

By Senator Martin

33-00240A-25

20251608__

1 A bill to be entitled
2 An act relating to private schools; amending s.
3 1002.394, F.S.; providing that a specified maximum
4 number of full-time virtual students of private
5 schools may be approved to participate in the Family
6 Empowerment Scholarship Program under certain
7 conditions for specified fiscal years; providing that,
8 beginning with a specified fiscal year, no maximum
9 enrollment restriction applies to such students;
10 amending s. 1002.395, F.S.; revising the definition of
11 the term "eligible private school"; defining the term
12 "instructional activities"; requiring eligible private
13 schools that enroll certain students to offer and give
14 notice of a student orientation course; requiring such
15 eligible private schools to develop and adopt a
16 specified policy; providing a requirement for the
17 policy; requiring eligible private schools to notify a
18 scholarship-funding organization of a student's
19 disenrollment; amending s. 1002.421, F.S.; providing
20 methods for private schools participating in an
21 education scholarship program to meet a requirement
22 that students maintain regular and direct contact with
23 teachers of online courses; amending s. 1003.01, F.S.;
24 revising the definition of the term "regular school
25 attendance" to conform to changes made by the act;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

33-00240A-25

20251608__

30 Section 1. Paragraph (e) is added to subsection (12) of
31 section 1002.394, Florida Statutes, to read:

32 1002.394 The Family Empowerment Scholarship Program.—

33 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

34 (e)1. For the 2025-2026 school year, a maximum of 1 percent
35 of the 2024-2025 statewide total prekindergarten through grade
36 12 student enrollment may be approved to participate in the
37 program as a full-time virtual student of a private school.

38 2. For the 2026-2027 school year, a maximum of 2 percent of
39 the 2025-2026 statewide total prekindergarten through grade 12
40 student enrollment may be approved to participate in the program
41 as a full-time virtual student of a private school.

42 3. For the 2027-2028 school year and each year thereafter,
43 no maximum enrollment restriction applies to students
44 participating in the program as full-time virtual students of a
45 private school.

46 Section 2. Present paragraphs (k) through (p) of subsection
47 (2) of section 1002.395, Florida Statutes, are redesignated as
48 paragraphs (l) through (q), respectively, a new paragraph (k) is
49 added to that subsection, paragraphs (d) and (e) are added to
50 subsection (8) of that section, and paragraph (i) of subsection
51 (2) and paragraphs (b), (c), and (i) of subsection (6) of that
52 section are amended, to read:

53 1002.395 Florida Tax Credit Scholarship Program.—

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

55 (i) "Eligible private school" means a private school, as
56 defined in s. 1002.01, located in Florida which offers an
57 education to students in any grades K-12, including full-time
58 virtual instruction offered to students participating in the

33-00240A-25

20251608__

59 Family Empowerment Scholarship Program, and which ~~that~~ meets the
60 requirements specified in subsection (8).

61 (k) "Instructional activities" means the following
62 classroom-based or nonclassroom-based activities of a private
63 school which a full-time virtual student participating in the
64 scholarship program is expected to complete, participate in, or
65 attend during any given school day:

66 1. Online logins to curriculum or programs.

67 2. Offline activities.

68 3. Completion of assignments for a particular class,
69 curriculum, or program.

70 4. Testing.

71 5. Regular and direct contact with teachers of online
72 courses through e-mails, telephone calls, or virtual meetings
73 each week.

74 6. Other documented communication with school staff related
75 to school curriculum or programs.

76 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
77 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
78 organization:

79 (b) Must comply with the following background check
80 requirements:

81 1. All owners and operators as defined in subparagraph
82 (2)(1)1. ~~(2)(k)1.~~ are, before employment or engagement to
83 provide services, subject to level 2 background screening as
84 provided under chapter 435. The fingerprints for the background
85 screening must be electronically submitted to the Department of
86 Law Enforcement and can be taken by an authorized law
87 enforcement agency or by an employee of the eligible nonprofit

33-00240A-25

20251608__

88 scholarship-funding organization or a private company who is
89 trained to take fingerprints. However, the complete set of
90 fingerprints of an owner or operator may not be taken by the
91 owner or operator. The results of the state and national
92 criminal history check shall be provided to the Department of
93 Education for screening under chapter 435. The cost of the
94 background screening may be borne by the eligible nonprofit
95 scholarship-funding organization or the owner or operator.

