

1                                   A bill to be entitled  
 2           An act relating to financial accountability in  
 3           publicly funded education; amending s. 1002.421, F.S.;  
 4           revising requirements for a private school to  
 5           participate in certain educational scholarship  
 6           programs; requiring the Department of Education to  
 7           suspend the payment of funds to participating private  
 8           schools under certain circumstances; creating s.  
 9           1011.781, F.S.; creating the K-12 Education Funding  
 10          Task Force within the department; providing the  
 11          purpose of the task force; providing for membership of  
 12          the task force; providing for the terms of task force  
 13          members; providing requirements for the selection of a  
 14          chair, a quorum, and meetings of the task force;  
 15          authorizing task force members to receive specified  
 16          reimbursements; providing the duties and  
 17          responsibilities of the task force; requiring the task  
 18          force to annually provide a report to specified  
 19          individuals and the public; providing requirements for  
 20          such report; providing an effective date.

21  
 22    Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. Subsection (1) of section 1002.421, Florida  
 25    Statutes, is amended to read:

26 | 1002.421 State school choice scholarship program  
 27 | accountability and oversight.—

28 | (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
 29 | school participating in an educational scholarship program  
 30 | established pursuant to this chapter must be a private school as  
 31 | defined in s. 1002.01(2) in this state, be registered, and be in  
 32 | compliance with all requirements of this section in addition to  
 33 | private school requirements outlined in s. 1002.42, specific  
 34 | requirements identified within respective scholarship program  
 35 | laws, and other provisions of Florida law that apply to private  
 36 | schools, and must:

37 | (a) Comply with the antidiscrimination provisions of 42  
 38 | U.S.C. s. 2000d.

39 | (b) Notify the department of its intent to participate in  
 40 | a scholarship program.

41 | (c) Notify the department of any change in the school's  
 42 | name, school director, mailing address, or physical location  
 43 | within 15 days after the change.

44 | (d) Provide to the department or scholarship-funding  
 45 | organization all documentation required for a student's  
 46 | participation, including the private school's and student's  
 47 | individual fee schedule, and attendance verification as required  
 48 | by the department or scholarship-funding organization, prior to  
 49 | scholarship payment.

50 | (e) Annually complete and submit to the department a

51 | notarized scholarship compliance statement certifying that all  
52 | school employees and contracted personnel with direct student  
53 | contact have undergone background screening pursuant to s.  
54 | 435.12 and have met the screening standards as provided in s.  
55 | 435.04.

56 | (f) Demonstrate fiscal soundness and accountability by:

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

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

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

- 71 | 1. Firesafety.  
72 | 2. Building safety.

73 | (h) Employ or contract with teachers who hold  
74 | baccalaureate or higher degrees, have at least 3 years of  
75 | teaching experience in public or private schools, or have

76 special skills, knowledge, or expertise that qualifies them to  
 77 provide instruction in subjects taught.

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

80 (j) Publish on the school's website, or provide in a  
 81 written format, information for parents regarding the school,  
 82 including, but not limited to, programs, services, and the  
 83 qualifications of classroom teachers.

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

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

89 (m) Require each employee and contracted personnel with  
 90 direct student contact, upon employment or engagement to provide  
 91 services, to undergo a state and national background screening,  
 92 pursuant to s. 943.0542, by electronically filing with the  
 93 Department of Law Enforcement a complete set of fingerprints  
 94 taken by an authorized law enforcement agency or an employee of  
 95 the private school, a school district, or a private company who  
 96 is trained to take fingerprints and deny employment to or  
 97 terminate an employee if he or she fails to meet the screening  
 98 standards under s. 435.04. Results of the screening shall be  
 99 provided to the participating private school. For purposes of  
 100 this paragraph:

101           1. An "employee or contracted personnel with direct  
102 student contact" means any employee or contracted personnel who  
103 has unsupervised access to a scholarship student for whom the  
104 private school is responsible.

