

By the Appropriations Committee on Education; and Senators
Simon, Perry, and Collins

602-02378-23

2023202c1

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

602-02378-23

2023202c1

30 and cross-references to changes made by the act;
31 amending s. 1002.395, F.S.; defining the term "choice
32 navigator"; revising student eligibility and
33 ineligibility requirements for the Florida Tax Credit
34 Scholarship Program; revising obligations of eligible
35 nonprofit scholarship-funding organizations; revising
36 and establishing certain limitations on the number of
37 scholarships funded by the program; revising the
38 approved uses of scholarship funds; deleting obsolete
39 language; revising the amount of funds that must be
40 expended through scholarships; providing requirements
41 for parents of students participating in the program;
42 requiring scholarship funds to be deposited by funds
43 transfers, rather than through the endorsement of
44 warrants; requiring choice navigators to report
45 specified student scores to a certain state
46 university; revising the requirements of a specified
47 annual report; prohibiting the transfer of funds to an
48 eligible student's account under certain conditions;
49 providing that scholarships awarded through the
50 program remain in force until certain criteria are
51 met; authorizing reimbursements for certain
52 expenditures until certain criteria are met; requiring
53 the closing of a scholarship account and the reversion
54 of funds to the state under certain circumstances;
55 providing obligations of choice navigators beginning
56 on a specified date; conforming provisions and cross-
57 references to changes made by the act; amending s.
58 1002.40, F.S.; conforming cross-references; amending

602-02378-23

2023202c1

59 s. 1002.421, F.S.; revising the Commissioner of
60 Education's authority and obligations relating to the
61 state school choice scholarship program; creating s.
62 1002.44, F.S.; authorizing public schools, including
63 charter schools, to enroll certain students on a part-
64 time basis; providing that such students generate
65 full-time equivalent student membership; providing
66 funding for such students; providing that such
67 students are not considered to be in regular
68 attendance at such schools; amending s. 1003.4282,
69 F.S.; deleting the online course requirement for a
70 standard high school diploma; requiring the State
71 Board of Education to provide recommendations by a
72 specified date to the Governor and the Legislature for
73 repeals and revisions of the Florida Early Learning-20
74 Education Code to be considered in the 2024
75 legislative session; amending s. 1006.21, F.S.;
76 deleting a requirement for the superintendent to share
77 transportation recommendations with the State Board of
78 Education; deleting a requirement for transportation
79 provisions to comply with board rules; authorizing
80 vehicles other than buses to transport students;
81 deleting a requirement to transport students whose
82 homes are more than a reasonable walking distance, as
83 defined by board rules; amending s. 1006.22, F.S.;
84 conforming a provision to changes made by the act;
85 deleting a requirement for district school boards to
86 use school buses for all regular transportation;
87 deleting provisions relating to circumstances in which

602-02378-23

2023202c1

88 students may be transported in privately owned motor
89 vehicles; amending s. 1006.25, F.S.; deleting
90 requirements for school buses and certain leased
91 vehicles to comply with board rules; amending s.
92 1006.261, F.S.; deleting types of agreements a
93 district school board may enter into with certain
94 governing bodies relating to transportation; amending
95 s. 1006.27, F.S.; conforming provisions to changes
96 made by the act; amending s. 1011.62, F.S.; providing
97 requirements for how additional funding appropriated
98 for the Teacher Salary Increase Allocation may be
99 used; amending s. 1012.22, F.S.; authorizing district
100 school boards to use advanced degrees in setting
101 salary schedules for instructional personnel or school
102 administrators; deleting a requirement for the annual
103 increase of personnel salaries; amending s. 1012.56,
104 F.S.; revising the acceptable means of demonstrating
105 mastery of general knowledge; revising the acceptable
106 means of demonstrating mastery of subject area
107 knowledge; revising acceptable means of demonstrating
108 mastery of professional preparation and education
109 competence; revising requirements for the department
110 to issue temporary certificates; revising how long a
111 temporary certificate is valid; amending s. 1013.64,
112 F.S.; providing that certain construction projects are
113 exempt from the total cost per student station
114 requirements; amending ss. 1002.321, 1003.5716,
115 1002.20, 1003.01, and 1003.499, F.S.; conforming
116 cross-references and provisions to changes made by the

602-02378-23

2023202c1

117 act; providing an effective date.

118
119 Be It Enacted by the Legislature of the State of Florida:

120
121 Section 1. Paragraph (c) of subsection (1) of section
122 212.099, Florida Statutes, is amended to read:

123 212.099 Credit for contributions to eligible nonprofit
124 scholarship-funding organizations.—

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

126 (c) "Eligible nonprofit scholarship-funding organization"
127 or "organization" has the same meaning as provided in s.
128 1002.395(2) ~~s. 1002.395(2)(f)~~.

129 Section 2. Present paragraphs (b), (c), (d) and (e) through
130 (m) of subsection (2) of section 1002.394, Florida Statutes, are
131 redesignated as paragraphs (c), (d), (e), and (g) through (o),
132 respectively, present subsection (17) is redesignated as
133 subsection (18), new paragraphs (b) and (f) are added to
134 subsection (2), paragraph (c) is added to subsection (8), and a
135 new subsection (17) is added to that section, and present
136 paragraphs (e) and (g) of subsection (2), paragraph (a) of
137 subsection (3), paragraph (a) of subsection (4), paragraph (a)
138 of subsection (5), paragraphs (d), (e), and (f) of subsection
139 (6), paragraphs (a) and (b) of subsection (10), subsection (11),
140 and paragraphs (a) and (b) of subsection (12) are amended, to
141 read:

142 1002.394 The Family Empowerment Scholarship Program.—

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

144 (b) "Choice navigator" means an individual who assists
145 parents with the selection of, application for, and enrollment

602-02378-23

2023202c1

146 in educational options that address the academic needs of their
147 student.

148 (f) "Eligible contribution" means a monetary contribution
149 from a taxpayer, subject to the restrictions provided in s.
150 1002.395, to an eligible nonprofit scholarship-funding
151 organization pursuant to ss. 212.099, 212.1832, 1002.395, and
152 1002.40. The taxpayer making the contribution may not designate
153 a specific child as the beneficiary of the contribution.

154 (g)(e) "Eligible nonprofit scholarship-funding
155 organization" or "organization" has the same meaning as provided
156 in s. 1002.395(2) s. 1002.395(2)(f).

157 (i)(g) "Eligible private school" has the same meaning as
158 provided in s. 1002.395(2) s. 1002.395(2)(g).

159 (k)(i) "Inactive" means that no eligible expenditures have
160 been made from an account funded pursuant to paragraph (12)(b).

161 (3) SCHOLARSHIP ELIGIBILITY.—

162 (a) 1. A parent of a student may request and receive from
163 the state a scholarship for the purposes specified in
164 paragraph(4)(a) if the student is a resident of this state and
165 is eligible to enroll in kindergarten through grade 12 in a
166 public school in this state;

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

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

173 ~~3. The student's household income level does not exceed 375~~
174 ~~percent of the federal poverty level or an adjusted maximum~~

602-02378-23

2023202c1

175 ~~percent of the federal poverty level that is increased by 25~~
176 ~~percentage points in the fiscal year following any fiscal year~~
177 ~~in which more than 5 percent of the available scholarships~~
178 ~~authorized under paragraph (12) (a) have not been funded;~~

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

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

184 ~~6. The student is a dependent child of a law enforcement~~
185 ~~officer.~~

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

189 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

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

193 2. Transportation to a Florida public school in which a
194 student is enrolled and that is different from the school to
195 which the student was assigned or to a lab school as defined in
196 s. 1002.32.

197 3. Instructional materials, including digital materials and
198 Internet resources.

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

200 5. Tuition and fees associated with full-time or part-time
201 enrollment in a home education program, an eligible private
202 school, an eligible postsecondary educational institution or a
203 program offered by the postsecondary educational institution, a

602-02378-23

2023202c1

204 private tutoring program authorized under s. 1002.43, a virtual
205 program offered by a department-approved private online provider
206 that meets the provider qualifications specified in s.
207 1002.45(2)(a), the Florida Virtual School as a private paying
208 student, or an approved online course offered pursuant to s.
209 1003.499 or s. 1004.0961.

210 6. Fees for nationally standardized, norm-referenced
211 achievement tests, Advanced Placement Examinations, industry
212 certification examinations, assessments related to postsecondary
213 education, or other assessments.

214 7. Contracted services provided by a public school or
215 school district, including classes. A student who receives
216 contracted services under this subparagraph is not considered
217 enrolled in a public school for eligibility purposes as
218 specified in subsection (6).

219 8. Tuition and fees for part-time tutoring services
220 provided by a person who holds a valid Florida educator's
221 certificate pursuant to s. 1012.56, a person who holds an
222 adjunct teaching certificate pursuant to s. 1012.57, a person
223 who has a bachelor's degree or a graduate degree in the subject
224 area in which instruction is given, a person who has
225 demonstrated a mastery of subject area knowledge pursuant to s.
226 1012.56(5), or a person certified by a nationally or
227 internationally recognized research-based training program as
228 approved by the department. As used in this paragraph, the term
229 "part-time tutoring services" does not qualify as regular school
230 attendance as defined in s. 1003.01(13)(e) ~~if the student is~~
231 ~~determined eligible pursuant to subparagraph (3)(a)1. or~~
232 ~~subparagraph (3)(a)2.~~

602-02378-23

2023202c1

233 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of
234 educational choice:

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

237 a. The organization determines that the student is not
238 eligible for program renewal;

239 b. The Commissioner of Education suspends or revokes
240 program participation or use of funds;

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

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

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

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

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

257 (II) Two consecutive fiscal years in which an account has
258 been inactive.

259 b. Reimbursements for program expenditures may continue
260 until the account balance is expended or remaining funds have
261 reverted to the state ~~student returns to a public school,~~

602-02378-23

2023202c1

262 ~~graduates from high school, or reaches the age of 21, whichever~~
263 ~~occurs first. A scholarship student who enrolls in a public~~
264 ~~school or public school program is considered to have returned~~
265 ~~to a public school for the purpose of determining the end of the~~
266 ~~scholarship's term. However, if a student enters a Department of~~
267 ~~Juvenile Justice detention center for a period of no more than~~
268 ~~21 days, the student is not considered to have returned to a~~
269 ~~public school for that purpose.~~

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

272 (d) Not having regular and direct contact with his or her
273 private school teachers pursuant to s. 1002.421(1)(i)~~7~~, unless he
274 or she is ~~eligible pursuant to paragraph (3)(b) and enrolled in~~
275 ~~the private school's transition-to-work program pursuant to~~
276 ~~subsection (16) or a home education program pursuant to s.~~
277 ~~1002.41;~~

278 (e) Participating in a private tutoring program pursuant to
279 s. 1002.43 unless he or she is enrolled in a home education
280 program pursuant to s. 1002.41 or determined eligible pursuant
281 to paragraph (3)(b); or

282 (f) Participating in virtual instruction pursuant to s.
283 1002.455 that receives state funding pursuant to the student's
284 participation.

285 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

286 (c) The department shall notify each school district of the
287 official information relating to the number of full-time
288 equivalent students in the Family Empowerment Scholarship
289 Program which is developed pursuant to s. 216.136(4)(a).

290 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM

602-02378-23

2023202c1

291 PARTICIPATION.—

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

296 a.1. Select the private school and apply for the admission
297 of his or her student.

298 b.2. Request the scholarship by a date established by the
299 organization, in a manner that creates a written or electronic
300 record of the request and the date of receipt of the request.

301 c.3. Inform the applicable school district when the parent
302 withdraws his or her student from a public school to attend an
303 eligible private school.

304 d.4. Require his or her student participating in the
305 program to remain in attendance throughout the school year
306 unless excused by the school for illness or other good cause.

307 e.5. Meet with the private school's principal or the
308 principal's designee to review the school's academic programs
309 and policies, customized educational programs, code of student
310 conduct, and attendance policies before ~~prior to~~ enrollment.

311 f.6. Require that the student participating in the
312 scholarship program takes the norm-referenced assessment offered
313 by the private school. The parent may also choose to have the
314 student participate in the statewide assessments pursuant to
315 paragraph (7) (d). If the parent requests that the student
316 participating in the program take all statewide assessments
317 required pursuant to s. 1008.22, the parent is responsible for
318 transporting the student to the assessment site designated by
319 the school district.

602-02378-23

2023202c1

320 g.7. Approve each payment before the scholarship funds may
321 be deposited by funds transfer ~~Restrictively endorse the~~
322 ~~warrant, issued in the name of the parent pursuant to~~
323 ~~subparagraph (12) (a)5. (12) (a)6., to the private school for~~
324 ~~deposit into the private school's account.~~ The parent may not
325 designate any entity or individual associated with the
326 participating private school as the parent's attorney in fact to
327 approve a funds transfer. A participant who fails to comply with
328 this paragraph forfeits ~~endorse~~ a scholarship warrant.

329 2. A parent who applies for program participation under
330 paragraph (3) (a) whose student will be enrolled in a home
331 education program with the school district in which the student
332 resides must:

333 a. Apply to an eligible nonprofit scholarship-funding
334 organization to participate in the program by a date set by the
335 organization. The request must be communicated directly to the
336 organization in a manner that creates a written or electronic
337 record of the request and the date of receipt of the request.