96 2. Every 5 years following employment or engagement to
97 provide services or association with an eligible nonprofit
98 scholarship-funding organization, each owner or operator must
99 meet level 2 screening standards as described in s. 435.04, at
100 which time the nonprofit scholarship-funding organization shall
101 request the Department of Law Enforcement to forward the
102 fingerprints to the Federal Bureau of Investigation for level 2
103 screening. If the fingerprints of an owner or operator are not
104 retained by the Department of Law Enforcement under subparagraph
105 3., the owner or operator must electronically file a complete
106 set of fingerprints with the Department of Law Enforcement. Upon
107 submission of fingerprints for this purpose, the eligible
108 nonprofit scholarship-funding organization shall request that
109 the Department of Law Enforcement forward the fingerprints to
110 the Federal Bureau of Investigation for level 2 screening, and
111 the fingerprints shall be retained by the Department of Law
112 Enforcement under subparagraph 3.

113 3. Fingerprints submitted to the Department of Law
114 Enforcement as required by this paragraph must be retained by
115 the Department of Law Enforcement in a manner approved by rule
116 and entered in the statewide automated biometric identification

33-00240A-25

20251608__

117 system authorized by s. 943.05(2)(b). The fingerprints must
118 thereafter be available for all purposes and uses authorized for
119 arrest fingerprints entered in the statewide automated biometric
120 identification system pursuant to s. 943.051.

121 4. The Department of Law Enforcement shall search all
122 arrest fingerprints received under s. 943.051 against the
123 fingerprints retained in the statewide automated biometric
124 identification system under subparagraph 3. Any arrest record
125 that is identified with an owner's or operator's fingerprints
126 must be reported to the Department of Education. The Department
127 of Education shall participate in this search process by paying
128 an annual fee to the Department of Law Enforcement and by
129 informing the Department of Law Enforcement of any change in the
130 employment, engagement, or association status of the owners or
131 operators whose fingerprints are retained under subparagraph 3.
132 The Department of Law Enforcement shall adopt a rule setting the
133 amount of the annual fee to be imposed upon the Department of
134 Education for performing these services and establishing the
135 procedures for the retention of owner and operator fingerprints
136 and the dissemination of search results. The fee may be borne by
137 the owner or operator of the nonprofit scholarship-funding
138 organization.

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

142 6. A nonprofit scholarship-funding organization whose owner
143 or operator in the last 7 years has filed for personal
144 bankruptcy or corporate bankruptcy in a corporation of which he
145 or she owned more than 20 percent shall not be eligible to

33-00240A-25

20251608__

146 provide scholarships under this section.

147 7. In addition to the offenses listed in s. 435.04, a
148 person required to undergo background screening pursuant to this
149 part or authorizing statutes must not have an arrest awaiting
150 final disposition for, must not have been found guilty of, or
151 entered a plea of nolo contendere to, regardless of
152 adjudication, and must not have been adjudicated delinquent, and
153 the record must not have been sealed or expunged for, any of the
154 following offenses or any similar offense of another
155 jurisdiction:

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

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

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

159 d. Section 409.9201, relating to Medicaid fraud.

160 e. Section 741.28, relating to domestic violence.

161 f. Section 817.034, relating to fraudulent acts through
162 mail, wire, radio, electromagnetic, photoelectronic, or
163 photooptical systems.

164 g. Section 817.234, relating to false and fraudulent
165 insurance claims.

166 h. Section 817.505, relating to patient brokering.

167 i. Section 817.568, relating to criminal use of personal
168 identification information.

169 j. Section 817.60, relating to obtaining a credit card
170 through fraudulent means.

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

173 l. Section 831.01, relating to forgery.

174 m. Section 831.02, relating to uttering forged instruments.