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

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

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

116           5. All fingerprints submitted to the Department of Law  
117 Enforcement as required by this section shall be retained by the  
118 Department of Law Enforcement in a manner provided by rule and  
119 entered in the statewide automated biometric identification  
120 system authorized by s. 943.05(2)(b). Such fingerprints shall  
121 thereafter be available for all purposes and uses authorized for  
122 arrest fingerprints entered in the statewide automated biometric  
123 identification system pursuant to s. 943.051.

124           6. The Department of Law Enforcement shall search all  
125 arrest fingerprints received under s. 943.051 against the

126 fingerprints retained in the statewide automated biometric  
 127 identification system under subparagraph 5. Any arrest record  
 128 that is identified with the retained fingerprints of a person  
 129 subject to the background screening under this section shall be  
 130 reported to the employing school with which the person is  
 131 affiliated. Each private school participating in a scholarship  
 132 program is required to participate in this search process by  
 133 informing the Department of Law Enforcement of any change in the  
 134 employment or contractual status of its personnel whose  
 135 fingerprints are retained under subparagraph 5. The Department  
 136 of Law Enforcement shall adopt a rule setting the amount of the  
 137 annual fee to be imposed upon each private school for performing  
 138 these searches and establishing the procedures for the retention  
 139 of private school employee and contracted personnel fingerprints  
 140 and the dissemination of search results. The fee may be borne by  
 141 the private school or the person fingerprinted.

142 7. Employees and contracted personnel whose fingerprints  
 143 are not retained by the Department of Law Enforcement under  
 144 subparagraphs 5. and 6. are required to be refingerprinted and  
 145 must meet state and national background screening requirements  
 146 upon reemployment or reengagement to provide services in order  
 147 to comply with the requirements of this section.

148 8. Every 5 years following employment or engagement to  
 149 provide services with a private school, employees or contracted  
 150 personnel required to be screened under this section must meet

151 screening standards under s. 435.04, at which time the private  
152 school shall request the Department of Law Enforcement to  
153 forward the fingerprints to the Federal Bureau of Investigation  
154 for national processing. If the fingerprints of employees or  
155 contracted personnel are not retained by the Department of Law  
156 Enforcement under subparagraph 5., employees and contracted  
157 personnel must electronically file a complete set of  
158 fingerprints with the Department of Law Enforcement. Upon  
159 submission of fingerprints for this purpose, the private school  
160 shall request that the Department of Law Enforcement forward the  
161 fingerprints to the Federal Bureau of Investigation for national  
162 processing, and the fingerprints shall be retained by the  
163 Department of Law Enforcement under subparagraph 5.

164 (n) Adopt policies establishing standards of ethical  
165 conduct for educational support employees, instructional  
166 personnel, and school administrators. The policies must require  
167 all educational support employees, instructional personnel, and  
168 school administrators, as defined in s. 1012.01, to complete  
169 training on the standards; establish the duty of educational  
170 support employees, instructional personnel, and school  
171 administrators to report, and procedures for reporting, alleged  
172 misconduct by other educational support employees, instructional  
173 personnel, and school administrators which affects the health,  
174 safety, or welfare of a student; and include an explanation of  
175 the liability protections provided under ss. 39.203 and 768.095.

176 A private school, or any of its employees, may not enter into a  
177 confidentiality agreement regarding terminated or dismissed  
178 educational support employees, instructional personnel, or  
179 school administrators, or employees, personnel, or  
180 administrators who resign in lieu of termination, based in whole  
181 or in part on misconduct that affects the health, safety, or  
182 welfare of a student, and may not provide the employees,  
183 personnel, or administrators with employment references or  
184 discuss the employees', personnel's, or administrators'  
185 performance with prospective employers in another educational  
186 setting, without disclosing the employees', personnel's, or  
187 administrators' misconduct. Any part of an agreement or contract  
188 that has the purpose or effect of concealing misconduct by  
189 educational support employees, instructional personnel, or  
190 school administrators which affects the health, safety, or  
191 welfare of a student is void, is contrary to public policy, and  
192 may not be enforced.

