

By Senator Burgess

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1 A bill to be entitled
2 An act relating to virtual instruction; amending ss.
3 1002.394 and 1002.395, F.S.; authorizing students to
4 enroll in virtual programs through private schools
5 using Family Empowerment Scholarship and Florida Tax
6 Credit Scholarship awards, respectively; amending s.
7 1002.421, F.S.; conforming a provision to changes made
8 by the act; amending s. 1002.45, F.S.; authorizing
9 public schools to operate hybrid models of education
10 while maintaining student enrollment; amending s.
11 1003.01, F.S.; revising the definition of the term
12 "regular school attendance" to conform to changes made
13 by the act; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (4) of section 1002.394, Florida
18 Statutes, is amended to read:

19 1002.394 The Family Empowerment Scholarship Program.—

20 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

23 1. Tuition and fees at an eligible private school.

24 2. Instructional materials, including digital materials and
25 Internet resources.

26 3. Curriculum as defined in subsection (2).

27 4. Tuition and fees associated with full-time or part-time
28 enrollment in an eligible postsecondary educational institution
29 or a program offered by the postsecondary educational

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30 institution, unless the program is subject to s. 1009.25 or
31 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
32 program as defined in s. 446.021(5) which is not subject to s.
33 1009.25 and complies with all applicable requirements of the
34 department pursuant to chapter 1005; a private tutoring program
35 authorized under s. 1002.43; a virtual program offered by a
36 ~~department-approved~~ private online provider that meets the
37 private school eligibility requirements specified in s.
38 1002.421(1)(a)-(s), with the exception of s. 1002.421(1)(i) and
39 any other provisions of law that conflict with a virtual
40 education; a full-time virtual program offered by a private
41 online provider that meets the private school eligibility
42 requirements specified in s. 1002.395(8), with the exception of
43 s. 1002.421(1)(i) and any other provisions of law that conflict
44 with a full-time virtual education provider qualifications
45 ~~specified in s. 1002.45(2)(a);~~ the Florida Virtual School as a
46 private paying student; or an approved online course offered
47 pursuant to s. 1003.499 or s. 1004.0961.

48 5. Fees for nationally standardized, norm-referenced
49 achievement tests, Advanced Placement Examinations, industry
50 certification examinations, assessments related to postsecondary
51 education, or other assessments.

52 6. Contracted services provided by a public school or
53 school district, including classes. A student who receives
54 contracted services under this subparagraph is not considered
55 enrolled in a public school for eligibility purposes as
56 specified in subsection (6) but rather attending a public school
57 on a part-time basis as authorized under s. 1002.44.

58 7. Tuition and fees for part-time tutoring services or fees

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59 for services provided by a choice navigator. Such services must
60 be provided by a person who holds a valid Florida educator's
61 certificate pursuant to s. 1012.56, a person who holds an
62 adjunct teaching certificate pursuant to s. 1012.57, a person
63 who has a bachelor's degree or a graduate degree in the subject
64 area in which instruction is given, a person who has
65 demonstrated a mastery of subject area knowledge pursuant to s.
66 1012.56(5), or a person certified by a nationally or
67 internationally recognized research-based training program as
68 approved by the department. As used in this subparagraph, the
69 term "part-time tutoring services" does not qualify as regular
70 school attendance as defined in s. 1003.01(16)(e).

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

74 1. Instructional materials, including digital devices,
75 digital periphery devices, and assistive technology devices that
76 allow a student to access instruction or instructional content
77 and training on the use of and maintenance agreements for these
78 devices.

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

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

83 a. Applied behavior analysis services as provided in ss.
84 627.6686 and 641.31098.

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

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

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88 d. Services provided by physical therapists as defined in
89 s. 486.021(8).

90 e. Services provided by listening and spoken language
91 specialists and an appropriate acoustical environment for a
92 child who has a hearing impairment, including deafness, and who
93 has received an implant or assistive hearing device.

94 4. Tuition and fees associated with full-time or part-time
95 enrollment in a home education program; an eligible private
96 school; an eligible postsecondary educational institution or a
97 program offered by the postsecondary educational institution,
98 unless the program is subject to s. 1009.25 or reimbursed
99 pursuant to s. 1009.30; an approved preapprenticeship program as
100 defined in s. 446.021(5) which is not subject to s. 1009.25 and
101 complies with all applicable requirements of the department
102 pursuant to chapter 1005; a private tutoring program authorized
103 under s. 1002.43; a virtual program offered by a ~~department-~~
104 ~~approved~~ private online provider that meets the private school
105 eligibility requirements ~~provider qualifications~~ specified in s.
106 1002.421(1)(a)-(s), with the exception of s. 1002.421(1)(i) and
107 any other provisions of law that conflict with a virtual
108 education; a full-time virtual program offered by a private
109 online provider that meets the private school eligibility
110 requirements specified in s. 1002.395(8), with the exception of
111 s. 1002.421(1)(i) and any other provisions of law that conflict
112 with a full-time virtual education ~~s. 1002.45(2)(a)~~; the Florida
113 Virtual School as a private paying student; or an approved
114 online course offered pursuant to s. 1003.499 or s. 1004.0961.

