$\mathbf{B}\mathbf{y}$ the Committee on Appropriations; and the Appropriations Committee on Pre-K - 12 Education

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1	A bill to be entitled
2	An act relating to educational scholarship programs;
3	creating s. 1011.687, F.S.; creating an operating
4	categorical fund for implementing the Family
5	Empowerment Scholarship Program; providing
6	requirements for the use and disbursement of funds;
7	defining the term "full-time equivalent student";
8	requiring the Department of Education to release funds
9	if certain criteria are met; providing requirements
10	for the release of each payment; providing
11	requirements for excess funds; creating s. 1011.689,
12	F.S.; creating the educational enrollment
13	stabilization program to provide supplemental state
14	funds to address changes in full-time equivalent
15	student enrollment; requiring the department to use
16	funds to ensure that a school district's funds are not
17	lower than a specified calculation; requiring the
18	department to use funds to provide a supplements
19	payment to school districts that have a decline in
20	enrollment; providing for the calculation of the
21	supplemental payment; requiring the department to
22	ensure funding is available for certain scholarship
23	programs; requiring the department to appropriate
24	funds from the General Appropriations Act to keep the
25	educational enrollment stabilization program at a
26	minimum balance; amending s. 1011.65, F.S.; requiring
27	that specified data include a verification that
28	certain full-time equivalent student membership survey
29	data has been cross-checked by the department;

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30	amending s. 1002.40, F.S.; renaming the Hope
31	Scholarship Program as the Hope Program; repealing s.
32	1002.411, F.S., relating to New Worlds Scholarship
33	Accounts; amending s. 1002.421, F.S.; defining terms;
34	requiring an eligible nonprofit scholarship-funding
35	organization to provide a parent with certain
36	information on scholarship programs; requiring an
37	eligible nonprofit scholarship-funding organization to
38	create a single application for all educational
39	scholarship programs; providing requirements for such
40	application; prohibiting an eligible nonprofit
41	scholarship-funding organization from charging a fee
42	for the application; requiring an eligible nonprofit
43	scholarship-funding organization to establish two
44	application approval windows; providing deadlines for
45	such application approval windows; requiring an
46	eligible nonprofit scholarship-funding organization to
47	review applications and award scholarships in a
48	specified order of priority; requiring an eligible
49	nonprofit scholarship-funding organization to award
50	scholarships to newly eligible students on a first-
51	come, first-served basis; requiring a parent to notify
52	the eligible nonprofit scholarship-funding
53	organization within a specified timeframe if a
54	scholarship offer is accepted or declined within a
55	specified timeframe; prohibiting a parent from
56	applying for multiple scholarships for an individual
57	student at the same time; authorizing specified
58	students to apply for a scholarship at any time but
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59	only receive payments prospectively; prohibiting an
60	eligible nonprofit scholarship-funding organization
61	from restricting or reserving scholarships for use at
62	a particular school; requiring such organization to
63	notify each parent of a scholarship applicant that
64	participation in the program does not guarantee
65	enrollment at an eligible private school; providing
66	that a parent who submitted an application by a
67	specified date need not submit a new application;
68	authorizing a parent to withdraw their application and
69	reapply; prohibiting an eligible nonprofit
70	scholarship-funding organization from requiring
71	documentation beyond the requirements of the
72	scholarship program; requiring an eligible nonprofit
73	scholarship-funding organization to verify a student's
74	eligibility upon receipt of an application; requiring
75	an eligible nonprofit scholarship-funding organization
76	to send a list of verified eligible students to the
77	department by specified dates; requiring the
78	department to assign each verified eligible student a
79	Florida student identification number; requiring the
80	department to use such number for tracking and
81	reporting scholarship data; requiring the department
82	to cross-check each list of verified eligible students
83	with certain other lists; requiring the department to
84	send the cross-checked list to the eligible nonprofit
85	scholarship-funding organization; requiring the
86	department to notify an eligible nonprofit
87	scholarship-funding organization of specified