193 (o) Before employing a person in any position that  
194 requires direct contact with students, conduct employment  
195 history checks of previous employers, screen the person through  
196 use of the screening tools described in s. 1001.10(5), and  
197 document the findings. If unable to contact a previous employer,  
198 the private school must document efforts to contact the  
199 employer. The private school may not employ a person whose  
200 educator certificate is revoked, who is barred from reapplying



201 for an educator certificate, or who is on the disqualification  
 202 list maintained by the department pursuant to s. 1001.10(4)(b).

203 (p) Require each owner or operator of the private school,  
 204 prior to employment or engagement to provide services, to  
 205 undergo level 2 background screening as provided under chapter  
 206 435. For purposes of this paragraph, the term "owner or  
 207 operator" means an owner, operator, superintendent, or principal  
 208 of, or a person with equivalent decisionmaking authority over, a  
 209 private school participating in a scholarship program  
 210 established pursuant to this chapter. The fingerprints for the  
 211 background screening must be electronically submitted to the  
 212 Department of Law Enforcement and may be taken by an authorized  
 213 law enforcement agency or a private company who is trained to  
 214 take fingerprints. However, the complete set of fingerprints of  
 215 an owner or operator may not be taken by the owner or operator.  
 216 The owner or operator shall provide a copy of the results of the  
 217 state and national criminal history check to the Department of  
 218 Education. The cost of the background screening may be borne by  
 219 the owner or operator.

220 1. Every 5 years following employment or engagement to  
 221 provide services, each owner or operator must meet level 2  
 222 screening standards as described in s. 435.04, at which time the  
 223 owner or operator shall request the Department of Law  
 224 Enforcement to forward the fingerprints to the Federal Bureau of  
 225 Investigation for level 2 screening. If the fingerprints of an

226 owner or operator are not retained by the Department of Law  
227 Enforcement under subparagraph 2., the owner or operator must  
228 electronically file a complete set of fingerprints with the  
229 Department of Law Enforcement. Upon submission of fingerprints  
230 for this purpose, the owner or operator shall request that the  
231 Department of Law Enforcement forward the fingerprints to the  
232 Federal Bureau of Investigation for level 2 screening, and the  
233 fingerprints shall be retained by the Department of Law  
234 Enforcement under subparagraph 2.

235 2. Fingerprints submitted to the Department of Law  
236 Enforcement as required by this paragraph must be retained by  
237 the Department of Law Enforcement in a manner approved by rule  
238 and entered in the statewide automated biometric identification  
239 system authorized by s. 943.05(2)(b). The fingerprints must  
240 thereafter be available for all purposes and uses authorized for  
241 arrest fingerprints entered in the statewide automated biometric  
242 identification system pursuant to s. 943.051.

243 3. The Department of Law Enforcement shall search all  
244 arrest fingerprints received under s. 943.051 against the  
245 fingerprints retained in the statewide automated biometric  
246 identification system under subparagraph 2. Any arrest record  
247 that is identified with an owner's or operator's fingerprints  
248 must be reported to the owner or operator, who must report to  
249 the Department of Education. Any costs associated with the  
250 search shall be borne by the owner or operator.

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

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

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

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

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

266           d. Section 409.9201, relating to Medicaid fraud.

267           e. Section 741.28, relating to domestic violence.

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

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

273           h. Section 817.505, relating to patient brokering.

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

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

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

280           l. Section 831.01, relating to forgery.

281           m. Section 831.02, relating to uttering forged  
282 instruments.

283           n. Section 831.07, relating to forging bank bills, checks,  
284 drafts, or promissory notes.

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

287           p. Section 831.30, relating to fraud in obtaining  
288 medicinal drugs.

289           q. Section 831.31, relating to the sale, manufacture,  
290 delivery, or possession with the intent to sell, manufacture, or  
291 deliver any counterfeit controlled substance, if the offense was  
292 a felony.

293           6. At least 30 calendar days before a transfer of  
294 ownership of a private school, the owner or operator shall  
295 notify the parent of each scholarship student.