33-00240A-25

20251608__

- 175 n. Section 831.07, relating to forging bank bills, checks,
176 drafts, or promissory notes.
- 177 o. Section 831.09, relating to uttering forged bank bills,
178 checks, drafts, or promissory notes.
- 179 p. Section 831.30, relating to fraud in obtaining medicinal
180 drugs.
- 181 q. Section 831.31, relating to the sale, manufacture,
182 delivery, or possession with the intent to sell, manufacture, or
183 deliver any counterfeit controlled substance, if the offense was
184 a felony.
- 185 (c) Must not have an owner or operator, as defined in
186 subparagraph (2)(l)1. ~~(2)(k)1.~~, who owns or operates an eligible
187 private school that is participating in the scholarship program.
- 188 (i) May not restrict or reserve scholarships for use at a
189 particular eligible private school or provide scholarships to a
190 child of an owner or operator as defined in subparagraph
191 (2)(l)1. ~~(2)(k)1.~~
- 192
- 193 Information and documentation provided to the Department of
194 Education and the Auditor General relating to the identity of a
195 taxpayer that provides an eligible contribution under this
196 section shall remain confidential at all times in accordance
197 with s. 213.053.
- 198 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
199 private school may be sectarian or nonsectarian and must:
- 200 (d) Offer a student orientation course and notify each
201 scholarship student who enrolls in full-time virtual education
202 of his or her opportunity to participate in the student
203 orientation course, if the eligible private school enrolls full-

33-00240A-25

20251608__

204 time virtual students participating in the Florida Tax Credit
205 Scholarship Program.

206 (e)1. Develop and adopt a policy regarding failure to
207 participate in instructional activities, if the eligible private
208 school enrolls full-time virtual students participating in the
209 Florida Tax Credit Scholarship Program. The policy must state
210 that a student is subject to specified consequences, including
211 disenrollment from the program or school, if both of the
212 following conditions are met:

213 a. After the student's parent or guardian receives a
214 written report, the student fails to comply with the policy
215 adopted under this subsection within a reasonable period of time
216 specified by the school; and

217 b. Other intervention strategies contained in the policy
218 adopted under this subsection fail to cause the student to
219 consistently participate in instructional activities.

220 2. If the eligible private school disenrolls a full-time
221 virtual student participating in the scholarship program
222 pursuant to a policy adopted under this subsection, notify the
223 scholarship-funding organization of the disenrollment.

224
225 If a participating private school fails to meet the requirements
226 of this subsection or s. 1002.421, the commissioner may
227 determine that the participating private school is ineligible to
228 participate in the scholarship program.

229 Section 3. Paragraph (i) of subsection (1) of section
230 1002.421, Florida Statutes, is amended to read:

231 1002.421 State school choice scholarship program
232 accountability and oversight.—

33-00240A-25

20251608__

233 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
234 school participating in an educational scholarship program
235 established pursuant to this chapter must be a private school as
236 defined in s. 1002.01 in this state, be registered, and be in
237 compliance with all requirements of this section in addition to
238 private school requirements outlined in s. 1002.42, specific
239 requirements identified within respective scholarship program
240 laws, and other provisions of Florida law that apply to private
241 schools, and must:

242 (i) Maintain a physical location in this ~~the~~ state at which
243 each student has regular and direct contact with teachers.
244 Regular and direct contact with teachers may be satisfied for
245 students enrolled in an online private school if students have
246 regular and direct contact with teachers through e-mails,
247 telephone calls, or virtual meetings each week. Regular and
248 direct contact with teachers may be satisfied for students
249 enrolled in a personalized education program if students have
250 regular and direct contact with teachers at the physical
251 location at least 2 school days per week and direct contact with
252 teachers of online courses through e-mails, telephone calls, or
253 virtual meetings each week and the student learning plan
254 addresses the remaining instructional time.

255
256 The department shall suspend the payment of funds to a private
257 school that knowingly fails to comply with this subsection, and
258 shall prohibit the school from enrolling new scholarship
259 students, for 1 fiscal year and until the school complies. If a
260 private school fails to meet the requirements of this subsection
261 or has consecutive years of material exceptions listed in the

33-00240A-25

20251608__

262 report required under paragraph (q), the commissioner may
263 determine that the private school is ineligible to participate
264 in a scholarship program.

265 Section 4. Subsection (16) of section 1003.01, Florida
266 Statutes, is amended to read:

267 1003.01 Definitions.—As used in this chapter, the term:

268 (16) "Regular school attendance" means the actual
269 attendance of a student, including a student participating
270 remotely or through virtual instruction, during the school day
271 as defined by law and rules of the State Board of Education.

272 Regular attendance within the intent of s. 1003.21 may be
273 achieved by attendance in:

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

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

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

278 (d) A home education program that meets the requirements of
279 chapter 1002;

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

282 (f) A personalized education program that meets the
283 requirements of s. 1002.395.

284 Section 5. This act shall take effect July 1, 2025.