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88	information; requiring an eligible nonprofit
89	scholarship-funding organization to verify a student's
90	continued eligibility before disbursing each payment;
91	providing criteria for verifying continued
92	eligibility; requiring parents of students receiving
93	scholarship payments to verify specified information;
94	providing criteria for verifying continued
95	eligibility; requiring parents of students receiving
96	scholarship payments to verify specified information;
97	providing that the scholarship program award amounts
98	are the amounts provided in the General Appropriations
99	Act; providing parameters for the calculation of the
100	scholarship amounts for certain students; requiring an
101	eligible nonprofit scholarship-funding organization to
102	establish and maintain a scholarship account for each
103	student; providing methods for the transfer of funds;
104	providing requirements for such accounts; providing
105	that accrued interest is in addition to and not part
106	of a student's account; providing that program funds
107	include awarded funds and accrued interest and are
108	available only for authorized expenditures; requiring
109	eligible nonprofit scholarship-funding organizations
110	to make payments by funds transfer; providing
111	requirements for such funds transfer; prohibiting a
112	student's scholarship award from being reduced to
113	cover certain fees; requiring that commodities or
114	services related to the funds transfer system be
115	procured by a specified method; providing an
116	exception; prohibiting an eligible nonprofit

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117	scholarship-funding organization from transferring
118	funds to an account that has a balance in excess of a
119	specified amount; authorizing students in a
120	scholarship program to take specified tests and
121	certain assessments; providing an exception; requiring
122	a participating private school to administer or
123	provide for students to take specified tests and
124	assessments; requiring a participating private school
125	to submit a certain written request to the department
126	by a specified date; requiring a school district to
127	administer tests and assessments at a participating
128	private school; requiring an owner or operator to
129	undergo a background screening; providing requirements
130	for the submission of fingerprints; requiring the
131	Department of Law Enforcement to retain such
132	fingerprints in a specified manner and to enter such
133	fingerprints into the statewide automated biometric
134	identification system; requiring that such
135	fingerprints be available for certain purposes and
136	uses; requiring the Department of Law Enforcement to
137	run a certain search of such fingerprints; prohibiting
138	an owner or operator who fails the background
139	screening from participating in a scholarship program;
140	prohibiting such owner or operator from transferring
141	ownership or management authority to a relative;
142	defining the term "relative"; requiring an eligible
143	nonprofit scholarship-funding organization to report
144	the annual audit of background screening results to
145	the Department of Education; providing that a

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146	participating private school may be sectarian or
147	nonsectarian; revising information required to be
148	provided to the department by an eligible private
149	school; deleting obsolete language; providing
150	construction; requiring the department to publish and
151	update information on its website relating to
152	scholarship programs; requiring the department to
153	investigate complaints; requiring the department to
154	maintain and annually publish a list of tests that
155	satisfy a specified requirement; requiring the
156	department to develop a standard withdrawal form for
157	parents withdrawing a student from public school;
158	providing requirements for such form; requiring the
159	department to develop a uniform reimbursement process;
160	requiring an organization, by a specified date, to
161	approve, deny, or request more information relating to
162	a reimbursement request; requiring the department to
163	coordinate with each organization to provide a
164	participating private school with statewide
165	assessments; deleting the definition of the term
166	"owner or operator"; requiring a school district, by a
167	specified date, to inform certain households of
168	eligibility to apply for a scholarship program;
169	requiring the school district to coordinate with the
170	department to provide a participating private school
171	with statewide assessments; requiring a school
172	district to publish information about a scholarship
173	program on its website; requiring a school district to
174	provide a parent with the withdrawal form upon