296           7. The owner or operator of a private school that has been  
297 deemed ineligible to participate in a scholarship program  
298 pursuant to this chapter may not transfer ownership or  
299 management authority of the school to a relative in order to  
300 participate in a scholarship program as the same school or a new

301 school. For purposes of this subparagraph, the term "relative"  
 302 means father, mother, son, daughter, grandfather, grandmother,  
 303 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
 304 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
 305 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
 306 stepdaughter, stepbrother, stepsister, half-brother, or half-  
 307 sister.

308 (q) Provide a report from an independent certified public  
 309 accountant who performs the agreed-upon procedures developed  
 310 pursuant to s. 1002.395(6)(o) if the private school receives  
 311 more than \$250,000 in funds from scholarships awarded under this  
 312 chapter in a state fiscal year. A private school subject to this  
 313 subsection must annually submit the report by September 15 to  
 314 the scholarship-funding organization that awarded the majority  
 315 of the school's scholarship funds. However, a school that  
 316 receives more than \$250,000 in scholarship funds only through  
 317 the John M. McKay Scholarship for Students with Disabilities  
 318 Program pursuant to s. 1002.39 must submit the annual report by  
 319 September 15 to the department. The agreed-upon procedures must  
 320 be conducted in accordance with attestation standards  
 321 established by the American Institute of Certified Public  
 322 Accountants.

323 (r) Prohibit education support employees, instructional  
 324 personnel, and school administrators from employment in any  
 325 position that requires direct contact with students if the

326 personnel or administrators are ineligible for such employment  
327 pursuant to this section or s. 1012.315, or have been terminated  
328 or have resigned in lieu of termination for sexual misconduct  
329 with a student. If the prohibited conduct occurs subsequent to  
330 employment, the private school must report the person and the  
331 disqualifying circumstances to the department for inclusion on  
332 the disqualification list maintained pursuant to s.  
333 1001.10 (4) (b).

334 (s) Publish on the school's website, and provide to  
335 parents in a written format, a clear and easy to understand  
336 disclosure of any conditions of attendance or policies of the  
337 school that require the following:

- 338 1. Compliance with religious tenants.  
339 2. Compliance with a student code of conduct or dress code  
340 which specifies grooming or hair style requirements.  
341 3. Compliance with provisions related to sexual  
342 orientation or gender identity.

343 (t) Beginning February 28, 2024, and annually on February  
344 28 thereafter, disclose to the school district the number of  
345 vacant seats the school intends to offer to eligible scholarship  
346 students during the subsequent school year.

347 (u) Disclose to the department when a student is  
348 disenrolled by the school. This paragraph does not apply to a  
349 student removed at a parent's choosing.

350 (v) Return to the department or an eligible nonprofit

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351 scholarship-funding organization, as appropriate, a prorated  
352 amount of funds, as determined by the department, for students  
353 who disenroll from the private school midyear and enroll in a  
354 public school, including a charter school.

355  
356 The department shall suspend the payment of funds to a private  
357 school that disenrolls, without the parents' consent, more than  
358 25 percent of scholarship students within a single school year  
359 or knowingly fails to comply with this subsection, and shall  
360 prohibit the school from enrolling new scholarship students, for  
361 1 fiscal year and until the school complies. If a private school  
362 fails to meet the requirements of this subsection or has  
363 consecutive years of material exceptions listed in the report  
364 required under paragraph (q), the commissioner may determine  
365 that the private school is ineligible to participate in a  
366 scholarship program.

367 Section 2. Section 1011.781, Florida Statutes, is created  
368 to read:

369 1011.781 K-12 Education Funding Task Force.—

370 (1) The K-12 Education Funding Task Force, a task force as  
371 defined in s. 20.03(8), is created within the Department of  
372 Education to:

373 (a) Make recommendations to identify and examine issues  
374 within nontraditional schools that receive state funds.

375 (b) Provide recommendations for increased transparency

376 | with such schools.

377 |       (c) Provide recommendations for universal standards for  
 378 | the use of public dollars in education.

379 |       (d) Provide recommendations for accountability measures  
 380 | for nontraditional schools that fail to meet specified  
 381 | requirements.

