

By Senator Osgood

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

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

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

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

29 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private

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30 school participating in an educational scholarship program
31 established pursuant to this chapter must be a private school as
32 defined in s. 1002.01 in this state, be registered, and be in
33 compliance with all requirements of this section in addition to
34 private school requirements outlined in s. 1002.42, specific
35 requirements identified within respective scholarship program
36 laws, and other provisions of Florida law that apply to private
37 schools, and must:

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

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

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

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

51 (e) Annually complete and submit to the department a
52 notarized scholarship compliance statement certifying that all
53 school employees and contracted personnel with direct student
54 contact have undergone background screening pursuant to s.
55 435.12 and have met the screening standards as provided in s.
56 435.04.

57 (f) Demonstrate fiscal soundness and accountability by:
58 1. Being in operation for at least 3 school years or

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59 obtaining a surety bond or letter of credit for the amount equal
60 to the scholarship funds for any quarter and filing the surety
61 bond or letter of credit with the department.

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

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

72 1. Firesafety.

73 2. Building safety.

74 (h) Employ or contract with teachers who hold baccalaureate
75 or higher degrees, have at least 3 years of teaching experience
76 in public or private schools, or have special skills, knowledge,
77 or expertise that qualifies them to provide instruction in
78 subjects taught.

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

81 (j) Publish on the school's website, or provide in a
82 written format, information for parents regarding the school,
83 including, but not limited to, programs, services, the
84 qualifications of classroom teachers, and a statement that a
85 parentally placed private school student with a disability does
86 not have an individual right to receive some or all of the
87 special education and related services that the student would

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88 receive if enrolled in a public school under the Individuals
89 with Disabilities Education Act (IDEA), as amended.

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

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

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

107 1. An "employee or contracted personnel with direct student
108 contact" means any employee or contracted personnel who has
109 unsupervised access to a scholarship student for whom the
110 private school is responsible.

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

113 3. Continued employment of an employee or contracted
114 personnel after notification that he or she has failed the
115 background screening under this paragraph shall cause a private
116 school to be ineligible for participation in a scholarship

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117 program.

118 4. An employee or contracted personnel holding a valid
119 Florida teaching certificate who has been fingerprinted pursuant
120 to s. 1012.32 is not required to comply with the provisions of
121 this paragraph.

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

130 6. The Department of Law Enforcement shall search all
131 arrest fingerprints received under s. 943.051 against the
132 fingerprints retained in the statewide automated biometric
133 identification system under subparagraph 5. Any arrest record
134 that is identified with the retained fingerprints of a person
135 subject to the background screening under this section shall be
136 reported to the employing school with which the person is
137 affiliated. Each private school participating in a scholarship
138 program is required to participate in this search process by
139 informing the Department of Law Enforcement of any change in the
140 employment or contractual status of its personnel whose
141 fingerprints are retained under subparagraph 5. The Department
142 of Law Enforcement shall adopt a rule setting the amount of the
143 annual fee to be imposed upon each private school for performing
144 these searches and establishing the procedures for the retention
145 of private school employee and contracted personnel fingerprints

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146 and the dissemination of search results. The fee may be borne by
147 the private school or the person fingerprinted.

148 7. Employees and contracted personnel whose fingerprints
149 are not retained by the Department of Law Enforcement under
150 subparagraphs 5. and 6. are required to be refingerprinted and
151 must meet state and national background screening requirements
152 upon reemployment or reengagement to provide services in order
153 to comply with the requirements of this section.

154 8. Every 5 years following employment or engagement to
155 provide services with a private school, employees or contracted
156 personnel required to be screened under this section must meet
157 screening standards under s. 435.04, at which time the private
158 school shall request the Department of Law Enforcement to
159 forward the fingerprints to the Federal Bureau of Investigation
160 for national processing. If the fingerprints of employees or
161 contracted personnel are not retained by the Department of Law
162 Enforcement under subparagraph 5., employees and contracted
163 personnel must electronically file a complete set of
164 fingerprints with the Department of Law Enforcement. Upon
165 submission of fingerprints for this purpose, the private school
166 shall request that the Department of Law Enforcement forward the
167 fingerprints to the Federal Bureau of Investigation for national
168 processing, and the fingerprints shall be retained by the
169 Department of Law Enforcement under subparagraph 5.