338 b. Sign an agreement with the organization and annually
339 submit a sworn compliance statement to the organization to
340 satisfy or maintain program eligibility, including eligibility
341 to receive and spend program payments, by:

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

344 (II) Affirming that the program funds are used only for
345 authorized purposes serving the student's educational needs, as
346 described in paragraph (4) (a), and that the parent will not
347 receive a payment, refund, or rebate of any funds provided under
348 this section.

602-02378-23

2023202c1

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

352 c. Require the student to take a nationally norm-referenced
353 test identified by the department, or a statewide assessment
354 under s. 1008.22, and provide educational records and assessment
355 results to a choice navigator before the student's program
356 renewal.

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

359 (I) Discuss the academic needs and progress of the student
360 based on educational records submitted by the parent and annual
361 assessment results.

362 (II) Select educational options based on the academic needs
363 of the student.

364 e. Affirm that the student remains in good standing with
365 the provider or school if those options are selected by the
366 parent.

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

372 g. Procure the services necessary to educate the student.
373 When the student receives a scholarship, the district school
374 board is not obligated to provide the student with a free
375 appropriate public education.

376 (b) A parent who applies for program participation under
377 paragraph (3) (b) is exercising his or her parental option to

602-02378-23

2023202c1

378 determine the appropriate placement or the services that best
379 meet the needs of his or her child and must:

380 1. Apply to an eligible nonprofit scholarship-funding
381 organization to participate in the program by a date set by the
382 organization. The request must be communicated directly to the
383 organization in a manner that creates a written or electronic
384 record of the request and the date of receipt of the request.

385 2. Sign an agreement with the organization and annually
386 submit a sworn compliance statement to the organization to
387 satisfy or maintain program eligibility, including eligibility
388 to receive and spend program payments by:

389 a. Affirming that the student is enrolled in a program that
390 meets regular school attendance requirements as provided in s.
391 1003.01(13) (b), (c), or (d).

392 b. Affirming that the program funds are used only for
393 authorized purposes serving the student's educational needs, as
394 described in paragraph (4) (b); that any prepaid college plan or
395 college savings plan funds contributed pursuant to subparagraph
396 (4) (b) 6. will not be transferred to another beneficiary while
397 the plan contains funds contributed pursuant to this section;
398 and that they will not receive a payment, refund, or rebate of
399 any funds provided under this section.

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

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

405 (II) Providing an annual evaluation in accordance with s.
406 1002.41(1) (f); or

602-02378-23

2023202c1

407 (III) Requiring the child to take any preassessments and
408 postassessments selected by the provider if the child is 4 years
409 of age and is enrolled in a program provided by an eligible
410 Voluntary Prekindergarten Education Program provider. A student
411 with disabilities for whom the physician or psychologist who
412 issued the diagnosis or the IEP team determines that a
413 preassessment and postassessment is not appropriate is exempt
414 from this requirement. A participating provider shall report a
415 student's scores to the parent.

416 d. Affirming that the student remains in good standing with
417 the provider or school if those options are selected by the
418 parent.

419 e. Enrolling his or her child in a program from a Voluntary
420 Prekindergarten Education Program provider authorized under s.
421 1002.55, a school readiness provider authorized under s.
422 1002.88, or an eligible private school if either option is
423 selected by the parent.

424 f. Renewing participation in the program each year. A
425 student whose participation in the program is not renewed may
426 continue to spend scholarship funds that are in his or her
427 account from prior years unless the account must be closed
428 pursuant to subparagraph (5) (b) 3. Notwithstanding any changes to
429 the student's IEP, a student who was previously eligible for
430 participation in the program shall remain eligible to apply for
431 renewal. However, for a high-risk child to continue to
432 participate in the program in the school year after he or she
433 reaches 6 years of age, the child's application for renewal of
434 program participation must contain documentation that the child
435 has a disability defined in paragraph (2) (e) ~~(2) (d)~~ other than

602-02378-23

2023202c1

436 high-risk status.

437 g. Procuring the services necessary to educate the student.
438 ~~If a parent does not procure the necessary educational services~~
439 ~~for the student and the student's account has been inactive for~~
440 ~~2 consecutive fiscal years, the student is ineligible for~~
441 ~~additional scholarship payments until the scholarship funding~~
442 ~~organization verifies that expenditures from the account have~~
443 ~~occurred.~~ When the student receives a scholarship, the district
444 school board is not obligated to provide the student with a free
445 appropriate public education. For purposes of s. 1003.57 and the
446 Individuals with Disabilities in Education Act, a participating
447 student has only those rights that apply to all other
448 unilaterally parentally placed students, except that, when
449 requested by the parent, school district personnel must develop
450 an IEP or matrix level of services.

451 (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
452 ORGANIZATIONS.—

453 (a) An eligible nonprofit scholarship-funding organization
454 awarding scholarships to eligible students pursuant to paragraph
455 (3) (a):

456 1. Must receive applications, determine student
457 eligibility, notify parents in accordance with the requirements
458 of this section, and provide the department with information on
459 the student to enable the department to determine student
460 funding in accordance with paragraph (12) (a).

461 2. Shall verify the household income level of students
462 ~~pursuant to subparagraph (3) (a)1.~~ and submit the verified list
463 of students and related documentation to the department when
464 necessary.

602-02378-23

2023202c1

465 3. Shall award scholarships in priority order pursuant to
466 paragraph (3) (a).

467 4. Shall establish and maintain separate empowerment
468 accounts for each eligible student. For each account, the
469 organization must maintain a record of accrued interest that is
470 retained in the student's account and available only for
471 authorized program expenditures.

472 5. May permit eligible students to use program funds for
473 the purposes listed in paragraph (4) (a) by paying for the
474 authorized use directly, then submitting a reimbursement request
475 to the eligible nonprofit scholarship-funding organization.
476 However, an eligible nonprofit scholarship-funding organization
477 may elect not to provide reimbursements and only allow direct
478 purchases using program funds.

479 6. May, from eligible contributions received pursuant to s.
480 1002.395(6)(j)1., use an amount not to exceed 2.5 percent of the
481 total amount of all scholarships funded under this section for
482 administrative expenses associated with performing functions
483 under this section. Such administrative expense amount is
484 considered within the 3 percent limit on the total amount an
485 organization may use to administer scholarships under this
486 chapter.

487 ~~7.5.~~ Must, in a timely manner, submit any information
488 requested by the department relating to the scholarship under
489 this section.

490 ~~8.6.~~ Must notify the department about any violation of this
491 section ~~by a parent or a private school.~~

492 9. Must document each student's eligibility for a fiscal
493 year before granting a scholarship for that fiscal year. A

602-02378-23

2023202c1

494 student is ineligible for a scholarship if the student's account
495 has been inactive for 2 consecutive fiscal years.

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

498 (b) An eligible nonprofit scholarship-funding organization
499 awarding scholarships to eligible students pursuant to paragraph
500 (3) (b) shall:

501 1. Receive applications, determine student eligibility, and
502 notify parents in accordance with the requirements of this
503 section. When an application is approved, the organization must
504 provide the department with information on the student to enable
505 the department to determine student funding in accordance with
506 paragraph (12) (b).

507 2. Establish a date by which a parent must confirm initial
508 or continuing participation in the program.

509 3. Review applications and award scholarships using the
510 following priorities:

511 a. For the 2021-2022 school year, a student who received a
512 Gardiner Scholarship in the 2020-2021 school year and meets the
513 eligibility requirements in paragraph (3) (b).

514 b. Renewing students from the previous school year.

515 c. Students retained on the previous school year's wait
516 list.

517 d. An eligible student who meets the criteria for an
518 initial award pursuant to paragraph (3) (b).

519
520 An approved student who does not receive a scholarship must be
521 placed on the wait list in the order in which his or her
522 application is approved. A student who does not receive a

602-02378-23

2023202c1

523 scholarship within the fiscal year shall be retained on the wait
524 list for the subsequent fiscal year.

525 4. Establish and maintain separate accounts for each
526 eligible student. For each account, the organization must
527 maintain a record of accrued interest that is retained in the
528 student's account and available only for authorized program
529 expenditures.

530 5. Verify qualifying educational expenditures pursuant to
531 the requirements of paragraph (4) (b).

532 6. Return any remaining program funds to the department
533 pursuant to paragraph (6) (b).

534 7. Notify the parent about the availability of, and the
535 requirements associated with requesting, an initial IEP or IEP
536 reevaluation every 3 years for each student participating in the
537 program.

538 8. Notify the department of any violation of this section.

539 9. Document each scholarship student's eligibility for a
540 fiscal year before granting a scholarship for that fiscal year
541 pursuant to paragraph (3) (b). A student is ineligible for a
542 scholarship if the student's account has been inactive for 2
543 consecutive fiscal years.

544 10. Use funds available from remaining tax credit revenue
545 under ss. 1002.395 and 1002.40 to fund eligible students who
546 meet the condition under sub-subparagraph (12) (b) 1.d.

547 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

548 (a)1. Once all scholarships have been funded pursuant to s.
549 1002.395(6) (d) 1., up to 10,000 scholarships for students who are
550 enrolled in a home education program may be funded for the 2023-
551 2024 school year. The number of scholarships funded for such

602-02378-23

2023202c1

552 students may increase by 20,000 in each subsequent school year.
553 This subparagraph is repealed July 1, 2027 ~~determined eligible~~
554 ~~pursuant to paragraph (3) (a) are established for up to 18,000~~
555 ~~students annually beginning in the 2019-2020 school year.~~
556 ~~Beginning in the 2020-2021 school year, the maximum number of~~
557 ~~students participating in the scholarship program under this~~
558 ~~section shall annually increase by 1.0 percent of the state's~~
559 ~~total full-time equivalent student membership. An eligible~~
560 ~~student who meets any of the following requirements shall be~~
561 ~~excluded from the maximum number of students if the student:~~
562 ~~a. Is a dependent child of a law enforcement officer or a~~
563 ~~member of the United States Armed Forces, a foster child, or an~~
564 ~~adopted child; or~~
565 ~~b. Is determined eligible pursuant to subparagraph (3) (a)1.~~
566 ~~or subparagraph (3) (a)2. and either spent the prior school year~~
567 ~~in attendance at a Florida public school or, beginning in the~~
568 ~~2022-2023 school year, is eligible to enroll in kindergarten.~~
569 ~~For purposes of this subparagraph, the term "prior school year~~
570 ~~in attendance" means that the student was enrolled and reported~~
571 ~~by a school district for funding during either the preceding~~
572 ~~October or February full-time equivalent student membership~~
573 ~~surveys in kindergarten through grade 12, which includes time~~
574 ~~spent in a Department of Juvenile Justice commitment program if~~
575 ~~funded under the Florida Education Finance Program.~~
576 ~~2. The scholarship amount provided to a student for any~~
577 ~~single school year shall be for tuition and fees for an eligible~~
578 ~~private school, not to exceed annual limits, which shall be~~
579 ~~determined in accordance with this subparagraph. The calculated~~
580 ~~scholarship amount for a participating student determined~~

602-02378-23

2023202c1

581 eligible pursuant to paragraph (3) (a) shall be based upon the
582 grade level and school district in which the student was
583 assigned as 100 percent of the funds per unweighted full-time
584 equivalent in the Florida Education Finance Program for a
585 student in the basic program established pursuant to s.
586 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
587 for all categorical programs, except for the exceptional student
588 education guaranteed allocation established pursuant to s.
589 1011.62(1)(e).

590 ~~3. The amount of the scholarship shall be the calculated~~
591 ~~amount or the amount of the private school's tuition and fees,~~
592 ~~whichever is less. The amount of any assessment fee required by~~
593 ~~the participating private school and any costs to provide a~~
594 ~~digital device, including Internet access, if necessary, to the~~
595 ~~student may be paid from the total amount of the scholarship.~~

596 ~~4.~~ A scholarship of \$750 or an amount equal to the school
597 district expenditure per student riding a school bus, as
598 determined by the department, whichever is greater, may be
599 awarded to an eligible a student who is ~~determined eligible~~
600 ~~pursuant to subparagraph (3) (a)1. or subparagraph (3) (a)2.~~ and
601 enrolled in a Florida public school that is different from the
602 school to which the student was assigned or in a lab school as
603 defined in s. 1002.32 if the school district does not provide
604 the student with transportation to the school.

605 ~~4.5.~~ The organization must provide the department with the
606 documentation necessary to verify the student's participation.
607 Upon receiving the documentation, the department shall transfer,
608 from state funds only, the amount calculated pursuant to
609 subparagraph 2. to the organization for quarterly disbursement

602-02378-23

2023202c1

610 to parents of participating students each school year in which
611 the scholarship is in force. For a student exiting a Department
612 of Juvenile Justice commitment program who chooses to
613 participate in the scholarship program, the amount of the Family
614 Empowerment Scholarship calculated pursuant to subparagraph 2.
615 must be transferred from the school district in which the
616 student last attended a public school before commitment to the
617 Department of Juvenile Justice. When a student enters the
618 scholarship program, the organization must receive all
619 documentation required for the student's participation,
620 including the private school's and the student's fee schedules,
621 at least 30 days before the first quarterly scholarship payment
622 is made for the student.

