ~~state board rule;~~

2638 |

2639 | The State Board of Education shall adopt rules to implement this

2640 | subsection by December 31, 2014, including rules to approve

2641 | specific teacher preparation programs that are not identified in

2642 | this subsection which may be used to meet requirements for

2643 | mastery of professional preparation and education competence.

2644 | (7) TYPES AND TERMS OF CERTIFICATION.—

2645 | (d) A person who is issued a temporary certificate under

2646 | paragraph (b) ~~subparagraph (b)2.~~ must be assigned a teacher

2647 | mentor for a minimum of 2 school years after commencing

2648 | employment. Each teacher mentor selected by the school district,

2649 | charter school, or charter management organization must:

2650 | 1. Hold a valid professional certificate issued pursuant

2651 to this section;

2652 2. Have earned at least 3 years of teaching experience in
2653 prekindergarten through grade 12; and

2654 3. Have earned an effective or highly effective rating on
2655 the prior year's performance evaluation under s. 1012.34.

2656 (e)~~1~~. A temporary certificate issued under paragraph (b)
2657 ~~subparagraph (b)1~~. is valid for 5 ~~3~~ school fiscal years and is
2658 nonrenewable.

2659 ~~2. A temporary certificate issued under subparagraph (b)2.~~
2660 ~~is valid for 5 school fiscal years, is limited to a one-time~~
2661 ~~issuance, and is nonrenewable.~~

2662
2663 At least 1 year before an individual's temporary certificate is
2664 set to expire, the department shall electronically notify the
2665 individual of the date on which his or her certificate will
2666 expire and provide a list of each method by which the
2667 qualifications for a professional certificate can be completed.
2668 The State Board of Education shall adopt rules to allow the
2669 department to extend the validity period of a temporary
2670 certificate for 2 years when the requirements for the
2671 professional certificate were not completed due to the serious
2672 illness or injury of the applicant, the military service of an
2673 applicant's spouse, other extraordinary extenuating
2674 circumstances, or if the certificateholder is rated highly
2675 effective in the immediate prior year's performance evaluation

2676 | pursuant to s. 1012.34 or has completed a 2-year mentorship
 2677 | program pursuant to subsection (8). The department shall extend
 2678 | the temporary certificate upon approval by the Commissioner of
 2679 | Education. A written request for extension of the certificate
 2680 | shall be submitted by the district school superintendent, the
 2681 | governing authority of a university lab school, the governing
 2682 | authority of a state-supported school, or the governing
 2683 | authority of a private school.

2684 | Section 22. Paragraph (e) is added to subsection (6) of
 2685 | section 1013.64, Florida Statutes, to read:

2686 | 1013.64 Funds for comprehensive educational plant needs;
 2687 | construction cost maximums for school district capital
 2688 | projects.—Allocations from the Public Education Capital Outlay
 2689 | and Debt Service Trust Fund to the various boards for capital
 2690 | outlay projects shall be determined as follows:

2691 | (6)

2692 | (e) Notwithstanding the requirements of this subsection,
 2693 | an unfinished construction project for new construction of
 2694 | educational plant space that was started on or before July 1,
 2695 | 2026, is exempt from the total cost per student station
 2696 | requirements established in paragraph (b).

2697 | Section 23. Subsection (3) of section 1002.321, Florida
 2698 | Statutes, is amended to read:

2699 | 1002.321 Digital learning.—

2700 | ~~(3) DIGITAL PREPARATION.—As required under s. 1003.4282, A~~

2701 ~~student entering grade 9 in the 2011-2012 school year and~~
2702 ~~thereafter who seeks a high school diploma must take at least~~
2703 ~~one online course.~~

2704 Section 24. Paragraphs (a) and (b) of subsection (2) of
2705 section 1003.5716, Florida Statutes, are amended to read:

2706 1003.5716 Transition to postsecondary education and career
2707 opportunities.—All students with disabilities who are 3 years of
2708 age to 21 years of age have the right to a free, appropriate
2709 public education. As used in this section, the term "IEP" means
2710 individual education plan.

2711 (2) Beginning not later than the first IEP to be in effect
2712 when the student enters high school, attains the age of 14, or
2713 when determined appropriate by the parent and the IEP team,
2714 whichever occurs first, the IEP must include the following
2715 statements that must be updated annually:

2716 (a) A statement of intent to pursue a standard high school
2717 diploma and a Scholar or Merit designation, pursuant to s.
2718 1003.4285, as determined by the parent.

2719 1. The statement must document discussion of the process
2720 for a student with a disability who meets the requirements for a
2721 standard high school diploma to defer the receipt of such
2722 diploma pursuant to s. 1003.4282(8)(c) ~~s. 1003.4282(9)(e)~~.

2723 2. For the IEP in effect at the beginning of the school
2724 year the student is expected to graduate, the statement must
2725 include a signed statement by the parent, the guardian, or the

2726 student, if the student has reached the age of majority and
2727 rights have transferred to the student, that he or she
2728 understands the process for deferment and identifying if the
2729 student will defer the receipt of his or her standard high
2730 school diploma.

2731 (b) A statement of intent to receive a standard high
2732 school diploma before the student attains the age of 22 and a
2733 description of how the student will fully meet the requirements
2734 in s. 1003.4282, including, but not limited to, a portfolio
2735 pursuant to s. 1003.4282(8)(b) ~~s. 1003.4282(9)(b)~~ which meets
2736 the criteria specified in State Board of Education rule. The IEP
2737 must also specify the outcomes and additional benefits expected
2738 by the parent and the IEP team at the time of the student's
2739 graduation.