170 (n) Adopt policies establishing standards of ethical
171 conduct for educational support employees, instructional
172 personnel, and school administrators. The policies must require
173 all educational support employees, instructional personnel, and
174 school administrators, as defined in s. 1012.01, to complete

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175 training on the standards; establish the duty of educational
176 support employees, instructional personnel, and school
177 administrators to report, and procedures for reporting, alleged
178 misconduct by other educational support employees, instructional
179 personnel, and school administrators which affects the health,
180 safety, or welfare of a student; and include an explanation of
181 the liability protections provided under ss. 39.203 and 768.095.
182 A private school, or any of its employees, may not enter into a
183 confidentiality agreement regarding terminated or dismissed
184 educational support employees, instructional personnel, or
185 school administrators, or employees, personnel, or
186 administrators who resign in lieu of termination, based in whole
187 or in part on misconduct that affects the health, safety, or
188 welfare of a student, and may not provide the employees,
189 personnel, or administrators with employment references or
190 discuss the employees', personnel's, or administrators'
191 performance with prospective employers in another educational
192 setting, without disclosing the employees', personnel's, or
193 administrators' misconduct. Any part of an agreement or contract
194 that has the purpose or effect of concealing misconduct by
195 educational support employees, instructional personnel, or
196 school administrators which affects the health, safety, or
197 welfare of a student is void, is contrary to public policy, and
198 may not be enforced.

199 (o) Before employing a person in any position that requires
200 direct contact with students, conduct employment history checks
201 of previous employers, screen the person through use of the
202 screening tools described in s. 1001.10(5), and document the
203 findings. If unable to contact a previous employer, the private

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204 school must document efforts to contact the employer. The
205 private school may not employ a person whose educator
206 certificate is revoked, who is barred from reapplying for an
207 educator certificate, or who is on the disqualification list
208 maintained by the department pursuant to s. 1001.10(4)(b).

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

226 1. Every 5 years following employment or engagement to
227 provide services, each owner or operator must meet level 2
228 screening standards as described in s. 435.04, at which time the
229 owner or operator shall request the Department of Law
230 Enforcement to forward the fingerprints to the Federal Bureau of
231 Investigation for level 2 screening. If the fingerprints of an
232 owner or operator are not retained by the Department of Law

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233 Enforcement under subparagraph 2., the owner or operator must
234 electronically file a complete set of fingerprints with the
235 Department of Law Enforcement. Upon submission of fingerprints
236 for this purpose, the owner or operator shall request that the
237 Department of Law Enforcement forward the fingerprints to the
238 Federal Bureau of Investigation for level 2 screening, and the
239 fingerprints shall be retained by the Department of Law
240 Enforcement under subparagraph 2.

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

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

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

260 5. In addition to the offenses listed in s. 435.04, a
261 person required to undergo background screening pursuant to this

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262 part or authorizing statutes may not have an arrest awaiting
263 final disposition for, must not have been found guilty of, or
264 entered a plea of nolo contendere to, regardless of
265 adjudication, and must not have been adjudicated delinquent for,
266 and the record must not have been sealed or expunged for, any of
267 the following offenses or any similar offense of another
268 jurisdiction:

- 269 a. Any authorizing statutes, if the offense was a felony.
270 b. This chapter, if the offense was a felony.
271 c. Section 409.920, relating to Medicaid provider fraud.
272 d. Section 409.9201, relating to Medicaid fraud.
273 e. Section 741.28, relating to domestic violence.
274 f. Section 817.034, relating to fraudulent acts through
275 mail, wire, radio, electromagnetic, photoelectronic, or
276 photooptical systems.
277 g. Section 817.234, relating to false and fraudulent
278 insurance claims.
279 h. Section 817.505, relating to patient brokering.
280 i. Section 817.568, relating to criminal use of personal
281 identification information.
282 j. Section 817.60, relating to obtaining a credit card
283 through fraudulent means.
284 k. Section 817.61, relating to fraudulent use of credit
285 cards, if the offense was a felony.
286 l. Section 831.01, relating to forgery.
287 m. Section 831.02, relating to uttering forged instruments.
288 n. Section 831.07, relating to forging bank bills, checks,
289 drafts, or promissory notes.
290 o. Section 831.09, relating to uttering forged bank bills,

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291 checks, drafts, or promissory notes.