623 ~~5.6.~~ The initial payment shall be made after the
624 organization's verification of admission acceptance, and
625 subsequent payments shall be made upon verification of continued
626 enrollment and attendance at the private school. Payment must be
627 ~~by individual warrant made payable to the student's parent or by~~
628 funds transfer or any other means of payment that the department
629 deems to be commercially viable or cost-effective. ~~If the~~
630 ~~payment is made by warrant, the warrant must be delivered by the~~
631 ~~organization to the private school of the parent's choice, and~~
632 ~~the parent shall restrictively endorse the warrant to the~~
633 ~~private school.~~ An organization shall ensure that the parent ~~to~~
634 ~~whom the warrant is made has restrictively endorsed the warrant~~
635 ~~to the private school for deposit into the account of the~~
636 ~~private school or that the parent has approved a funds transfer~~
637 before any scholarship funds are deposited.

638 6. An organization may not transfer any funds to an account

602-02378-23

2023202c1

639 of a student determined eligible pursuant to paragraph (3) (a)
640 which has a balance in excess of \$24,000.

641 (b)1. Scholarships for students determined eligible
642 pursuant to paragraph (3) (b) are established for up to 26,500
643 students annually beginning in the 2022-2023 school year.
644 Beginning in the 2023-2024 school year, the maximum number of
645 students participating in the scholarship program under this
646 section shall annually increase by 3.0 ~~1.0~~ percent of the
647 state's total exceptional student education full-time equivalent
648 student membership, not including gifted students. An eligible
649 student who meets any of the following requirements shall be
650 excluded from the maximum number of students if the student:

651 a. Received specialized instructional services under the
652 Voluntary Prekindergarten Education Program pursuant to s.
653 1002.66 during the previous school year and the student has a
654 current IEP developed by the district school board in accordance
655 with rules of the State Board of Education;

656 b. Is a dependent child of a law enforcement officer or a
657 member of the United States Armed Forces, a foster child, or an
658 adopted child;

659 c. Spent the prior school year in attendance at a Florida
660 public school or the Florida School for the Deaf and the Blind.
661 For purposes of this subparagraph, the term "prior school year
662 in attendance" means that the student was enrolled and reported
663 by:

664 (I) A school district for funding during either the
665 preceding October or February full-time equivalent student
666 membership surveys in kindergarten through grade 12, which
667 includes time spent in a Department of Juvenile Justice

602-02378-23

2023202c1

668 commitment program if funded under the Florida Education Finance
669 Program;

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

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

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

679 d. Is funded from remaining tax credit revenue pursuant to
680 ss. 1002.395 and 1002.40 and would exceed the maximum number of
681 students established under this subsection.

682 2. For a student who has a Level I to Level III matrix of
683 services or a diagnosis by a physician or psychologist, the
684 calculated scholarship amount for a student participating in the
685 program must be based upon the grade level and school district
686 in which the student would have been enrolled as the total funds
687 per unweighted full-time equivalent in the Florida Education
688 Finance Program for a student in the basic exceptional student
689 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
690 plus a per full-time equivalent share of funds for all
691 categorical programs, as funded in the General Appropriations
692 Act, except that for the exceptional student education
693 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
694 2., the funds must be allocated based on the school district's
695 average exceptional student education guaranteed allocation
696 funds per exceptional student education full-time equivalent

602-02378-23

2023202c1

697 student.

698 3. For a student with a Level IV or Level V matrix of
699 services, the calculated scholarship amount must be based upon
700 the school district to which the student would have been
701 assigned as the total funds per full-time equivalent for the
702 Level IV or Level V exceptional student education program
703 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
704 equivalent share of funds for all categorical programs, as
705 funded in the General Appropriations Act.

706 4. For a student who received a Gardiner Scholarship
707 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
708 shall be the greater of the amount calculated pursuant to
709 subparagraph 2. or the amount the student received for the 2020-
710 2021 school year.

711 5. For a student who received a John M. McKay Scholarship
712 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
713 shall be the greater of the amount calculated pursuant to
714 subparagraph 2. or the amount the student received for the 2020-
715 2021 school year.

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

718 7. Upon receiving the documentation, the department shall
719 release, from state funds only, the student's scholarship funds
720 to the organization, to be deposited into the student's account
721 in four equal amounts no later than September 1, November 1,
722 February 1, and April 1 of each school year in which the
723 scholarship is in force.

724 8. Accrued interest in the student's account is in addition
725 to, and not part of, the awarded funds. Program funds include

602-02378-23

2023202c1

726 both the awarded funds and accrued interest.

727 9. The organization may develop a system for payment of
728 benefits by funds transfer, including, but not limited to, debit
729 cards, electronic payment cards, or any other means of payment
730 which the department deems to be commercially viable or cost-
731 effective. A student's scholarship award may not be reduced for
732 debit card or electronic payment fees. Commodities or services
733 related to the development of such a system must be procured by
734 competitive solicitation unless they are purchased from a state
735 term contract pursuant to s. 287.056.

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

739 11. Moneys received pursuant to this section do not
740 constitute taxable income to the qualified student or the parent
741 of the qualified student.

742 (17) OBLIGATIONS OF CHOICE NAVIGATOR.—Beginning January 1,
743 2024, a choice navigator must:

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

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

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

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

752 Section 3. Present paragraphs (b) through (k) of subsection
753 (2) of section 1002.395, Florida Statutes, are redesignated as
754 paragraphs (c) through (l), respectively, a new paragraph (b) is

602-02378-23

2023202c1

755 added to that subsection, paragraphs (r), (s), and (t) are added
 756 to subsection (6), paragraphs (e) through (h) are added to
 757 subsection (11), subsection (16) is added to that section, and
 758 paragraph (b) of subsection (3), subsection (4), paragraphs (b),
 759 (d), (j), and (o) of subsection (6), subsection (7), paragraphs
 760 (a), (b), and (f) of subsection (9), and paragraph (b) of
 761 subsection (11) are amended, to read:

762 1002.395 Florida Tax Credit Scholarship Program.—

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

764 (b) “Choice navigator” means an individual who assists
 765 parents with the selection of, application for, and enrollment
 766 in educational options that address the academic needs of their
 767 student.

768 (c) “Department” means the Department of Revenue.

769 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

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

775 ~~1. The student is on the direct certification list or the~~
 776 ~~student’s household income level does not exceed 375 percent of~~
 777 ~~the federal poverty level or an adjusted maximum percent of the~~
 778 ~~federal poverty level authorized under s. 1002.394(3)(a)3.; or~~

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

782 2. Priority must be given to a student whose household
 783 income level does not exceed 185 percent of the federal poverty

602-02378-23

2023202c1

784 level or who is in foster care or out-of-home care. A student
785 ~~who initially receives a scholarship based on eligibility under~~
786 ~~this paragraph remains eligible to participate until he or she~~
787 ~~graduates from high school or attains the age of 21 years,~~
788 ~~whichever occurs first, regardless of the student's household~~
789 ~~income level. A sibling of a student who is participating in the~~
790 ~~scholarship program under this subsection is eligible for a~~
791 ~~scholarship if the student resides in the same household as the~~
792 ~~sibling.~~

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

795 (a) Enrolled in a public school, including, but not limited
796 to, the College-Preparatory Boarding Academy, a developmental
797 research school authorized under s. 1002.32, or a charter school
798 authorized under this chapter. For purposes of this paragraph, a
799 3- or 4-year-old child who receives services funded through the
800 Florida Education Finance Program is considered a student
801 enrolled in a public school;

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

805 ~~(b) Receiving a scholarship from another eligible nonprofit~~
806 ~~scholarship funding organization under this section;~~

807 (c) Receiving any other ~~an~~ educational scholarship pursuant
808 to this chapter;

809 (d) Not having regular and direct contact with his or her
810 private school teachers pursuant to s. 1002.421(1)(i) unless he
811 or she is enrolled in a home education program pursuant to s.
812 1002.41 ~~Participating in a home education program as defined in~~

602-02378-23

2023202c1

813 ~~s. 1002.01(1);~~

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

817 (f) Participating in ~~a~~ virtual instruction pursuant to s.
818 1002.455 school, correspondence school, or distance learning
819 ~~program~~ that receives state funding pursuant to the student's
820 participation ~~unless the participation is limited to no more~~
821 ~~than two courses per school year; or~~

822 (g) Enrolled in the Florida School for the Deaf and the
823 Blind.

824 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
825 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
826 organization:

827 (b) Must comply with the following background check
828 requirements:

829 1. All owners and operators as defined in subparagraph
830 (2) (j) 1. ~~(2) (i) 1.~~ are, before employment or engagement to
831 provide services, subject to level 2 background screening as
832 provided under chapter 435. The fingerprints for the background
833 screening must be electronically submitted to the Department of
834 Law Enforcement and can be taken by an authorized law
835 enforcement agency or by an employee of the eligible nonprofit
836 scholarship-funding organization or a private company who is
837 trained to take fingerprints. However, the complete set of
838 fingerprints of an owner or operator may not be taken by the
839 owner or operator. The results of the state and national
840 criminal history check shall be provided to the Department of
841 Education for screening under chapter 435. The cost of the

602-02378-23

2023202c1

842 background screening may be borne by the eligible nonprofit
843 scholarship-funding organization or the owner or operator.

844 2. Every 5 years following employment or engagement to
845 provide services or association with an eligible nonprofit
846 scholarship-funding organization, each owner or operator must
847 meet level 2 screening standards as described in s. 435.04, at
848 which time the nonprofit scholarship-funding organization shall
849 request the Department of Law Enforcement to forward the
850 fingerprints to the Federal Bureau of Investigation for level 2
851 screening. If the fingerprints of an owner or operator are not
852 retained by the Department of Law Enforcement under subparagraph
853 3., the owner or operator must electronically file a complete
854 set of fingerprints with the Department of Law Enforcement. Upon
855 submission of fingerprints for this purpose, the eligible
856 nonprofit scholarship-funding organization shall request that
857 the Department of Law Enforcement forward the fingerprints to
858 the Federal Bureau of Investigation for level 2 screening, and
859 the fingerprints shall be retained by the Department of Law
860 Enforcement under subparagraph 3.

861 3. Fingerprints submitted to the Department of Law
862 Enforcement as required by this paragraph must be retained by
863 the Department of Law Enforcement in a manner approved by rule
864 and entered in the statewide automated biometric identification
865 system authorized by s. 943.05(2)(b). The fingerprints must
866 thereafter be available for all purposes and uses authorized for
867 arrest fingerprints entered in the statewide automated biometric
868 identification system pursuant to s. 943.051.

869 4. The Department of Law Enforcement shall search all
870 arrest fingerprints received under s. 943.051 against the

602-02378-23

2023202c1

871 fingerprints retained in the statewide automated biometric
872 identification system under subparagraph 3. Any arrest record
873 that is identified with an owner's or operator's fingerprints
874 must be reported to the Department of Education. The Department
875 of Education shall participate in this search process by paying
876 an annual fee to the Department of Law Enforcement and by
877 informing the Department of Law Enforcement of any change in the
878 employment, engagement, or association status of the owners or
879 operators whose fingerprints are retained under subparagraph 3.
880 The Department of Law Enforcement shall adopt a rule setting the
881 amount of the annual fee to be imposed upon the Department of
882 Education for performing these services and establishing the
883 procedures for the retention of owner and operator fingerprints
884 and the dissemination of search results. The fee may be borne by
885 the owner or operator of the nonprofit scholarship-funding
886 organization.

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

890 6. A nonprofit scholarship-funding organization whose owner
891 or operator in the last 7 years has filed for personal
892 bankruptcy or corporate bankruptcy in a corporation of which he
893 or she owned more than 20 percent is ~~shall~~ not be eligible to
894 provide scholarships under this section.

895 7. In addition to the offenses listed in s. 435.04, a
896 person required to undergo background screening pursuant to this
897 part or authorizing statutes must not have an arrest awaiting
898 final disposition for, must not have been found guilty of, or
899 entered a plea of nolo contendere to, regardless of

602-02378-23

2023202c1

900 adjudication, and must not have been adjudicated delinquent, and
901 the record must not have been sealed or expunged for, any of the
902 following offenses or any similar offense of another
903 jurisdiction:

- 904 a. Any authorizing statutes, if the offense was a felony.
905 b. This chapter, if the offense was a felony.
906 c. Section 409.920, relating to Medicaid provider fraud.
907 d. Section 409.9201, relating to Medicaid fraud.
908 e. Section 741.28, relating to domestic violence.
909 f. Section 817.034, relating to fraudulent acts through
910 mail, wire, radio, electromagnetic, photoelectronic, or
911 photooptical systems.
912 g. Section 817.234, relating to false and fraudulent
913 insurance claims.
914 h. Section 817.505, relating to patient brokering.
915 i. Section 817.568, relating to criminal use of personal
916 identification information.
917 j. Section 817.60, relating to obtaining a credit card
918 through fraudulent means.
919 k. Section 817.61, relating to fraudulent use of credit
920 cards, if the offense was a felony.
921 l. Section 831.01, relating to forgery.
922 m. Section 831.02, relating to uttering forged instruments.
923 n. Section 831.07, relating to forging bank bills, checks,
924 drafts, or promissory notes.
925 o. Section 831.09, relating to uttering forged bank bills,
926 checks, drafts, or promissory notes.
927 p. Section 831.30, relating to fraud in obtaining medicinal
928 drugs.