2740 Section 25. Subsection (2) of section 1003.499, Florida
2741 Statutes, is amended to read:

2742 1003.499 Florida Approved Courses and Tests (FACT)
2743 Initiative.—

2744 (2) FLORIDA APPROVED COURSES.—The Department of Education
2745 shall annually publish online a list of providers approved to
2746 offer Florida approved courses which shall be listed in the
2747 online catalog pursuant to s. 1002.321(5) ~~s. 1002.321(6)~~.

2748 (a) As used in this section, the term "Florida approved
2749 courses" means online courses provided by individuals which
2750 include, but are not limited to, massive open online courses or

2751 remedial education associated with the courses that are measured
2752 pursuant to s. 1008.22. Massive open online courses may be
2753 authorized in the following subject areas: Algebra I, biology,
2754 geometry, and civics. Courses may be applied toward requirements
2755 for promotion or graduation in whole, in subparts, or in a
2756 combination of whole and subparts. A student may not be required
2757 to repeat subparts that are satisfactorily completed.

2758 (b) A Florida approved course must be annually identified,
2759 approved, published, and shared for consideration by interested
2760 students and school districts. The Commissioner of Education
2761 shall approve each Florida approved course for application in K-
2762 12 public schools in accordance with rules of the State Board of
2763 Education.

2764 Section 26. Paragraph (c) of subsection (2) of section
2765 1003.27, Florida Statutes, is amended to read:

2766 1003.27 Court procedure and penalties.—The court procedure
2767 and penalties for the enforcement of the provisions of this
2768 part, relating to compulsory school attendance, shall be as
2769 follows:

2770 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2771 (c) Each designee of the governing body of each private
2772 school and each parent whose child is enrolled in a home
2773 education program or personalized education program may provide
2774 the Department of Highway Safety and Motor Vehicles with the
2775 legal name, sex, date of birth, and social security number of

2776 each minor student under his or her jurisdiction who fails to
2777 satisfy relevant attendance requirements and who fails to
2778 otherwise satisfy the requirements of s. 322.091. The Department
2779 of Highway Safety and Motor Vehicles may not issue a driver
2780 license or learner's driver license to, and shall suspend any
2781 previously issued driver license or learner's driver license of,
2782 any such minor student pursuant to s. 322.091.

2783 Section 27. Paragraph (k) of subsection (4) of section
2784 1003.485, Florida Statutes, is amended to read:

2785 1003.485 The New Worlds Reading Initiative.—

2786 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
2787 shall:

2788 (k) Expend eligible contributions received only for the
2789 purchase and delivery of books and to implement the requirements
2790 of this section, as well as for administrative expenses not to
2791 exceed 2 percent of total eligible contributions.

2792 Notwithstanding s. 1002.395(6)(l)2. ~~s. 1002.395(6)(j)2.~~, the
2793 administrator may carry forward up to 25 percent of eligible
2794 contributions made before January 1 of each state fiscal year
2795 and 100 percent of eligible contributions made on or after
2796 January 1 of each state fiscal year to the following state
2797 fiscal year for purposes authorized by this subsection. Any
2798 eligible contributions in excess of the allowable carry forward
2799 not used to provide additional books throughout the year to
2800 eligible students shall revert to the state treasury.

2801 Section 28. Subsections (3) and (5) of section 1009.30,
 2802 Florida Statutes, are amended to read:

2803 1009.30 Dual Enrollment Scholarship Program.—

2804 (3)(a) The program shall reimburse eligible postsecondary
 2805 institutions for tuition and related instructional materials
 2806 costs for dual enrollment courses taken during the fall or
 2807 spring terms by eligible students, consisting of:

2808 1. Private school students who take dual enrollment
 2809 courses pursuant to s. 1007.271(24) (b); ~~or~~

2810 2. Home education program secondary students; or

2811 3. Personalized education program secondary students.

2812 (b) ~~Beginning in the 2022 summer term,~~ The program shall
 2813 reimburse institutions for tuition and related instructional
 2814 materials costs for dual enrollment courses taken by public
 2815 school, private school, ~~or~~ home education program secondary
 2816 students, or personalized education program secondary students
 2817 during the summer term.

2818 (5) Each participating institution must report to the
 2819 department any ~~eligible~~ secondary students eligible pursuant to
 2820 subsection (3) ~~from private schools or home education programs~~
 2821 who were enrolled during the fall or spring terms within 30 days
 2822 after the end of regular registration. Each participating
 2823 institution must report to the department any secondary students
 2824 eligible pursuant to subsection (3) ~~public school, private~~
 2825 ~~school, or home education program students~~ who were enrolled

2826 | during the summer term within 30 days after the end of regular
2827 | registration. For each dual enrollment course in which the
2828 | student is enrolled, the report must include a unique student
2829 | identifier, the postsecondary institution name, the
2830 | postsecondary course number, and the postsecondary course name.
2831 | The department shall reimburse each participating institution no
2832 | later than 30 days after the institution has reported enrollment
2833 | for that term.

2834 | Section 29. Except as otherwise expressly provided in this
2835 | act and except for this section, which shall take effect upon
2836 | this act becoming a law, this act shall take effect July 1,
2837 | 2023.