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175	request; deleting obsolete language; amending s.
176	1002.394, F.S.; deleting obsolete language; providing
177	that authorized uses of program funds include digital
178	devices; providing that authorized uses of program
179	funds include membership dues and activity fees for
180	Career and Technical Student Organizations; providing
181	that tuition and fees that meet certain requirements
182	are eligible for program funds; revising conditions
183	under which a student is no longer eligible for
184	scholarship funding; requiring an eligible nonprofit
185	scholarship-funding organization to notify a parent
186	before closing a student's account; requiring an
187	eligible nonprofit scholarship-funding organization to
188	report certain information to the Department of
189	Education regarding scholarship accounts closed under
190	certain circumstances; requiring an eligible nonprofit
191	scholarship-funding organization to notify a parent
192	if, upon a student reaching a specified age, a balance
193	exists in the student's account, the amount of the
194	balance, and how the funds may be used; deleting a
195	provision allowing a public school student to receive
196	a scholarship for transportation; deleting obsolete
197	language; amending s. 1002.395, F.S.; deleting
198	obsolete language; deleting provisions related to
199	scholarship priority; deleting a provision allowing a
200	public school student to receive a scholarship for
201	transportation; revising a provision requiring
202	eligible nonprofit scholarship-funding organizations
203	to verify that scholarship funds are used for

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204	specified purposes; requiring an eligible nonprofit
205	scholarship-funding organization to report to the
206	department the total number of scholarship accounts
207	closed due to certain reasons; amending s. 1003.485,
208	F.S.; deleting language relating to the purpose of the
209	New Worlds Reading Initiative; conforming a cross-
210	reference; amending s. 1008.25, F.S.; making a
211	conforming change; amending s. 1010.305, F.S.;
212	requiring the Auditor General to periodically examine
213	the records of eligible nonprofit scholarship-funding
214	organizations; providing for appropriate adjustments
215	to be made and excess funds to be deducted if criteria
216	and procedures have not been followed by an eligible
217	nonprofit scholarship-funding organization; amending
218	s. 1011.61, F.S.; conforming a cross-reference;
219	amending s. 1011.62, F.S.; deleting obsolete language
220	relating to the state-funded discretionary supplement;
221	amending ss. 11.45, 212.099, and 1002.45, F.S.;
222	conforming cross-references; providing an effective
223	date.
224	
225	Be It Enacted by the Legislature of the State of Florida:
226	
227	Section 1. Section 1011.687, Florida Statutes, is created
228	to read:
229	1011.687 Educational scholarship programs; operating
230	categorical fund
231	(1) There is created an operating categorical fund for
232	implementing the Family Empowerment Scholarship Program pursuant
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576-03223-25 20257030c1 233 to s. 1002.394. These funds shall be in the amount provided in 234 the General Appropriations Act and any additional funds 235 transferred from the Educational Enrollment Stabilization Fund 236 pursuant to s. 1011.689. 237 (2) Educational scholarship funding operating categorical 238 funds shall be used to award scholarships as required in s. 239 1002.394 and in accordance with s. 1002.421. Funds shall be 240 disbursed from this fund based on the full-time equivalent 241 scholarship students forecasted or reported as participating in 242 the program. 243 (3) A "full-time equivalent student" for a student 244 participating in a scholarship program under s. 1002.394 or s. 1002.395 means a student who receives all 10 scholarship 245 246 payments, that are distributed on a monthly basis. A student who 247 receives less than 10 payments shall generate a fraction of 248 full-time equivalent student membership proportional to the 249 number of payments received. 250 (4) For the purposes of calculating a scholarship award 251 amount, a full-time equivalent student shall be based upon the 252 student's county of residence. 253 (5) Contingent upon verification that the organization is 254 in compliance with s. 1002.395(6)(i), the department shall 255 release funds from the operating categorical fund on a quarterly 256 basis to the organization with the first quarter payment 257 released no later than July 30. The funds shall be held by the 258 organization for deposit into the students' accounts in 259 accordance with the payment schedules. 260 (a) The first quarter release payment shall be based upon 261 the amount of full-time equivalent student membership forecasted