602-02378-23

2023202c1

929 q. Section 831.31, relating to the sale, manufacture,
930 delivery, or possession with the intent to sell, manufacture, or
931 deliver any counterfeit controlled substance, if the offense was
932 a felony.

933 (d) 1. For the 2023-2024 school year, may fund no more than
934 10,000 scholarships for students who are enrolled in a home
935 education program. The number of scholarships funded for such
936 students may increase by 20,000 in each subsequent school year.
937 This subparagraph is repealed July 1, 2027.

938 2. Must establish and maintain separate empowerment
939 accounts from eligible contributions for each eligible student.
940 For each account, the organization must maintain a record of
941 accrued interest that is retained in the student's account. The
942 organization must verify that scholarship funds are used for
943 provide scholarships, from eligible contributions, to eligible
944 students for the cost of:

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

946 b.2. Transportation to a Florida public school in which a
947 student is enrolled and that is different from the school to
948 which the student was assigned or to a lab school as defined in
949 s. 1002.32.

950 c. Instructional materials, including digital materials and
951 Internet resources.

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

953 e. Tuition and fees associated with full-time or part-time
954 enrollment in a home education program, an eligible private
955 school, an eligible postsecondary educational institution or a
956 program offered by the postsecondary educational institution, a
957 private tutoring program authorized under s. 1002.43, a virtual

602-02378-23

2023202c1

958 program offered by a Department of Education-approved private
959 online provider that meets the provider qualifications specified
960 in s. 1002.45(2)(a), the Florida Virtual School as a private
961 paying student, or an approved online course offered pursuant to
962 s. 1003.499 or s. 1004.0961.

963 f. Fees for nationally standardized, norm-referenced
964 achievement tests, Advanced Placement Examinations, industry
965 certification examinations, assessments related to postsecondary
966 education, or other assessments.

967 g. Contracted services provided by a public school or
968 school district, including classes. A student who receives
969 contracted services under this sub-subparagraph is not
970 considered enrolled in a public school for eligibility purposes
971 as specified in subsection (11).

972 h. Tuition and fees for part-time tutoring services
973 provided by a person who holds a valid Florida educator's
974 certificate pursuant to s. 1012.56, a person who holds an
975 adjunct teaching certificate pursuant to s. 1012.57, a person
976 who has a bachelor's degree or a graduate degree in the subject
977 area in which instruction is given, a person who has
978 demonstrated a mastery of subject area knowledge pursuant to s.
979 1012.56(5), or a person certified by a nationally or
980 internationally recognized research-based training program as
981 approved by the Department of Education. As used in this
982 paragraph, the term "part-time tutoring services" does not
983 qualify as regular school attendance as defined in s.
984 1003.01(13)(e).

985 (j)1. May use eligible contributions received pursuant to
986 this section and ss. 212.099, 212.1832, and 1002.40 during the

602-02378-23

2023202c1

987 state fiscal year in which such contributions are collected for
988 administrative expenses if the organization has operated as an
989 eligible nonprofit scholarship-funding organization for at least
990 the preceding 3 fiscal years and did not have any findings of
991 material weakness or material noncompliance in its most recent
992 audit under paragraph (m). Administrative expenses from eligible
993 contributions may not exceed 3 percent of the total amount of
994 all scholarships funded by an eligible scholarship-funding
995 organization under this chapter. Such administrative expenses
996 must be reasonable and necessary for the organization's
997 management and distribution of scholarships funded under this
998 chapter. Administrative expenses may include developing or
999 contracting with rideshare programs or facilitating carpool
1000 strategies for recipients of a transportation scholarship. No
1001 funds authorized under this subparagraph may ~~shall~~ be used for
1002 lobbying or political activity or expenses related to lobbying
1003 or political activity. Up to one-third of the funds authorized
1004 for administrative expenses under this subparagraph may be used
1005 for expenses related to the recruitment of contributions from
1006 taxpayers. An eligible nonprofit scholarship-funding
1007 organization may not charge an application fee.

1008 2. Must expend for annual or partial-year scholarships an
1009 amount equal to or greater than 75 percent of all ~~the~~ net
1010 eligible contributions remaining after administrative expenses
1011 during the state fiscal year in which such contributions are
1012 collected. No more than 25 percent of such net eligible
1013 contributions may be carried forward to the following state
1014 fiscal year. All amounts carried forward, for audit purposes,
1015 must be specifically identified for particular students, by

602-02378-23

2023202c1

1016 student name and the name of the school to which the student is
1017 admitted, subject to the requirements of ss. 1002.22 and
1018 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and
1019 regulations issued pursuant thereto. Any amounts carried forward
1020 must ~~shall~~ be expended for annual or partial-year scholarships
1021 in the following state fiscal year. No later than September 30
1022 of each year, net eligible contributions remaining on June 30 of
1023 each year that are in excess of the 25 percent that may be
1024 carried forward must ~~shall~~ be used to provide scholarships to
1025 eligible students or transferred to other eligible nonprofit
1026 scholarship-funding organizations to provide scholarships for
1027 eligible students. All transferred funds must be deposited by
1028 each eligible nonprofit scholarship-funding organization
1029 receiving such funds into its scholarship account. All
1030 transferred amounts received by any eligible nonprofit
1031 scholarship-funding organization must be separately disclosed in
1032 the annual financial audit required under paragraph (m).

1033 3. Must, before granting a scholarship for an academic
1034 year, document each scholarship student's eligibility for that
1035 academic year. A scholarship-funding organization may not grant
1036 multiyear scholarships in one approval process.

1037 (o)1.a. Must participate in the joint development of
1038 agreed-upon procedures during the 2009-2010 state fiscal year.
1039 The agreed-upon procedures must uniformly apply to all private
1040 schools and must determine, at a minimum, whether the private
1041 school has been verified as eligible by the Department of
1042 Education under s. 1002.421; has an adequate accounting system,
1043 system of financial controls, and process for deposit and
1044 classification of scholarship funds; and has properly expended

602-02378-23

2023202c1

1045 scholarship funds for education-related expenses. During the
1046 development of the procedures, the participating scholarship-
1047 funding organizations shall specify guidelines governing the
1048 materiality of exceptions that may be found during the
1049 accountant's performance of the procedures. The procedures and
1050 guidelines must ~~shall~~ be provided to private schools and the
1051 Commissioner of Education by March 15, 2011.

1052 b. Must participate in a joint review of the agreed-upon
1053 procedures and guidelines developed under sub-subparagraph a.,
1054 by February of each biennium, if the scholarship-funding
1055 organization provided more than \$250,000 in scholarship funds ~~to~~
1056 ~~an eligible private school~~ under this chapter during the state
1057 fiscal year preceding the biennial review. If the procedures and
1058 guidelines are revised, the revisions must be provided to
1059 private schools and the Commissioner of Education by March 15 of
1060 the year in which the revisions were completed. The revised
1061 agreed-upon procedures and guidelines must ~~shall~~ take effect the
1062 subsequent school year. ~~For the 2018-2019 school year only, the~~
1063 ~~joint review of the agreed-upon procedures must be completed and~~
1064 ~~the revisions submitted to the commissioner no later than~~
1065 ~~September 15, 2018. The revised procedures are applicable to the~~
1066 ~~2018-2019 school year.~~

1067 c. Must monitor the compliance of a private school with s.
1068 1002.421(1)(q) if the scholarship-funding organization provided
1069 the majority of the scholarship funding to the school. For each
1070 private school subject to s. 1002.421(1)(q), the appropriate
1071 scholarship-funding organization shall annually notify the
1072 Commissioner of Education by October 30 of:

1073 (I) A private school's failure to submit a report required

602-02378-23

2023202c1

1074 under s. 1002.421(1)(q); or

1075 (II) Any material exceptions set forth in the report
1076 required under s. 1002.421(1)(q).

1077 2. Must seek input from the accrediting associations that
1078 are members of the Florida Association of Academic Nonpublic
1079 Schools and the Department of Education when jointly developing
1080 the agreed-upon procedures and guidelines under sub-subparagraph
1081 1.a. and conducting a review of those procedures and guidelines
1082 under sub-subparagraph 1.b.

1083 (r) Must participate in the joint development of agreed-
1084 upon purchasing guidelines for authorized uses of scholarship
1085 funds under this chapter. The purchasing guidelines must be
1086 provided to the Commissioner of Education and posted on the
1087 eligible nonprofit scholarship-funding organization's website by
1088 December 31, 2023, and annually thereafter.

1089 (s) May permit eligible students to use program funds for
1090 the purposes listed in paragraph (d) by paying for the
1091 authorized use directly, then submitting a reimbursement request
1092 to the eligible nonprofit scholarship-funding organization.
1093 However, an eligible nonprofit scholarship-funding organization
1094 may elect not to provide reimbursements and only allow direct
1095 purchases using program funds.

1096 (t) Must notify each parent that participation in the
1097 scholarship program does not guarantee enrollment.

1098
1099 Information and documentation provided to the Department of
1100 Education and the Auditor General relating to the identity of a
1101 taxpayer that provides an eligible contribution under this
1102 section shall remain confidential at all times in accordance

602-02378-23

2023202c1

1103 with s. 213.053.

1104 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1105 PARTICIPATION.—

1106 (a) A parent whose student will be enrolled full time in a
1107 private school must:

1108 1. The parent must Select an eligible private school and
1109 apply for the admission of his or her child.

1110 2. (b) The parent must Inform the child's school district
1111 when the parent withdraws his or her child to attend an eligible
1112 private school.

1113 3. (e) Require his or her ~~Any~~ student participating in the
1114 ~~scholarship program to~~ must remain in attendance throughout the
1115 school year unless excused by the school for illness or other
1116 good cause and.

1117 ~~(d) Each parent and each student has an obligation to the~~
1118 ~~private school to~~ comply with the private school's published
1119 policies.

1120 4. (e) Require his or her ~~The parent shall ensure that the~~
1121 student participating in the ~~scholarship program to take~~ takes
1122 the norm-referenced assessment offered by the private school.
1123 The parent may also choose to have the student participate in
1124 the statewide assessments pursuant to s. 1008.22. If the parent
1125 requests that the student participating in the scholarship
1126 program take statewide assessments pursuant to s. 1008.22 and
1127 the private school has not chosen to offer and administer the
1128 statewide assessments, the parent is responsible for
1129 transporting the student to the assessment site designated by
1130 the school district.

1131 5. (f) Upon receipt of a scholarship warrant from the

602-02378-23

2023202c1

1132 ~~eligible nonprofit scholarship funding organization, the parent~~
1133 ~~to whom the warrant is made must restrictively endorse the~~
1134 ~~warrant to the private school for deposit into the account of~~
1135 ~~the private school. If payments are made by funds transfer, the~~
1136 ~~parent must~~ Approve each payment before the scholarship funds
1137 may be deposited by funds transfer. The parent may not designate
1138 any entity or individual associated with the participating
1139 private school as the parent's attorney in fact to endorse a
1140 scholarship warrant or approve a funds transfer. A participant
1141 who fails to comply with this paragraph forfeits the
1142 scholarship.

1143 ~~6. (g) The parent shall~~ Authorize the nonprofit scholarship-
1144 funding organization to access information needed for income
1145 eligibility determination and verification held by other state
1146 or federal agencies, including the Department of Revenue, the
1147 Department of Children and Families, the Department of
1148 Education, the Department of Economic Opportunity, and the
1149 Agency for Health Care Administration.

1150 (b) A parent whose student will be enrolled in a home
1151 education program with the school district in which the student
1152 resides must:

1153 1. Apply to an eligible nonprofit scholarship-funding
1154 organization to participate in the program by a date set by the
1155 organization. The request must be communicated directly to the
1156 organization in a manner that creates a written or electronic
1157 record of the request and the date of receipt of the request.

1158 2. Sign an agreement with the organization and annually
1159 submit a sworn compliance statement to the organization to
1160 satisfy or maintain program eligibility, including eligibility

602-02378-23

2023202c1

1161 to receive and spend program payments, by:

1162 a. Affirming that the parent has established and maintains
1163 a home education program in accordance with s. 1002.41.

1164 b. Affirming that the program funds are used only for
1165 authorized purposes serving the student's educational needs, as
1166 described in paragraph (6)(d), and that they will not receive a
1167 payment, refund, or rebate of any funds provided under this
1168 section.

1169 c. Affirming that the parent is responsible for all
1170 eligible expenses in excess of the amount of the scholarship and
1171 for the education of his or her student.

1172 3. Require the student to take a nationally norm-referenced
1173 test identified by the Department of Education, or a statewide
1174 assessment under s. 1008.22, and provide educational records and
1175 assessment results to a choice navigator before the student's
1176 program renewal.