292 p. Section 831.30, relating to fraud in obtaining medicinal
293 drugs.

294 q. Section 831.31, relating to the sale, manufacture,
295 delivery, or possession with the intent to sell, manufacture, or
296 deliver any counterfeit controlled substance, if the offense was
297 a felony.

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

301 7. The owner or operator of a private school that has been
302 deemed ineligible to participate in a scholarship program
303 pursuant to this chapter may not transfer ownership or
304 management authority of the school to a relative in order to
305 participate in a scholarship program as the same school or a new
306 school. For purposes of this subparagraph, the term "relative"
307 means father, mother, son, daughter, grandfather, grandmother,
308 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
309 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
310 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
311 stepdaughter, stepbrother, stepsister, half brother, or half
312 sister.

313 (q) Provide a report from an independent certified public
314 accountant who performs the agreed-upon procedures developed
315 pursuant to s. 1002.395(6)(q) if the private school receives
316 more than \$250,000 in funds from scholarships awarded under this
317 chapter in a state fiscal year. A private school subject to this
318 subsection must annually submit the report by September 15 to
319 the scholarship-funding organization that awarded the majority

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320 of the school's scholarship funds. The agreed-upon procedures
321 must be conducted in accordance with attestation standards
322 established by the American Institute of Certified Public
323 Accountants.

324 (r) Prohibit education support employees, instructional
325 personnel, and school administrators from employment in any
326 position that requires direct contact with students if the
327 personnel or administrators are ineligible for such employment
328 pursuant to this section or s. 1012.315, or have been terminated
329 or have resigned in lieu of termination for sexual misconduct
330 with a student. If the prohibited conduct occurs subsequent to
331 employment, the private school must report the person and the
332 disqualifying circumstances to the department for inclusion on
333 the disqualification list maintained pursuant to s.
334 1001.10(4)(b).

335 (s) Not be owned or operated by a person or an entity
336 domiciled in, owned by, or in any way controlled by a foreign
337 country of concern or foreign principal as defined in s.
338 288.860. A violation of this paragraph constitutes an imminent
339 threat to the health, safety, and welfare of the school's
340 students and to the public, sufficient to justify immediate
341 suspension of payment of scholarship funds under paragraph
342 (3)(e), as well as denial, suspension, or revocation of a
343 school's participation in a scholarship program under paragraph
344 (3)(b).

345 (t) Publish on the school's website, and provide to parents
346 in a written format, a clear and easy to understand disclosure
347 of any conditions of attendance or policies of the school that
348 require compliance with:

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349 1. Religious tenets.

350 2. A student code of conduct or dress code that specifies
351 personal grooming or hair style requirements.

352 3. Provisions related to sexual orientation or gender
353 identity.

354 (u) Beginning February 28, 2025, and annually on February
355 28 thereafter, disclose to the school district the number of
356 vacant seats the school intends to offer to eligible scholarship
357 students during the subsequent school year.

358 (v) Notify the department when a student is disenrolled by
359 the school. This paragraph does not apply to a student removed
360 at a parent's choosing.

361 (w) Return to the department or an eligible nonprofit
362 scholarship-funding organization, as applicable, a prorated
363 amount of funds, as determined by the department, for students
364 who disenroll from the private school midyear and enroll in a
365 public school, including a charter school.

366
367 The department shall suspend the payment of funds to a private
368 school that disenrolls, without the parents' consent, more than
369 25 percent of scholarship students within a single school year
370 or knowingly fails to comply with this subsection, and shall
371 prohibit the school from enrolling new scholarship students, for
372 1 fiscal year and until the school complies. If a private school
373 fails to meet the requirements of this subsection or has
374 consecutive years of material exceptions listed in the report
375 required under paragraph (q), the commissioner may determine
376 that the private school is ineligible to participate in a
377 scholarship program.