382 |       (2)(a) The task force shall be comprised of 16 members  
 383 | appointed as follows:

384 |           1. Six members appointed by the Commissioner of Education  
 385 | as follows:

386 |               a. One member who is a behavioral health professional who  
 387 | specializes in childhood behavioral disabilities.

388 |               b. One member who is a health professional who specializes  
 389 | in childhood developmental disabilities.

390 |               c. One member who is a school safety specialist.

391 |               d. One member who is a certified school counselor, child  
 392 | psychologist, or social worker.

393 |               e. One member who is an English for Speakers of Other  
 394 | Languages representative.

395 |               f. One member who has experience with the state's academic  
 396 | standards and curriculum transparency requirements.

397 |           2. The Chief Executive Officer of the Florida Association  
 398 | of District School Superintendents or his or her designee.

399 |           3. One member who is selected by the Florida Education  
 400 | Association.



401 4. One member who is selected by the Minority Leader of  
402 the House of Representatives.

403 5. One member who is selected by the Minority Leader of  
404 the Senate.

405 6. Three members who are selected by the Speaker of the  
406 House of Representatives.

407 7. Three members who are selected by the President of the  
408 Senate.

409 (b) Members shall serve 4-year terms. However, for the  
410 purpose of staggered terms, of the initial appointments, seven  
411 members shall be appointed for 2-year terms and nine members  
412 shall be appointed for 4-year terms.

413 (c) The chair of the task force shall be selected by a  
414 majority vote of members. A majority of the members of the task  
415 force constitutes a quorum.

416 (d) The task force shall meet as necessary to accomplish  
417 its responsibilities or at the call of the chair and at a time a  
418 place designated by the chair. The task force may conduct its  
419 meetings through teleconferences or other similar means. Members  
420 of the task force are entitled to receive a reimbursement for  
421 per diem and travel expenses pursuant to s. 112.061.

422 (3) The task force shall develop recommendations for  
423 establishing universal standards for the use of public funds in  
424 the public education system and in nontraditional schools and  
425 improve public integrity of such funding.

- 426        (4) The task force shall identify and examine:
- 427        (a) All nontraditional schools that receive state funds.
- 428        (b) The number of students disenrolled by such schools  
429 receiving state funds. Such examination does not include  
430 students who are disenrolled at the choice of their parents.
- 431        (c) The number of students removed from such schools at  
432 the parents' request.
- 433        (d) The areas in which schools receiving state funds lack  
434 transparency, including, but not limited to, such schools' high  
435 school graduation rates, disclosure of any conditions of  
436 attendance or policies that require compliance with religious  
437 tenants, student codes of conduct or dress codes which specify  
438 grooming or hair style requirements, and policies related to  
439 sexual orientation or gender identity.
- 440        (e) The impacts of the lack of transparency in the areas  
441 identified in paragraph (d).
- 442        (f) The disciplinary data for such schools, including the  
443 number of students expelled or suspended and the reasons for  
444 such expulsions or suspensions.
- 445        (g) The quality of the curricula and instructional  
446 materials of such schools and the parental access to such  
447 curricula and instructional materials.
- 448        (h) The experience and credentials of educators at such  
449 schools.
- 450        (i) Data of students enrolled at such schools, including

451 student achievement, learning gains, and acceleration success  
452 data.

453 (j) Any information or data provided from parents of  
454 students enrolled at such schools.

455 (k) Possible accountability measures for nontraditional  
456 schools that fail to meet accountability measures.

457 (5) The task force shall, beginning October 1, 2024, and  
458 annually on October 1, thereafter, provide a report to the  
459 Governor, the President of the Senate, the Speaker of the House  
460 of Representatives, and the Minority Leaders of the House of  
461 Representatives and the Senate and make such report available to  
462 the public. The report must include:

463 (a) A summary of the task force's activities and progress  
464 in identifying and examining the information in subsection (4).

465 (b) Any statutory or rule changes necessary to accomplish  
466 the goals of the task force.

467 (c) Proposed accountability measures for nontraditional  
468 schools that receive state funds, including, but not limited to,  
469 bond or surety requirements, assigning property to the state,  
470 and the imposition of liens.

471 Section 3. This act shall take effect July 1, 2023.