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262	as provided in the General Appropriations Act.
263	(b) The second, third, and fourth quarter release payments
264	shall be based upon the amount of full-time equivalent student
265	membership reported and cross-checked by the department pursuant
266	to s. 1002.421(3).
267	(c) If the funds released to the organization are in excess
268	of the funds certified to the department by the organization as
269	the amount distributed for student scholarships in accordance
270	with scholarship program requirements, the department is
271	authorized to adjust the amount of the overpayment in the third
272	and fourth quarter payment releases.
273	Section 2. Section 1011.689, Florida Statutes, is created
274	to read:
275	1011.689 Educational enrollment stabilization programThe
276	educational enrollment stabilization program is created to
277	provide supplemental state funds as needed to address changes in
278	full-time equivalent student enrollment throughout the school
279	year in both the Florida Finance Education Program and the
280	educational scholarship programs created pursuant to chapter
281	<u>1002.</u>
282	(1) SCHOOL DISTRICT STABILIZATIONTo maintain the
283	stability of the operations of public schools, including charter
284	schools, in each school district, the department shall use funds
285	as appropriated to ensure that based on each recalculation of
286	the Florida Education Finance Program, a school district's funds
287	per unweighted full-time equivalent student are not less than
288	the greater of either the school district's funds per unweighted
289	full-time equivalent student as appropriated in the General
290	Appropriations Act or the school district's funds per unweighted

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576-03223-25 20257030c1 291 full-time equivalent student as recalculated based upon the 292 receipt of the certified taxable value for school purposes 293 pursuant to s. 1011.62(4). 294 (2) SCHOOL DISTRICT DECLINING ENROLLMENT.-To maintain the 295 stability of the operations of public schools, the department 296 shall use funds as appropriated to provide a supplemental 297 payment to school districts that have a decline in unweighted 298 full-time equivalent students between the legislative 299 calculation provided in the General Appropriations Act and the 300 third calculation of the Florida Education Finance Program 301 within the same year. The supplemental payment shall be computed 302 by multiplying a percentage of the decline in the unweighted 303 full-time equivalent students as determined by the Legislature 304 by the base student allocation and by the comparable wage factor 305 or the small district factor. The percentage used for districts 306 that are fiscally constrained must be greater than the 307 percentage used for non-fiscally constrained districts. The 308 supplemental funds may not be added to the district's total 309 Florida Education Finance Program funds for any future 310 calculations. 311 (3) FAMILY EMPOWERMENT SCHOLARSHIP PROGRAM.-To maintain 312 scholarship award amounts, the department shall use funds as appropriated to ensure that funding is available if the number 313 314 of full-time equivalent students enrolled in the scholarship 315 program is greater than the amount appropriated in the General 316 Appropriations Act in the educational scholarship funding 317 operating categorical established under s. 1011.687. (4) FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM.-If available 318 319 funds in the Florida Tax Credit Scholarship Program are

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320	insufficient to cover eligible applicants who are personalized
321	education program students, the department shall use funds as
322	appropriated to award scholarships to such eligible applicants
323	up to the number authorized in s. 1002.395.
324	(5) MINIMUM BALANCEThe Legislature shall annually
325	appropriate funds in the General Appropriations Act to the
326	department for the educational stabilization program in an
327	amount necessary to maintain a projected minimum balance of \$250
328	million at the beginning of the upcoming fiscal year.
329	Notwithstanding s. 216.301 and pursuant to s. 216.351, the
330	unexpended balance of funds appropriated pursuant to this
331	subsection which is not disbursed by June 30 of the fiscal year
332	in which the funds are appropriated may be carried forward for
333	up to 10 years after the effective date of the original
334	appropriation.
335	Section 3. Section 1011.65, Florida Statutes, is amended to
336	read:
337	1011.65 Florida Education Finance Program Appropriation
338	Allocation ConferencePrior to the distribution of any funds
339	appropriated in the General Appropriations Act for the K-12
340	Florida Education Finance Program formula and for the formula-
341	funded categorical programs, the Commissioner of Education shall
342	conduct an allocation conference. Conference principals shall
343	include representatives of the Department of Education, the
344	Executive Office of the Governor, and the appropriations

345 committees of the Senate and the House of Representatives.346 Conference principals shall discuss and agree to all

347 conventions, including rounding conventions, and methods of 348 computation to be used to calculate Florida Education Finance