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378 Section 2. Section 1011.781, Florida Statutes, is created
379 to read:

380 1011.781 K-12 Education Funding Task Force.-

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

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

386 (b) Provide recommendations for increased transparency with
387 such schools.

388 (c) Provide recommendations for universal standards for the
389 use of public dollars in education.

390 (d) Provide recommendations for accountability measures for
391 nontraditional schools that fail to meet specified requirements.

392 (2) (a) The task force shall be composed of 16 members, to
393 be appointed as follows:

394 1. Six members appointed by the Commissioner of Education,
395 as follows:

396 a. One member who is a behavioral health professional who
397 specializes in childhood behavioral disabilities.

398 b. One member who is a health professional who specializes
399 in childhood developmental disabilities.

400 c. One member who is a school safety specialist.

401 d. One member who is a certified school counselor, child
402 psychologist, or social worker.

403 e. One member who is an English for Speakers of Other
404 Languages representative.

405 f. One member who has experience with the state's academic
406 standards and curriculum transparency requirements.

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407 2. The chief executive officer of the Florida Association
408 of District School Superintendents or his or her designee.

409 3. One member who is selected by the Florida Education
410 Association.

411 4. One member who is selected by the Minority Leader of the
412 House of Representatives.

413 5. One member who is selected by the Minority Leader of the
414 Senate.

415 6. Three members who are selected by the Speaker of the
416 House of Representatives.

417 7. Three members who are selected by the President of the
418 Senate.

419 (b) Members shall serve 4-year terms. However, for the
420 purpose of staggered terms of the initial appointments, seven
421 members shall be appointed for 2-year terms and nine members
422 shall be appointed for 4-year terms.

423 (c) The chair of the task force shall be selected by a
424 majority vote of members. A majority of the members of the task
425 force constitutes a quorum.

426 (d) The task force shall meet as necessary to accomplish
427 its responsibilities or at the call of the chair and at a time
428 and a place designated by the chair. The task force may conduct
429 its meetings through teleconference or other similar means.

430 Members of the task force are entitled to receive a
431 reimbursement for per diem and travel expenses pursuant to s.
432 112.061.

433 (3) The task force shall develop recommendations for
434 establishing universal standards for the use of public funds in
435 the public education system and in nontraditional schools and

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436 for improving public integrity of such funding.

437 (4) The task force shall identify and examine:

438 (a) All nontraditional schools that receive state funds.

439 (b) The number of students disenrolled by such schools
440 receiving state funds. Such examination does not include
441 students who are disenrolled at the request of their parent or
442 guardian.

443 (c) The number of students disenrolled from such schools at
444 the parents' request.

445 (d) The areas in which schools receiving state funds lack
446 transparency, including, but not limited to, such schools' high
447 school graduation rates; disclosure of any conditions of
448 attendance or policies that require compliance with religious
449 tenets; student codes of conduct or dress codes that specify
450 personal grooming or hair style requirements; and policies
451 related to sexual orientation or gender identity.

452 (e) The impacts of the lack of transparency in the areas
453 identified in paragraph (d).

454 (f) The disciplinary data for such schools, including the
455 number of students expelled or suspended and the reasons for
456 such expulsions or suspensions.

457 (g) The quality of the curricula and instructional
458 materials of such schools and parental access to such curricula
459 and instructional materials.

460 (h) The experience and credentials of educators at such
461 schools.

462 (i) Data of students enrolled at such schools, including
463 student achievement, learning gains, and acceleration success
464 data.

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465 (j) Any information or data provided by parents or
466 guardians of students enrolled at such schools.

467 (k) Possible accountability measures for nontraditional
468 schools that fail to meet accountability measures.

469 (5) The task force shall, beginning on October 1, 2025, and
470 annually on October 1 thereafter, provide a report to the
471 Governor, the President of the Senate, the Speaker of the House
472 of Representatives, and the Minority Leaders of the Senate and
473 the House of Representatives and make such report available to
474 the public. The report must include:

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

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

479 (c) Proposed accountability measures for nontraditional
480 schools that receive state funds, including, but not limited to,
481 bond or surety requirements, assigning property to the state,
482 and the imposition of liens.

483 Section 3. This act shall take effect July 1, 2024.