115 5. Fees for nationally standardized, norm-referenced
116 achievement tests, Advanced Placement Examinations, industry

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117 certification examinations, assessments related to postsecondary
118 education, or other assessments.

119 6. Contributions to the Stanley G. Tate Florida Prepaid
120 College Program pursuant to s. 1009.98 or the Florida College
121 Savings Program pursuant to s. 1009.981 for the benefit of the
122 eligible student.

123 7. Contracted services provided by a public school or
124 school district, including classes. A student who receives
125 services under a contract under this paragraph is not considered
126 enrolled in a public school for eligibility purposes as
127 specified in subsection (6) but rather attending a public school
128 on a part-time basis as authorized under s. 1002.44.

129 8. Tuition and fees for part-time tutoring services or fees
130 for services provided by a choice navigator. Such services must
131 be provided by a person who holds a valid Florida educator's
132 certificate pursuant to s. 1012.56, a person who holds an
133 adjunct teaching certificate pursuant to s. 1012.57, a person
134 who has a bachelor's degree or a graduate degree in the subject
135 area in which instruction is given, a person who has
136 demonstrated a mastery of subject area knowledge pursuant to s.
137 1012.56(5), or a person certified by a nationally or
138 internationally recognized research-based training program as
139 approved by the department. As used in this subparagraph, the
140 term "part-time tutoring services" does not qualify as regular
141 school attendance as defined in s. 1003.01(16)(e).

142 9. Fees for specialized summer education programs.

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

144 11. Transition services provided by job coaches. Transition
145 services are a coordinated set of activities which are focused

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146 on improving the academic and functional achievement of a
147 student with a disability to facilitate the student's movement
148 from school to postschool activities and are based on the
149 student's needs.

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

153 13. Tuition and fees associated with programs offered by
154 Voluntary Prekindergarten Education Program providers approved
155 pursuant to s. 1002.55, school readiness providers approved
156 pursuant to s. 1002.88, and prekindergarten programs offered by
157 an eligible private school.

158 14. Fees for services provided at a center that is a member
159 of the Professional Association of Therapeutic Horsemanship
160 International.

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

164 Section 2. Paragraph (d) of subsection (6) of section
165 1002.395, Florida Statutes, is amended to read:

166 1002.395 Florida Tax Credit Scholarship Program.—

167 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
168 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
169 organization:

170 (d)1. For the 2023-2024 school year, may fund no more than
171 20,000 scholarships for students who are enrolled pursuant to
172 paragraph (7)(b). The number of scholarships funded for such
173 students may increase by 40,000 in each subsequent school year.
174 This subparagraph is repealed July 1, 2027.

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175 2. Shall establish a process for parents who are in
176 compliance with paragraph (7) (a) to renew their students'
177 scholarships. Renewal applications for the 2025-2026 school year
178 and thereafter must provide for a renewal timeline beginning
179 February 1 of the prior school year and ending April 30 of the
180 prior school year. A student's renewal is contingent upon an
181 eligible private school providing confirmation of admission
182 pursuant to subsection (8). The process must require that
183 parents confirm that the scholarship is being renewed or
184 declined by May 31.

185 3. Shall establish a process that allows a parent to apply
186 for a new scholarship. The process must be in a manner that
187 creates a written or electronic record of the application
188 request and the date of receipt of the application request. The
189 process must require that parents confirm that the scholarship
190 is being accepted or declined by a date set by the organization.

191 4. Must establish and maintain separate scholarship
192 accounts from eligible contributions for each eligible student.
193 For each account, the organization must maintain a record of
194 accrued interest retained in the student's account. The
195 organization must verify that scholarship funds are used for:

196 a. Tuition and fees for full-time or part-time enrollment
197 in an eligible private school.

198 b. Instructional materials, including digital materials and
199 Internet resources.

200 c. Curriculum as defined in s. 1002.394(2).