1177 4. Meet with a choice navigator at least annually before
1178 the student's program renewal to:

1179 a. Discuss the academic needs and progress of the student
1180 based on educational records submitted by the parent and annual
1181 assessment results.

1182 b. Select educational options based on the academic needs
1183 of the student.

1184 5. Affirm that the student remains in good standing with
1185 the provider or school if those options are selected by the
1186 parent.

1187 6. Renew participation in the program each year. A student
1188 whose participation in the program is not renewed may continue
1189 to spend scholarship funds that are in his or her account from

602-02378-23

2023202c1

1190 prior years unless the account must be closed pursuant to s.
1191 1002.394(5)(a)2.

1192 7. Procure the services necessary to educate the student.
1193 When the student receives a scholarship, the district school
1194 board is not obligated to provide the student with a free
1195 appropriate public education.

1196 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1197 Education shall:

1198 (a) Annually submit to the department and division, by
1199 March 15, a list of eligible nonprofit scholarship-funding
1200 organizations that meet the requirements of paragraph (2)(g)
1201 ~~(2)(f)~~.

1202 (b) Annually verify the eligibility of nonprofit
1203 scholarship-funding organizations that meet the requirements of
1204 paragraph (2)(g) ~~(2)(f)~~.

1205 (f) Issue a project grant award to a state university, to
1206 which participating private schools and choice navigators must
1207 report the scores of participating students on the nationally
1208 norm-referenced tests or the statewide assessments administered
1209 by the private school in grades 3 through 10. The project term
1210 is 2 years, and the amount of the project is up to \$250,000 per
1211 year. The project grant award must be reissued in 2-year
1212 intervals in accordance with this paragraph.

1213 1. The state university must annually report to the
1214 Department of Education on the student performance of
1215 participating students:

1216 a. On a statewide basis. The report must ~~shall~~ also
1217 include, to the extent possible, a comparison of scholarship
1218 students' performance to the statewide student performance of

602-02378-23

2023202c1

1219 public school students with socioeconomic backgrounds similar to
1220 those of students participating in the scholarship program. To
1221 minimize costs and reduce time required for the state
1222 university's analysis and evaluation, the Department of
1223 Education shall coordinate with the state university to provide
1224 data to the state university in order to conduct analyses of
1225 matched students from public school assessment data and
1226 calculate control group student performance using an agreed-upon
1227 methodology with the state university; and

1228 b. On an individual school basis. The annual report must
1229 include student performance for each participating private
1230 school in which ~~at least 51 percent of the total~~ enrolled
1231 students in the private school participated in a scholarship
1232 program under this section or s. 1002.394(12) (a) the Florida Tax
1233 Credit Scholarship Program in the prior school year. The report
1234 must ~~shall~~ be according to each participating private school,
1235 and for participating students, in which there are at least 30
1236 participating students who have scores for tests administered.
1237 If the state university determines that the 30-participating-
1238 student cell size may be reduced without disclosing personally
1239 identifiable information, as described in 34 C.F.R. s. 99.12, of
1240 a participating student, the state university may reduce the
1241 participating-student cell size, but the cell size must not be
1242 reduced to less than 10 participating students. The department
1243 shall provide each private school's prior school year's student
1244 enrollment information to the state university no later than
1245 June 15 of each year, or as requested by the state university.

1246 2. The sharing and reporting of student performance data
1247 under this paragraph must be in accordance with requirements of

602-02378-23

2023202c1

1248 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
1249 Educational Rights and Privacy Act, and the applicable rules and
1250 regulations issued pursuant thereto, and shall be for the sole
1251 purpose of creating the annual report required by subparagraph
1252 1. All parties must preserve the confidentiality of such
1253 information as required by law. The annual report must not
1254 disaggregate data to a level that will identify individual
1255 participating schools, except as required under sub-subparagraph
1256 1.b., or disclose the academic level of individual students.

1257 3. The annual report required by subparagraph 1. must ~~shall~~
1258 be published by the Department of Education on its website.

1259 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1260 (b) Payment of the scholarship by the eligible nonprofit
1261 scholarship-funding organization must ~~shall~~ be ~~by individual~~
1262 ~~warrant made payable to the student's parent or by funds~~
1263 ~~transfer, including, but not limited to, debit cards, electronic~~
1264 ~~payment cards, or any other means of payment that the department~~
1265 ~~deems to be commercially viable or cost-effective. If the~~
1266 ~~payment is made by warrant, the warrant must be delivered by the~~
1267 ~~eligible nonprofit scholarship-funding organization to the~~
1268 ~~private school of the parent's choice, and the parent shall~~
1269 ~~restrictively endorse the warrant to the private school. An~~
1270 eligible nonprofit scholarship-funding organization shall ensure
1271 ~~that the parent to whom the warrant is made restrictively~~
1272 ~~endorsed the warrant to the private school for deposit into the~~
1273 ~~account of the private school or that the parent has approved a~~
1274 funds transfer before any scholarship funds are deposited.

1275 (e) An eligible nonprofit scholarship-funding organization
1276 may not transfer any funds to an account of a student determined

602-02378-23

2023202c1

1277 eligible under this section which has a balance in excess of
1278 \$24,000.

1279 (f) A scholarship awarded to an eligible student must
1280 remain in force until:

1281 1. The organization determines that the student is not
1282 eligible for program renewal;

1283 2. The Commissioner of Education suspends or revokes
1284 program participation or use of funds;

1285 3. The student's parent has forfeited participation in the
1286 program for failure to comply with subsection (7);

1287 4. The student enrolls in a public school. However, if a
1288 student enters a Department of Juvenile Justice detention center
1289 for a period of no more than 21 days, the student is not
1290 considered to have returned to a public school on a full-time
1291 basis for that purpose; or

1292 5. The student graduates from high school or attains 21
1293 years of age, whichever occurs first.

1294 (g) Reimbursements for program expenditures may continue
1295 until the account balance is expended or remaining funds have
1296 reverted to the state.

1297 (h) A student's scholarship account must be closed and any
1298 remaining funds must revert to the state after:

1299 1. Denial or revocation of program eligibility by the
1300 commissioner for fraud or abuse, including, but not limited to,
1301 the student or student's parent accepting any payment, refund,
1302 or rebate, in any manner, from a provider of any services
1303 received pursuant to paragraph (6) (d); or

1304 2. Two consecutive fiscal years in which an account has
1305 been inactive.

602-02378-23

2023202c1

1306 (16) OBLIGATIONS OF CHOICE NAVIGATOR.—Beginning January 1,
 1307 2024, a choice navigator must:

1308 (a) Review educational records and assessment results to
 1309 determine the academic needs of a student.

1310 (b) Identify educational options authorized under paragraph
 1311 (6) (d) to address the academic needs of a student.

1312 (c) Provide guidance to enable parents to choose the best
 1313 option or options for their student.

1314 (d) Report the scores of all participating students to a
 1315 state university as described in paragraph (9) (f).

1316 Section 4. Paragraphs (e) and (f) of subsection (2) of
 1317 section 1002.40, Florida Statutes, are amended to read:

1318 1002.40 The Hope Scholarship Program.—

1319 (2) DEFINITIONS.—As used in this section, the term:

1320 (e) “Eligible nonprofit scholarship-funding organization”
 1321 or “organization” has the same meaning as provided in s.
 1322 1002.395(2) ~~s. 1002.395(2) (f)~~.

1323 (f) “Eligible private school” has the same meaning as
 1324 provided in s. 1002.395(2) ~~s. 1002.395(2) (g)~~.

1325 Section 5. Paragraph (c) of subsection (3) of section
 1326 1002.421, Florida Statutes, is amended to read:

1327 1002.421 State school choice scholarship program
 1328 accountability and oversight.—

1329 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—
 1330 The Commissioner of Education:

1331 (c) May permanently deny or revoke the authority of an
 1332 owner, officer, or director ~~or operator~~ to establish or operate
 1333 a private school in the state and include such individual on the
 1334 disqualification list maintained by the department pursuant to

602-02378-23

2023202c1

1335 s. 1001.10(4)(b) if the commissioner decides that the owner,
1336 officer, or director ~~or operator~~:

1337 1. Is operating or has operated an educational institution
1338 in the state or another state or jurisdiction in a manner
1339 contrary to the health, safety, or welfare of the public; or

1340 2. Has operated an educational institution that closed
1341 during the school year. An individual may be removed from the
1342 disqualification list if the individual reimburses the
1343 department or eligible nonprofit scholarship-funding
1344 organization the amount of scholarship funds received by the
1345 educational institution during the school year in which it
1346 closed, and shall include such individuals on the
1347 disqualification list maintained by the department pursuant to
1348 s. 1001.10(4)(b).

1349 Section 6. Section 1002.44, Florida Statutes, is created to
1350 read:

1351 1002.44 Part-time public school enrollment.-

1352 (1) Any public school in this state, including a charter
1353 school, may enroll a student on a part-time basis who meets the
1354 regular school attendance criteria in s. 1003.01(13)(b)-(e),
1355 subject to space and availability according to the school's
1356 capacity determined pursuant to s. 1002.31(2)(b).

1357 (2) A student attending a public school on a part-time
1358 basis pursuant to this section shall generate full-time
1359 equivalent student membership as described in s. 1011.61(1)(b).

1360 (3) A student attending a public school on a part-time
1361 basis pursuant to this section is not considered to be in
1362 regular attendance at a public school as defined in s.
1363 1003.01(13)(a).

602-02378-23

2023202c1

1364 Section 7. Subsection (4) of section 1003.4282, Florida
1365 Statutes, is amended to read:

1366 1003.4282 Requirements for a standard high school diploma.-

1367 ~~(4) ONLINE COURSE REQUIREMENT. At least one course within~~
1368 ~~the 24 credits required under this section must be completed~~
1369 ~~through online learning.~~

1370 ~~(a) An online course taken in grade 6, grade 7, or grade 8~~
1371 ~~fulfills the requirements of this subsection. The requirement is~~
1372 ~~met through an online course offered by the Florida Virtual~~
1373 ~~School, a virtual education provider approved by the State Board~~
1374 ~~of Education, a high school, or an online dual enrollment~~
1375 ~~course. A student who is enrolled in a full-time or part-time~~
1376 ~~virtual instruction program under s. 1002.45 meets the~~
1377 ~~requirement.~~

1378 ~~(b) A district school board or a charter school governing~~
1379 ~~board, as applicable, may allow a student to satisfy the online~~
1380 ~~course requirements of this subsection by completing a blended~~
1381 ~~learning course or a course in which the student earns a~~
1382 ~~nationally recognized industry certification in information~~
1383 ~~technology that is identified on the CAPE Industry Certification~~
1384 ~~Funding List pursuant to s. 1008.44 or passing the information~~
1385 ~~technology certification examination without enrolling in or~~
1386 ~~completing the corresponding course or courses, as applicable.~~

1387
1388 ~~For purposes of this subsection, a school district may not~~
1389 ~~require a student to take the online or blended learning course~~
1390 ~~outside the school day or in addition to a student's courses for~~
1391 ~~a given semester. This subsection does not apply to a student~~
1392 ~~who has an individual education plan under s. 1003.57 which~~

602-02378-23

2023202c1

1393 ~~indicates that an online or blended learning course would be~~
1394 ~~inappropriate or to an out-of-state transfer student who is~~
1395 ~~enrolled in a Florida high school and has 1 academic year or~~
1396 ~~less remaining in high school.~~

1397 Section 8. No later than November 1, 2023, the State Board
1398 of Education shall develop and recommend to the Governor and
1399 Legislature for adoption during the 2024 legislative session
1400 repeals and revisions to the Florida Early Learning-20 Education
1401 Code, chapters 1000-1013, Florida Statutes, to reduce regulation
1402 on public schools. The state board shall consider input from
1403 teachers, superintendents, administrators, school boards, public
1404 and private postsecondary institutions, home educators, and
1405 other entities identified by the state board.

1406 Section 9. Subsections (1) and (2) and paragraph (a) of
1407 subsection (3) of section 1006.21, Florida Statutes, are amended
1408 to read:

1409 1006.21 Duties of district school superintendent and
1410 district school board regarding transportation.—

1411 (1) The district school superintendent shall ascertain
1412 which students should be transported to school or to school
1413 activities, determine the most effective arrangement of
1414 transportation routes to accommodate these students; recommend
1415 such routing to the district school board; recommend plans and
1416 procedures for providing facilities for the economical and safe
1417 transportation of students; recommend such rules as may be
1418 necessary and see that all rules relating to the transportation
1419 of students approved by the district school board, ~~as well as~~
1420 ~~rules of the State Board of Education,~~ are properly carried into
1421 effect, as prescribed in this chapter.

602-02378-23

2023202c1

1422 (2) After considering recommendations of the district
1423 school superintendent, the district school board shall make
1424 provision for the transportation of students to the public
1425 schools or school activities they are required or expected to
1426 attend; authorize transportation routes arranged efficiently and
1427 economically; provide the necessary transportation facilities,
1428 ~~and, when authorized under rules of the State Board of Education~~
1429 ~~and if more economical to do so,~~ provide limited subsistence in
1430 lieu thereof; and adopt the necessary rules to ensure safety,
1431 economy, and efficiency in the operation of all buses and other
1432 vehicles used to transport students, as prescribed in this
1433 chapter.