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349	Program and categorical entitlements of the districts for the
350	fiscal year for which the appropriations are made. These
351	conventions and calculation methods shall remain in effect until
352	further agreements are reached in subsequent allocation
353	conferences called by the commissioner for that purpose. The
354	commissioner shall also, prior to each recalculation of Florida
355	Education Finance Program and categorical allocations of the
356	districts, provide conference principals with all data necessary
357	to replicate those allocations precisely. This data shall
358	include a matrix by district by program of all full-time
359	equivalent changes made by the department as part of its
360	administration of state full-time equivalent caps. This data
361	must include verification that the department has cross-checked
362	the full-time equivalent student membership survey data with the
363	full-time equivalent student data for the educational
364	scholarship programs established under chapter 1002 to avoid
365	duplication.
366	Section 4. Section 1002.40, Florida Statutes, is amended to
367	read:
368	1002.40 The Hope Scholarship Program.—
369	(1) PURPOSE.—The Hope Scholarship Program is established to
370	provide the parent of a public school student who was subjected
371	to an incident listed in subsection (3) an opportunity to
372	transfer the student to another public school or to request a
373	scholarship for the student to enroll in and attend an eligible
374	private school.
375	(2) DEFINITIONSAs used in this section, the term:
376	(a) "Parent" means a resident of this state who is a
377	parent, as defined in s. 1000.21, and whose student reported an

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576-03223-25 20257030c1 378 incident in accordance with subsection (4). 379 (b) "Program" means the Hope Scholarship Program. 380 (c) "School" means any educational program or activity 381 conducted by a public K-12 educational institution, any school-382 related or school-sponsored program or activity, and riding on a 383 school bus, as defined in s. 1006.25(1), including waiting at a 384 school bus stop. 385 (3) PROGRAM ELIGIBILITY.-A student enrolled in a Florida 386 public school in kindergarten through grade 12 is eligible for 387 the educational options described in subsection (4) if the 388 student reported an incident in accordance with that subsection. 389 For purposes of this section, the term "incident" means battery; 390 harassment; hazing; bullying; kidnapping; physical attack; 391 robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school, as defined by the 392 393 department in accordance with s. 1006.09(6). 394 (4) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-Upon 395 receipt of a report of an incident, the school principal, or his 396 or her designee, shall provide a copy of the report to the 397 parent and investigate the incident to determine if the incident 398 must be reported as required by s. 1006.09(6). Within 24 hours 399 after receipt of the report, the principal or his or her 400 designee shall provide a copy of the report to the parent of the 401 alleged offender and to the superintendent. Upon conclusion of 402 the investigation or within 15 days after the incident was 403 reported, whichever occurs first, the school district shall 404 notify the parent of the program, offer the parent an 405 opportunity to enroll his or her student in another public 406 school that has capacity, and notify the parent of their

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407	eligibility to apply for a scholarship to attend an eligible
408	private school under ss. 1002.394 and 1002.395.
409	(5) RULES.—The State Board of Education shall adopt rules
410	to administer this section.
411	Section 5. Section 1002.411, Florida Statutes, is repealed.
412	Section 6. Section 1002.421, Florida Statutes, is amended
413	to read:
414	1002.421 State school choice scholarship <u>programs</u> program
415	accountability and oversight
416	(1) DEFINITIONS.—As used in this section, s. 1002.394, and
417	s. 1002.395, the term:
418	(a) "Approved provider" means a provider approved by the
419	Agency for Persons with Disabilities, a health care practitioner
420	as defined in s. 456.001, or a provider approved by the
421	department pursuant to s. 1002.66.
422	(b) "Choice navigator" means an individual who meets the
423	requirements of s. 1002.395(6)(d)8. and who provides
424	consultations, at a mutually agreed upon location, on the
425	selection of, application for, and enrollment in educational
426	options addressing the academic needs of a student; curriculum
427	selection; and advice on career and postsecondary education
428	opportunities. However, this section does not authorize a choice
429	navigator to oversee or exercise control over the curricula or
430	academic programs of a personalized education program.
431	(c) "Curriculum" means a complete course of study for a
432	particular content area or grade level, including any required
433	supplemental materials and associated online instruction.
434	(d) "Disability" means, for a 3- or 4-year-old child or for
435	a student in kindergarten to grade 12, autism spectrum disorder