201 d. Tuition and fees associated with full-time or part-time
202 enrollment in a home education instructional program; an
203 eligible postsecondary educational institution or a program

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204 offered by the postsecondary educational institution, unless the
205 program is subject to s. 1009.25 or reimbursed pursuant to s.
206 1009.30; an approved preapprenticeship program as defined in s.
207 446.021(5) which is not subject to s. 1009.25 and complies with
208 all applicable requirements of the Department of Education
209 pursuant to chapter 1005; a private tutoring program authorized
210 under s. 1002.43; a virtual program offered by a ~~department-~~
211 ~~approved~~ private online provider that meets the private school
212 eligibility requirements ~~provider qualifications~~ specified in s.
213 1002.421(1)(a)-(s), with the exception of s. 1002.421(1)(i) and
214 any other provisions of law that conflict with a virtual
215 education; a full-time virtual program offered by a private
216 online provider that meets the private school eligibility
217 requirements specified in s. 1002.395(8), with the exception of
218 s. 1002.421(1)(i) and any other provisions of law that conflict
219 with a full-time virtual education ~~s. 1002.45(2)(a)~~; the Florida
220 Virtual School as a private paying student; or an approved
221 online course offered pursuant to s. 1003.499 or s. 1004.0961.

222 e. Fees for nationally standardized, norm-referenced
223 achievement tests, Advanced Placement Examinations, industry
224 certification examinations, assessments related to postsecondary
225 education, or other assessments.

226 f. Contracted services provided by a public school or
227 school district, including classes. A student who receives
228 contracted services under this sub-subparagraph is not
229 considered enrolled in a public school for eligibility purposes
230 as specified in subsection (11) but rather attending a public
231 school on a part-time basis as authorized under s. 1002.44.

232 g. Tuition and fees for part-time tutoring services or fees

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233 for services provided by a choice navigator. Such services must
234 be provided by a person who holds a valid Florida educator's
235 certificate pursuant to s. 1012.56, a person who holds an
236 adjunct teaching certificate pursuant to s. 1012.57, a person
237 who has a bachelor's degree or a graduate degree in the subject
238 area in which instruction is given, a person who has
239 demonstrated a mastery of subject area knowledge pursuant to s.
240 1012.56(5), or a person certified by a nationally or
241 internationally recognized research-based training program as
242 approved by the Department of Education. As used in this
243 paragraph, the term "part-time tutoring services" does not
244 qualify as regular school attendance as defined in s.
245 1003.01(16)(e).

246
247 Information and documentation provided to the Department of
248 Education and the Auditor General relating to the identity of a
249 taxpayer that provides an eligible contribution under this
250 section shall remain confidential at all times in accordance
251 with s. 213.053.

252 Section 3. Paragraph (i) of subsection (1) of section
253 1002.421, Florida Statutes, is amended to read:

254 1002.421 State school choice scholarship program
255 accountability and oversight.—

256 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
257 school participating in an educational scholarship program
258 established pursuant to this chapter must be a private school as
259 defined in s. 1002.01 in this state, be registered, and be in
260 compliance with all requirements of this section in addition to
261 private school requirements outlined in s. 1002.42, specific

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262 requirements identified within respective scholarship program
263 laws, and other provisions of Florida law that apply to private
264 schools, and must:

265 (i) Maintain a physical location in this ~~the~~ state at which
266 each student enrolled in a traditional classroom setting has
267 regular and direct contact with teachers. Regular and direct
268 contact with teachers may be satisfied for students enrolled in
269 a personalized education program if students have regular and
270 direct contact with teachers at the physical location at least 2
271 school days per week and the student learning plan addresses the
272 remaining instructional time.

273

274 The department shall suspend the payment of funds to a private
275 school that knowingly fails to comply with this subsection, and
276 shall prohibit the school from enrolling new scholarship
277 students, for 1 fiscal year and until the school complies. If a
278 private school fails to meet the requirements of this subsection
279 or has consecutive years of material exceptions listed in the
280 report required under paragraph (q), the commissioner may
281 determine that the private school is ineligible to participate
282 in a scholarship program.

283 Section 4. Paragraph (e) is added to subsection (1) of
284 section 1002.45, Florida Statutes, to read:

285 1002.45 Virtual instruction programs.—

286 (1) PROGRAM.—

287 (e) Notwithstanding any other provision of law to the
288 contrary, brick-and-mortar public schools, including charter
289 schools, may operate a hybrid model with virtual and on-premises
290 classes while maintaining the student as enrolled in the school.

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291 Section 5. Subsection (16) of section 1003.01, Florida
292 Statutes, is amended to read:

293 1003.01 Definitions.—As used in this chapter, the term:

294 (16) "Regular school attendance" means the actual
295 attendance of a student, including a student participating
296 remotely or through virtual instruction, during the school day
297 as defined by law and rules of the State Board of Education.
298 Regular attendance within the intent of s. 1003.21 may be
299 achieved by attendance in:

300 (a) A public school supported by public funds;

301 (b) A parochial, religious, or denominational school;

302 (c) A private school supported in whole or in part by
303 tuition charges or by endowments or gifts;

304 (d) A home education program that meets the requirements of
305 chapter 1002;

306 (e) A private tutoring program that meets the requirements
307 of chapter 1002; or

308 (f) A personalized education program that meets the
309 requirements of s. 1002.395.

310 Section 6. This act shall take effect July 1, 2025.