1434 (3) District school boards, after considering
1435 recommendations of the district school superintendent:

1436 (a) Shall provide transportation for each student in
1437 prekindergarten disability programs and in kindergarten through
1438 grade 12 membership in a public school when, and only when,
1439 transportation is necessary to provide adequate educational
1440 facilities and opportunities which otherwise would not be
1441 ~~available and to transport students whose homes are more than a~~
1442 ~~reasonable walking distance, as defined by rules of the State~~
1443 ~~Board of Education, from the nearest appropriate school.~~

1444 Section 10. Section 1006.22, Florida Statutes, is amended
1445 to read:

1446 1006.22 Safety and health of students being transported.—
1447 Maximum regard for safety and adequate protection of health are
1448 primary requirements that must be observed by district school
1449 boards in routing buses, appointing drivers, and providing and
1450 operating equipment, ~~in accordance with all requirements of law~~

602-02378-23

2023202c1

1451 ~~and rules of the State Board of Education in providing~~
1452 ~~transportation pursuant to s. 1006.21:~~

1453 ~~(1) (a) District school boards shall use school buses, as~~
1454 ~~defined in s. 1006.25, for all regular transportation. Regular~~
1455 ~~transportation or regular use means transportation of students~~
1456 ~~to and from school or school-related activities that are part of~~
1457 ~~a scheduled series or sequence of events to the same location.~~
1458 ~~"Students" means, for the purposes of this section, students~~
1459 ~~enrolled in the public schools in prekindergarten disability~~
1460 ~~programs and in kindergarten through grade 12. District school~~
1461 ~~boards may regularly use motor vehicles other than school buses~~
1462 ~~only under the following conditions:~~

1463 ~~1. When the transportation is for physically handicapped or~~
1464 ~~isolated students and the district school board has elected to~~
1465 ~~provide for the transportation of the student through written or~~
1466 ~~oral contracts or agreements.~~

1467 ~~2. When the transportation is a part of a comprehensive~~
1468 ~~contract for a specialized educational program between a~~
1469 ~~district school board and a service provider who provides~~
1470 ~~instruction, transportation, and other services.~~

1471 ~~3. When the transportation is provided through a public~~
1472 ~~transit system.~~

1473 ~~4. When the transportation is for trips to and from school~~
1474 ~~sites or agricultural education sites or for trips to and from~~
1475 ~~agricultural education-related events or competitions, but is~~
1476 ~~not for customary transportation between a student's residence~~
1477 ~~and such sites.~~

1478 ~~5. When the transportation is for trips to and from school~~
1479 ~~sites but is not for customary transportation between a~~

602-02378-23

2023202c1

1480 ~~student's residence and such sites.~~

1481 ~~(b) When the transportation of students is provided, as~~
1482 ~~authorized in this subsection, in a vehicle other than a school~~
1483 ~~bus that is owned, operated, rented, contracted, or leased by a~~
1484 ~~school district or charter school, the following provisions~~
1485 ~~shall apply:~~

1486 ~~1. The vehicle must be designed to transport fewer than 10~~
1487 ~~students or be a multifunction school activity bus, as defined~~
1488 ~~in 49 C.F.R. s. 571.3, if it is designed to transport more than~~
1489 ~~10 persons. Students must be transported in designated seating~~
1490 ~~positions and must use the occupant crash protection system~~
1491 ~~provided by the manufacturer unless the student's physical~~
1492 ~~condition prohibits such use.~~

1493 ~~2. An authorized vehicle may not be driven by a student on~~
1494 ~~a public right-of-way. An authorized vehicle may be driven by a~~
1495 ~~student on school or private property as part of the student's~~
1496 ~~educational curriculum if no other student is in the vehicle.~~

1497 ~~3. The driver of an authorized vehicle transporting~~
1498 ~~students must maintain a valid driver license and must comply~~
1499 ~~with the requirements of the school district's locally adopted~~
1500 ~~safe driver plan, which includes review of driving records for~~
1501 ~~disqualifying violations.~~

1502 ~~4. The district school board or charter school must adopt a~~
1503 ~~policy that addresses procedures and liability for trips under~~
1504 ~~this paragraph, including a provision that school buses are to~~
1505 ~~be used whenever practical and specifying consequences for~~
1506 ~~violation of the policy.~~

1507 ~~(2) Except as provided in subsection (1),~~ District school
1508 boards may authorize the transportation of students in privately

602-02378-23

2023202c1

1509 owned motor vehicles on a case-by-case basis ~~only in the~~
1510 ~~following circumstances:~~

1511 ~~(a) When a student is ill or injured and must be taken home~~
1512 ~~or to a medical treatment facility under nonemergency~~
1513 ~~circumstances; and~~

1514 ~~1. The school has been unable to contact the student's~~
1515 ~~parent or the parent or responsible adult designated by the~~
1516 ~~parent is not available to provide the transportation;~~

1517 ~~2. Proper adult supervision of the student is available at~~
1518 ~~the location to which the student is being transported;~~

1519 ~~3. The transportation is approved by the school principal,~~
1520 ~~or a school administrator designated by the principal to grant~~
1521 ~~or deny such approval, or in the absence of the principal and~~
1522 ~~designee, by the highest ranking school administrator or teacher~~
1523 ~~available under the circumstances; and~~

1524 ~~4. If the school has been unable to contact the parent~~
1525 ~~prior to the transportation, the school shall continue to seek~~
1526 ~~to contact the parent until the school is able to notify the~~
1527 ~~parent of the transportation and the pertinent circumstances.~~

1528 ~~(b) When the transportation is in connection with a school~~
1529 ~~function or event regarding which the district school board or~~
1530 ~~school has undertaken to participate or to sponsor or provide~~
1531 ~~the participation of students; and~~

1532 ~~1. The function or event is a single event that is not part~~
1533 ~~of a scheduled series or sequence of events to the same~~
1534 ~~location, such as, but not limited to, a field trip, a~~
1535 ~~recreational outing, an interscholastic competition or~~
1536 ~~cooperative event, an event connected with an extracurricular~~
1537 ~~activity offered by the school, or an event connected to an~~

602-02378-23

2023202c1

1538 ~~educational program, such as, but not limited to, a job~~
1539 ~~interview as part of a cooperative education program;~~

1540 ~~2. Transportation is not available, as a practical matter,~~
1541 ~~using a school bus or school district passenger car; and~~

1542 ~~3. Each student's parent is notified, in writing, regarding~~
1543 ~~the transportation arrangement and gives written consent before~~
1544 ~~a student is transported in a privately owned motor vehicle.~~

1545 ~~(c) When a district school board requires employees such as~~
1546 ~~school social workers and attendance officers to use their own~~
1547 ~~motor vehicles to perform duties of employment, and such duties~~
1548 ~~include the occasional transportation of students.~~

1549 (2)~~(3)~~ When approval is granted for the transportation of
1550 students in a privately owned vehicle, the provisions of s.
1551 1006.24 regarding liability for tort claims are applicable.
1552 District school board employees who provide approved
1553 transportation in privately owned vehicles are acting within the
1554 scope of their employment. Parents or other responsible adults
1555 who provide approved transportation in privately owned vehicles
1556 have the same exposure to, and protections from, risks of
1557 personal liability as do district school board employees acting
1558 within the scope of their employment.

1559 (3)~~(4)~~ Each district school board may establish policies
1560 that restrict the use of privately owned motor vehicles to
1561 circumstances that are more limited than are described in this
1562 section or that prohibit such use. Each district school board
1563 may establish written policies that provide for more extensive
1564 requirements for approval, parental notification and consent
1565 procedures, insurance coverage, driver qualifications, or a
1566 combination of these.

602-02378-23

2023202c1

1567 (4)~~(5)~~ When transportation is authorized in privately owned
1568 vehicles, students may be transported only in designated seating
1569 positions and must use the occupant crash protection system
1570 provided by the vehicle manufacturer.

1571 (5)~~(6)~~ District school boards may contract with a common
1572 carrier to transport students to and from in-season and
1573 postseason athletic contests and to and from a school function
1574 or event in which the district school board or a school has
1575 undertaken to participate or to provide for or sponsor the
1576 participation of students.

1577 (6)~~(7)~~ Transportation for adult students may be provided by
1578 any appropriate means as authorized by the district school board
1579 when the transportation is accepted as a responsibility by the
1580 district school board as provided in s. 1006.21.

1581 (7)~~(8)~~ Notwithstanding any other provision of this section,
1582 in an emergency situation that constitutes an imminent threat to
1583 student health or safety, school personnel may take whatever
1584 action is necessary under the circumstances to protect student
1585 health and safety.

1586 (8)~~(9)~~ Except as provided in s. 1006.261, transportation is
1587 not the responsibility of the district school board in
1588 connection with any event or activity that is not an event or
1589 activity offered by the district school board or an event or an
1590 activity in which the district school board or school has agreed
1591 to participate, cosponsor, or require the participation of
1592 students, and the district school board has no liability for
1593 transportation arranged and provided by parents or other parties
1594 to such events or activities.

1595 (9)~~(10)~~ Each district school board shall designate and

602-02378-23

2023202c1

1596 adopt a specific plan for adequate examination, maintenance, and
1597 repair of transportation equipment. ~~Examination of the~~
1598 ~~mechanical and safety condition of each school bus must be made~~
1599 ~~as required pursuant to rule of the State Board of Education.~~
1600 ~~The State Board of Education shall base the rule on student~~
1601 ~~safety considerations.~~

1602 (10) ~~(11)~~ The district school superintendent shall notify
1603 the district school board of any school bus or other vehicle
1604 used to transport students that does not meet all requirements
1605 of law ~~and rules of the State Board of Education~~, and the
1606 district school board must ~~shall~~, if the school bus or vehicle
1607 is in an unsafe condition, withdraw it from use until it ~~as a~~
1608 ~~school bus until the bus meets the requirements. The department~~
1609 ~~may inspect or have inspected any school bus to determine~~
1610 ~~whether the bus meets requirements of law and rules of the State~~
1611 ~~Board of Education. The department may, after due notice to a~~
1612 ~~district school board that any school bus does not meet certain~~
1613 ~~requirements of law and rules of the State Board of Education,~~
1614 ~~rule that the bus must be withdrawn from use as a school bus,~~
1615 ~~this ruling to be effective immediately or upon a date specified~~
1616 ~~in the ruling, whereupon the district school board shall~~
1617 ~~withdraw the school bus from use as a school bus until it meets~~
1618 ~~requirements of law and rules of the State Board of Education~~
1619 ~~and until the department has officially revoked the pertinent~~
1620 ~~ruling. Notwithstanding any other provisions of this chapter,~~
1621 general purpose urban transit systems are declared qualified to
1622 transport students to and from school.

1623 (11) (a) ~~(12) (a)~~ The routing and scheduling of school buses
1624 and other vehicles used to transport students must be planned to

602-02378-23

2023202c1

1625 eliminate the necessity for students to stand while a school bus
1626 is in motion. When circumstances of an emergency nature, as
1627 defined by written district school board policy, temporarily
1628 require transporting students in vehicles ~~on school buses~~ in
1629 excess of the rated seating capacity, the vehicles ~~buses~~ must
1630 proceed at a reduced rate of speed to maximize safety of the
1631 students, taking into account existing traffic conditions. ~~Each~~
1632 ~~district school board is responsible for prompt relief of the~~
1633 ~~emergency condition by providing additional equipment, bus~~
1634 ~~rerouting, bus rescheduling, or other appropriate remedial~~
1635 ~~action, and must maintain written district school board policies~~
1636 ~~to address such situations.~~

1637 (b) ~~Each district school board, after considering~~
1638 ~~recommendations from the district school superintendent, shall~~
1639 ~~designate, by map or otherwise, or shall provide by district~~
1640 ~~school board rule for the designation of, nontransportation~~
1641 ~~zones that are composed of all areas in the school district from~~
1642 ~~which it is unnecessary or impracticable to furnish~~
1643 ~~transportation. Nontransportation zones must be designated~~
1644 ~~annually before the opening of school and the designation of bus~~
1645 ~~routes for the succeeding school year. Each district school~~
1646 ~~board, after considering recommendations from the district~~
1647 ~~school superintendent, shall specifically designate, or shall~~
1648 ~~provide by district school board rule for the designation of,~~
1649 ~~specific routes to be traveled regularly by school buses, and~~
1650 ~~each route must meet the requirements prescribed by rules of the~~
1651 ~~State Board of Education.~~

1652 (c) ~~Each district school board shall establish school bus~~
1653 ~~stops, or provide by district school board rule for the~~

602-02378-23

2023202c1

1654 establishment of school bus stops, as necessary at the most
1655 reasonably safe locations available. Where unusual traffic
1656 hazards exist at school bus stops on roads maintained by the
1657 state outside of municipalities, the Department of
1658 Transportation, in concurrence and cooperation with and upon
1659 request of the district school board, shall place signs at such
1660 bus stops warning motorists of the location of the stops.

1661 (12)~~(13)~~ The State Board of Education may adopt rules to
1662 implement this section as are necessary or desirable in the
1663 interest of student health and safety.

1664 Section 11. Subsections (2), (3), and (4) of section
1665 1006.25, Florida Statutes, are amended to read:

1666 1006.25 School buses.—School buses shall be defined and
1667 meet specifications as follows:

1668 (2) SPECIFICATIONS.—Each school bus as defined in 49 C.F.R.
1669 part 571 and subsection (1) that is rented, leased, purchased,
1670 or contracted for must meet the applicable federal motor vehicle
1671 safety standards ~~and other specifications as prescribed by rules~~
1672 ~~of the State Board of Education.~~

1673 (3) STANDARDS FOR LEASED VEHICLES. ~~A motor vehicle owned~~
1674 ~~and operated by a county or municipal transit authority that is~~
1675 ~~leased by the district school board for transportation of public~~
1676 ~~school students must meet such standards as the State Board of~~
1677 ~~Education establishes by rule.~~ A school bus authorized by a
1678 district school board to carry passengers other than school
1679 students must have the words "School Bus" and any other signs
1680 and insignia that mark or designate it as a school bus covered,
1681 removed, or otherwise concealed while such passengers are being
1682 transported.

602-02378-23

2023202c1

1683 (4) OCCUPANT PROTECTION SYSTEMS.—Students may be
1684 transported only in designated seating positions, except as
1685 provided in s. 1006.22(11) ~~s. 1006.22(12)~~, and must use the
1686 occupant crash protection system provided by the manufacturer,
1687 which system must comply with the requirements of 49 C.F.R. part
1688 571 ~~or with specifications of the State Board of Education.~~

1689 Section 12. Paragraph (a) of subsection (1) of section
1690 1006.261, Florida Statutes, is amended to read:

1691 1006.261 Use of school buses for public purposes.—

1692 (1) (a) Each district school board may enter into agreements
1693 with the governing body of a county or municipality in the
1694 school district or any state agency or agencies established or
1695 identified to assist in the provision of public transportation
1696 and other public purposes, ~~including, but not limited to,~~
1697 ~~providing for the needs of the transportation disadvantaged, as~~
1698 ~~defined in s. 427.011, including, but not limited to, the~~
1699 ~~elderly, pursuant to Pub. L. No. 89-73, as amended, for the use~~
1700 ~~of the school buses of the school district by departments,~~
1701 ~~boards, commissions, or officers of such county or municipality~~
1702 ~~or of the state for county, municipal, or state purposes,~~
1703 ~~including, but not limited to, transportation of the~~
1704 ~~transportation disadvantaged or other public purposes.~~ Each such
1705 agreement shall provide for reimbursement of the district school
1706 board, in full or in part, for the proportionate share of fixed
1707 and operating costs incurred by the district school board
1708 attributable to the use of the buses pursuant to the agreement
1709 or attributable to the maintenance or other activities conducted
1710 by the district school board.

1711 Section 13. Subsection (1) of section 1006.27, Florida

602-02378-23

2023202c1

1712 Statutes, is amended to read:

1713 1006.27 Pooling of school buses and related purchases by
1714 district school boards; transportation services contracts.—

1715 (1) The department shall assist district school boards in
1716 securing school buses and other vehicles used for transporting
1717 students, contractual needs, equipment, and supplies at as
1718 reasonable prices as possible by providing a plan under which
1719 district school boards may voluntarily pool their bids for such
1720 purchases. The department shall prepare bid forms and
1721 specifications, obtain quotations of prices and make such
1722 information available to district school boards in order to
1723 facilitate this service. District school boards from time to
1724 time, as prescribed by State Board of Education rule, shall
1725 furnish the department with information concerning the prices
1726 paid for such items and the department shall furnish to district
1727 school boards periodic information concerning the lowest prices
1728 at which school buses and other vehicles used for transporting
1729 students, equipment, and related supplies are available based
1730 upon comparable specifications.

1731 Section 14. Paragraph (f) is added to subsection (14) of
1732 section 1011.62, Florida Statutes, to read:

1733 1011.62 Funds for operation of schools.—If the annual
1734 allocation from the Florida Education Finance Program to each
1735 district for operation of schools is not determined in the
1736 annual appropriations act or the substantive bill implementing
1737 the annual appropriations act, it shall be determined as
1738 follows:

1739 (14) TEACHER SALARY INCREASE ALLOCATION.—The Legislature
1740 may annually provide in the Florida Education Finance Program a

602-02378-23

2023202c1

1741 teacher salary increase allocation to assist school districts in
1742 their recruitment and retention of classroom teachers and other
1743 instructional personnel. The amount of the allocation shall be
1744 specified in the General Appropriations Act.

1745 (f) Beginning July 1, 2023, any additional funding
1746 appropriated for the Teacher Salary Increase Allocation above
1747 the amount provided in fiscal year 2022-2023 may be used to
1748 provide salary increases for the following personnel, in a
1749 manner that best meets the needs of the school district or
1750 charter school:

1751 1. Full-time classroom teachers, as defined in s.
1752 1012.01(2)(a), plus certified prekindergarten teachers funded in
1753 the Florida Education Finance Program. This subparagraph does
1754 not apply to substitute teachers.

1755 2. Other full-time instructional personnel as defined in s.
1756 1012.01(2)(b)-(d).

1757 Section 15. Paragraph (c) of subsection (1) of section
1758 1012.22, Florida Statutes, is amended to read:

1759 1012.22 Public school personnel; powers and duties of the
1760 district school board.—The district school board shall:

1761 (1) Designate positions to be filled, prescribe
1762 qualifications for those positions, and provide for the
1763 appointment, compensation, promotion, suspension, and dismissal
1764 of employees as follows, subject to the requirements of this
1765 chapter:

1766 (c) *Compensation and salary schedules.*—

1767 1. Definitions.—As used in this paragraph:

1768 a. "Adjustment" means an addition to the base salary
1769 schedule that is not a bonus and becomes part of the employee's

602-02378-23

2023202c1

1770 permanent base salary and shall be considered compensation under
1771 s. 121.021(22).

1772 b. "Grandfathered salary schedule" means the salary
1773 schedule or schedules adopted by a district school board before
1774 July 1, 2014, pursuant to subparagraph 4.

1775 c. "Instructional personnel" means instructional personnel
1776 as defined in s. 1012.01(2)(a)-(d), excluding substitute
1777 teachers.

1778 d. "Performance salary schedule" means the salary schedule
1779 or schedules adopted by a district school board pursuant to
1780 subparagraph 5.

1781 e. "Salary schedule" means the schedule or schedules used
1782 to provide the base salary for district school board personnel.

1783 f. "School administrator" means a school administrator as
1784 defined in s. 1012.01(3)(c).

1785 g. "Supplement" means an annual addition to the base salary
1786 for the term of the negotiated supplement as long as the
1787 employee continues his or her employment for the purpose of the
1788 supplement. A supplement does not become part of the employee's
1789 continuing base salary but shall be considered compensation
1790 under s. 121.021(22).

1791 2. Cost-of-living adjustment.—A district school board may
1792 provide a cost-of-living salary adjustment if the adjustment:

1793 a. Does not discriminate among comparable classes of
1794 employees based upon the salary schedule under which they are
1795 compensated.

1796 b. Does not exceed 50 percent of the annual adjustment
1797 provided to instructional personnel rated as effective.

1798 3. Advanced degrees.—A district school board may ~~not~~ use

602-02378-23

2023202c1

1799 advanced degrees in setting a salary schedule for instructional
1800 personnel or school administrators ~~hired on or after July 1,~~
1801 ~~2011, unless the advanced degree is held in the individual's~~
1802 ~~area of certification and is only a salary supplement.~~

1803 4. Grandfathered salary schedule.—

1804 a. The district school board shall adopt a salary schedule
1805 or salary schedules to be used as the basis for paying all
1806 school employees hired before July 1, 2014. Instructional
1807 personnel on annual contract as of July 1, 2014, shall be placed
1808 on the performance salary schedule adopted under subparagraph 5.
1809 Instructional personnel on continuing contract or professional
1810 service contract may opt into the performance salary schedule if
1811 the employee relinquishes such contract and agrees to be
1812 employed on an annual contract under s. 1012.335. Such an
1813 employee shall be placed on the performance salary schedule and
1814 may not return to continuing contract or professional service
1815 contract status. Any employee who opts into the performance
1816 salary schedule may not return to the grandfathered salary
1817 schedule.

1818 b. In determining the grandfathered salary schedule for
1819 instructional personnel, a district school board must base a
1820 portion of each employee's compensation upon performance
1821 demonstrated under s. 1012.34 and shall provide differentiated
1822 pay for both instructional personnel and school administrators
1823 based upon district-determined factors, including, but not
1824 limited to, additional responsibilities, school demographics,
1825 critical shortage areas, and level of job performance
1826 difficulties.

1827 5. Performance salary schedule.—By July 1, 2014, the

602-02378-23

2023202c1

1828 district school board shall adopt a performance salary schedule
1829 that provides annual salary adjustments for instructional
1830 personnel and school administrators based upon performance
1831 determined under s. 1012.34. Employees hired on or after July 1,
1832 2014, or employees who choose to move from the grandfathered
1833 salary schedule to the performance salary schedule shall be
1834 compensated pursuant to the performance salary schedule once
1835 they have received the appropriate performance evaluation for
1836 this purpose.

1837 a. Base salary.—The base salary shall be established as
1838 follows:

1839 (I) The base salary for instructional personnel or school
1840 administrators who opt into the performance salary schedule
1841 shall be the salary paid in the prior year, including
1842 adjustments only.

1843 (II) Instructional personnel or school administrators new
1844 to the district, returning to the district after a break in
1845 service without an authorized leave of absence, or appointed for
1846 the first time to a position in the district in the capacity of
1847 instructional personnel or school administrator shall be placed
1848 on the performance salary schedule. ~~Beginning July 1, 2021, and~~
1849 ~~until such time as the minimum base salary as defined in s.~~
1850 ~~1011.62(14) equals or exceeds \$47,500, the annual increase to~~
1851 ~~the minimum base salary shall not be less than 150 percent of~~
1852 ~~the largest adjustment made to the salary of an employee on the~~
1853 ~~grandfathered salary schedule. Thereafter, the annual increase~~
1854 ~~to the minimum base salary shall not be less than 75 percent of~~
1855 ~~the largest adjustment for an employee on the grandfathered~~
1856 ~~salary schedule.~~

602-02378-23

2023202c1

1857 b. Salary adjustments.—Salary adjustments for highly
1858 effective or effective performance shall be established as
1859 follows:

1860 (I) The annual salary adjustment under the performance
1861 salary schedule for an employee rated as highly effective must
1862 be at least 25 percent greater than the highest annual salary
1863 adjustment available to an employee of the same classification
1864 through any other salary schedule adopted by the district.

1865 (II) The annual salary adjustment under the performance
1866 salary schedule for an employee rated as effective must be equal
1867 to at least 50 percent and no more than 75 percent of the annual
1868 adjustment provided for a highly effective employee of the same
1869 classification.

1870 (III) A salary schedule may ~~shall~~ not provide an annual
1871 salary adjustment for an employee who receives a rating other
1872 than highly effective or effective for the year.

1873 c. Salary supplements.—In addition to the salary
1874 adjustments, each district school board shall provide for salary
1875 supplements for activities that must include, but are not
1876 limited to:

1877 (I) Assignment to a Title I eligible school.

1878 (II) Assignment to a school that earned a grade of "F" or
1879 three consecutive grades of "D" pursuant to s. 1008.34 such that
1880 the supplement remains in force for at least 1 year following
1881 improved performance in that school.

1882 (III) Certification and teaching in critical teacher
1883 shortage areas. Statewide critical teacher shortage areas shall
1884 be identified by the State Board of Education under s. 1012.07.
1885 However, the district school board may identify other areas of

602-02378-23

2023202c1

1886 critical shortage within the school district for purposes of
1887 this sub-sub-subparagraph and may remove areas identified by the
1888 state board which do not apply within the school district.

1889 (IV) Assignment of additional academic responsibilities.
1890

1891 If budget constraints in any given year limit a district school
1892 board's ability to fully fund all adopted salary schedules, the
1893 performance salary schedule may ~~shall~~ not be reduced on the
1894 basis of total cost or the value of individual awards in a
1895 manner that is proportionally greater than reductions to any
1896 other salary schedules adopted by the district. Any compensation
1897 for longevity of service awarded to instructional personnel who
1898 are on any other salary schedule must be included in calculating
1899 the salary adjustments required by sub-subparagraph b.

1900 Section 16. Paragraphs (e) and (f) of subsection (3),
1901 paragraph (d) of subsection (5), paragraphs (f), (g), and (h) of
1902 subsection (6), and paragraphs (b), (d), and (e) of subsection
1903 (7) of section 1012.56, Florida Statutes, are amended, and
1904 paragraph (g) is added to subsection (3) and paragraph (i) is
1905 added to subsection (6) of that section, to read:

1906 1012.56 Educator certification requirements.—

1907 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of
1908 demonstrating mastery of general knowledge are:

1909 (e) Documentation of 2 years of effective or highly
1910 effective teaching in a Florida public school while teaching
1911 under a temporary certification;

1912 (f) Achievement of passing scores, identified in state
1913 board rule, on national or international examinations that test
1914 comparable content and relevant standards in verbal, analytical

602-02378-23

2023202c1

1915 writing, and quantitative reasoning skills, including, but not
1916 limited to, the verbal, analytical writing, and quantitative
1917 reasoning portions of the Graduate Record Examination. Passing
1918 scores identified in state board rule must be at approximately
1919 the same level of rigor as is required to pass the general
1920 knowledge examinations; or

1921 (g)~~(f)~~ Documentation of receipt of a master's or higher
1922 degree from an accredited postsecondary educational institution
1923 that the Department of Education has identified as having a
1924 quality program resulting in a baccalaureate degree or higher.

1925
1926 A school district that employs an individual who does not
1927 achieve passing scores on any subtest of the general knowledge
1928 examination must provide information regarding the availability
1929 of state-level and district-level supports and instruction to
1930 assist him or her in achieving a passing score. Such information
1931 must include, but need not be limited to, state-level test
1932 information guides, school district test preparation resources,
1933 and preparation courses offered by state universities and
1934 Florida College System institutions.

1935 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
1936 demonstrating mastery of subject area knowledge are:

1937 (d) For a subject requiring a master's or higher degree,
1938 completion of the subject area specialization requirements
1939 specified in state board rule and achievement of a passing score
1940 on the Florida-developed subject area examination or a
1941 standardized examination that is directly related to the subject
1942 specified in state board rule;

1943

602-02378-23

2023202c1

1944 School districts are encouraged to provide mechanisms for middle
1945 grades teachers holding only a K-6 teaching certificate to
1946 obtain a subject area coverage for middle grades through
1947 postsecondary coursework or district add-on certification.

1948 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
1949 COMPETENCE.—Acceptable means of demonstrating mastery of
1950 professional preparation and education competence are:

1951 (f) Documentation of 2 years of effective or highly
1952 effective teaching in a Florida public school while teaching
1953 under a temporary certification;

1954 (g) Successful completion of professional preparation
1955 courses as specified in state board rule, successful completion
1956 of a professional preparation and education competence program
1957 pursuant to paragraph (8) (b), and achievement of a passing score
1958 on the professional education competency examination required by
1959 state board rule;

1960 (h) ~~(g)~~ Successful completion of a professional development
1961 certification and education competency program, outlined in
1962 paragraph (8) (a); or

1963 (i) ~~(h)~~ Successful completion of a competency-based
1964 certification program pursuant to s. 1004.85 and achievement of
1965 a passing score on the professional education competency
1966 examination required by rule of the State Board of Education.

1967
1968 The State Board of Education shall adopt rules to implement this
1969 subsection by December 31, 2014, including rules to approve
1970 specific teacher preparation programs that are not identified in
1971 this subsection which may be used to meet requirements for
1972 mastery of professional preparation and education competence.

602-02378-23

2023202c1

1973 (7) TYPES AND TERMS OF CERTIFICATION.—

1974 (b) The department shall issue a temporary certificate to
1975 any applicant who:

1976 1. Completes the requirements outlined in paragraphs
1977 (2) (a)-(f) and has a job offer from a Florida public school
1978 ~~completes the subject area content requirements specified in~~
1979 ~~state board rule or demonstrates mastery of subject area~~
1980 ~~knowledge pursuant to subsection (5) and holds an accredited~~
1981 ~~degree or a degree approved by the Department of Education at~~
1982 ~~the level required for the subject area specialization in state~~
1983 ~~board rule; or~~

1984 2. For a subject area specialization for which the state
1985 board otherwise requires a bachelor's degree, documents 48
1986 months of active-duty military service with an honorable
1987 discharge or a medical separation; completes the requirements
1988 outlined in paragraphs (2) (a), (b), and (d)-(f); ~~completes the~~
1989 ~~subject area content requirements specified in state board rule~~
1990 ~~or demonstrates mastery of subject area knowledge pursuant to~~
1991 ~~subsection (5);~~ and documents completion of 60 college credits
1992 with a minimum cumulative grade point average of 2.5 on a 4.0
1993 scale, as provided by one or more accredited institutions of
1994 higher learning or a nonaccredited institution of higher
1995 learning identified by the Department of Education as having a
1996 quality program resulting in a bachelor's degree or higher.

1997 (d) A person who is issued a temporary certificate under
1998 paragraph (b) ~~subparagraph (b)2.~~ must be assigned a teacher
1999 mentor for a minimum of 2 school years after commencing
2000 employment. Each teacher mentor selected by the school district,
2001 charter school, or charter management organization must:

602-02378-23

2023202c1

2002 1. Hold a valid professional certificate issued pursuant to
2003 this section;

2004 2. Have earned at least 3 years of teaching experience in
2005 prekindergarten through grade 12; and

2006 3. Have earned an effective or highly effective rating on
2007 the prior year's performance evaluation under s. 1012.34.

2008 (e)~~1~~. A temporary certificate issued under paragraph (b)
2009 ~~subparagraph (b)1~~. is valid for 5 ~~3~~ school fiscal years and is
2010 nonrenewable.

2011 ~~2. A temporary certificate issued under subparagraph (b)2.~~
2012 ~~is valid for 5 school fiscal years, is limited to a one-time~~
2013 ~~issuance, and is nonrenewable.~~

2014
2015 At least 1 year before an individual's temporary certificate is
2016 set to expire, the department shall electronically notify the
2017 individual of the date on which his or her certificate will
2018 expire and provide a list of each method by which the
2019 qualifications for a professional certificate can be completed.
2020 The State Board of Education shall adopt rules to allow the
2021 department to extend the validity period of a temporary
2022 certificate for 2 years when the requirements for the
2023 professional certificate were not completed due to the serious
2024 illness or injury of the applicant, the military service of an
2025 applicant's spouse, other extraordinary extenuating
2026 circumstances, or if the certificateholder is rated highly
2027 effective in the immediate prior year's performance evaluation
2028 pursuant to s. 1012.34 or has completed a 2-year mentorship
2029 program pursuant to subsection (8). The department shall extend
2030 the temporary certificate upon approval by the Commissioner of

602-02378-23

2023202c1

2031 Education. A written request for extension of the certificate
2032 shall be submitted by the district school superintendent, the
2033 governing authority of a university lab school, the governing
2034 authority of a state-supported school, or the governing
2035 authority of a private school.

2036 Section 17. Paragraph (e) is added to subsection (6) of
2037 section 1013.64, Florida Statutes, to read:

2038 1013.64 Funds for comprehensive educational plant needs;
2039 construction cost maximums for school district capital
2040 projects.—Allocations from the Public Education Capital Outlay
2041 and Debt Service Trust Fund to the various boards for capital
2042 outlay projects shall be determined as follows:

2043 (6)

2044 (e) Notwithstanding the requirements of this subsection, an
2045 unfinished construction project for new construction of
2046 educational plant space that was started on or before July 1,
2047 2026, is exempt from the total cost per student station
2048 requirements established in paragraph (b).

2049 Section 18. Present subsections (4), (5), and (6) of
2050 section 1002.321, Florida Statutes, are redesignated as
2051 subsections (3), (4), and (5), respectively, and present
2052 subsection (3) of that section is amended, to read:

2053 1002.321 Digital learning.—

2054 ~~(3) DIGITAL PREPARATION. As required under s. 1003.4282, A~~
2055 ~~student entering grade 9 in the 2011-2012 school year and~~
2056 ~~thereafter who seeks a high school diploma must take at least~~
2057 ~~one online course.~~

2058 Section 19. Paragraphs (a) and (b) of subsection (2) of
2059 section 1003.5716, Florida Statutes, are amended to read:

602-02378-23

2023202c1

2060 1003.5716 Transition to postsecondary education and career
2061 opportunities.—All students with disabilities who are 3 years of
2062 age to 21 years of age have the right to a free, appropriate
2063 public education. As used in this section, the term “IEP” means
2064 individual education plan.

2065 (2) Beginning not later than the first IEP to be in effect
2066 when the student enters high school, attains the age of 14, or
2067 when determined appropriate by the parent and the IEP team,
2068 whichever occurs first, the IEP must include the following
2069 statements that must be updated annually:

2070 (a) A statement of intent to pursue a standard high school
2071 diploma and a Scholar or Merit designation, pursuant to s.
2072 1003.4285, as determined by the parent.

2073 1. The statement must document discussion of the process
2074 for a student with a disability who meets the requirements for a
2075 standard high school diploma to defer the receipt of such
2076 diploma pursuant to s. 1003.4282(8)(c) ~~s. 1003.4282(9)(e)~~.

2077 2. For the IEP in effect at the beginning of the school
2078 year the student is expected to graduate, the statement must
2079 include a signed statement by the parent, the guardian, or the
2080 student, if the student has reached the age of majority and
2081 rights have transferred to the student, that he or she
2082 understands the process for deferment and identifying if the
2083 student will defer the receipt of his or her standard high
2084 school diploma.

2085 (b) A statement of intent to receive a standard high school
2086 diploma before the student attains the age of 22 and a
2087 description of how the student will fully meet the requirements
2088 in s. 1003.4282, including, but not limited to, a portfolio

602-02378-23

2023202c1

2089 pursuant to s. 1003.4282(8)(b) ~~s. 1003.4282(9)(b)~~ which meets
2090 the criteria specified in State Board of Education rule. The IEP
2091 must also specify the outcomes and additional benefits expected
2092 by the parent and the IEP team at the time of the student's
2093 graduation.

2094 Section 20. Paragraph (c) of subsection (22) of section
2095 1002.20, Florida Statutes, is amended to read:

2096 1002.20 K-12 student and parent rights.—Parents of public
2097 school students must receive accurate and timely information
2098 regarding their child's academic progress and must be informed
2099 of ways they can help their child to succeed in school. K-12
2100 students and their parents are afforded numerous statutory
2101 rights including, but not limited to, the following:

2102 (22) TRANSPORTATION.—

2103 (c) *Parental consent*.—Each parent of a public school
2104 student must be notified in writing that ~~and give written~~
2105 ~~consent before~~ the student may be transported in a privately
2106 owned motor vehicle to a school function, ~~in accordance with the~~
2107 ~~provisions of s. 1006.22(2)(b)~~.

2108 Section 21. Subsection (14) of section 1003.01, Florida
2109 Statutes, is amended to read:

2110 1003.01 Definitions.—As used in this chapter, the term:

2111 (14) "Core-curricula courses" means:

2112 (a) Courses in language arts/reading, mathematics, social
2113 studies, and science in prekindergarten through grade 3,
2114 excluding extracurricular courses pursuant to subsection (15);

2115 (b) Courses in grades 4 through 8 in subjects that are
2116 measured by state assessment at any grade level and courses
2117 required for middle school promotion, excluding extracurricular

602-02378-23

2023202c1

2118 courses pursuant to subsection (15);

2119 (c) Courses in grades 9 through 12 in subjects that are
2120 measured by state assessment at any grade level and courses that
2121 are specifically identified by name in statute as required for
2122 high school graduation and that are not measured by state
2123 assessment, excluding extracurricular courses pursuant to
2124 subsection (15);

2125 (d) Exceptional student education courses; and

2126 (e) English for Speakers of Other Languages courses.

2127

2128 The term is limited in meaning and used for the sole purpose of
2129 designating classes that are subject to the maximum class size
2130 requirements established in s. 1, Art. IX of the State
2131 Constitution. This term does not include courses offered under
2132 ss. 1002.321(3)(e) ~~1002.321(4)(e)~~, 1002.33(7)(a)2.b., 1002.37,
2133 1002.45, and 1003.499.

2134 Section 22. Subsection (2) of section 1003.499, Florida
2135 Statutes, is amended to read:

2136 1003.499 Florida Approved Courses and Tests (FACT)
2137 Initiative.—

2138 (2) FLORIDA APPROVED COURSES.—The Department of Education
2139 shall annually publish online a list of providers approved to
2140 offer Florida approved courses which shall be listed in the
2141 online catalog pursuant to s. 1002.321(5) ~~s. 1002.321(6)~~.

2142 (a) As used in this section, the term "Florida approved
2143 courses" means online courses provided by individuals which
2144 include, but are not limited to, massive open online courses or
2145 remedial education associated with the courses that are measured
2146 pursuant to s. 1008.22. Massive open online courses may be

602-02378-23

2023202c1

2147 authorized in the following subject areas: Algebra I, biology,
2148 geometry, and civics. Courses may be applied toward requirements
2149 for promotion or graduation in whole, in subparts, or in a
2150 combination of whole and subparts. A student may not be required
2151 to repeat subparts that are satisfactorily completed.

2152 (b) A Florida approved course must be annually identified,
2153 approved, published, and shared for consideration by interested
2154 students and school districts. The Commissioner of Education
2155 shall approve each Florida approved course for application in K-
2156 12 public schools in accordance with rules of the State Board of
2157 Education.

2158 Section 23. This act shall take effect July 1, 2023.