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436	as defined in the Diagnostic and Statistical Manual of Mental
437	Disorders, Fifth Edition, published by the American Psychiatric
438	Association; cerebral palsy as defined in s. 393.063; Down
439	syndrome as defined in s. 393.063; an intellectual disability as
440	defined in s. 393.063; a speech impairment; a language
441	impairment; an orthopedic impairment; any other health
442	impairment; an emotional or a behavioral disability; a specific
443	learning disability, including, but not limited to, dyslexia,
444	dyscalculia, or developmental aphasia; Phelan-McDermid syndrome
445	as defined in s. 393.063; Prader-Willi syndrome as defined in s.
446	393.063; spina bifida as defined in s. 393.063; being a high-
447	risk child as defined in s. 393.063(22)(a); muscular dystrophy;
448	Williams syndrome; rare diseases that affect patient populations
449	of fewer than 200,000 individuals in the United States, as
450	defined by the National Organization for Rare Disorders;
451	anaphylaxis; a hearing impairment, including deafness; a visual
452	impairment, including blindness; traumatic brain injury;
453	hospital or homebound; or identification as dual sensory
454	impaired, as defined by rules of the State Board of Education
455	and evidenced by reports from local school districts. The term
456	"hospital or homebound" includes a student who has a medically
457	diagnosed physical or psychiatric condition or illness, as
458	defined by the state board in rule, and who is confined to the
459	home or hospital for more than 6 months.
460	(e) "Eligible nonprofit scholarship-funding organization"
461	or "organization" means a state university; or an independent
462	college or university that is eligible to participate in the
463	William L. Boyd, IV, Effective Access to Student Education Grant
464	Program; is located and chartered in this state; is not for

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465	profit; is accredited by the Commission on Colleges of the
466	Southern Association of Colleges and Schools; or is a charitable
467	organization that:
468	1. Is exempt from federal income tax pursuant to s.
469	501(c)(3) of the Internal Revenue Code;
470	2. Is a Florida entity formed under chapter 605, chapter
471	607, or chapter 617 and whose principal office is located in
472	this state; and
473	3. Complies with s. 1002.395(6) and (15).
474	(f) "Eligible postsecondary educational institution" means
475	<u>a Florida College System institution; a state university; a</u>
476	school district technical center; a school district adult
477	general education center; an independent college or university
478	that is eligible to participate in the William L. Boyd, IV,
479	Effective Access to Student Education Grant Program under s.
480	1009.89; or an accredited independent postsecondary educational
481	institution as defined in s. 1005.02 which is licensed to
482	operate in this state under part III of chapter 1005 or is
483	approved to participate in a reciprocity agreement as defined in
484	<u>s. 1000.35(2).</u>
485	(g) "Eligible private school" means a private school as
486	defined in s. 1002.01 which is located in Florida and which
487	offers an education to students in any grades K-12 and meets the
488	requirements in this section.
489	(h) "Household income" has the same meaning as the term
490	"income" as defined in the Income Eligibility Guidelines for
491	free and reduced price meals under the National School Lunch
492	Program in 7 C.F.R. part 210 as published in the Federal
493	Register by the United States Department of Agriculture.

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(i) "IEP" means an individual education plan, regardless of
whether the plan has been reviewed or revised within the last 12
months.
(j) "Inactive" means that no eligible expenditures have
been made from an account.
(k) "Job coach" means an individual employed to help people
with disabilities learn, accommodate to, and perform their work
duties.
(1) "Law enforcement officer" has the same meaning as
provided in s. 943.10(1).
(m) "Owner or operator" includes:
1. An owner, a president, an officer, or a director of an
eligible nonprofit scholarship-funding organization or a person
with equivalent decisionmaking authority over an eligible
nonprofit scholarship-funding organization; or
2. An owner, an operator, a superintendent, or a principal
of an eligible private school or a person with equivalent
decisionmaking authority over an eligible private school.
(n) "Parent" means a resident of this state who is a parent
as defined in s. 1000.21.
(o) "Personalized education program" has the same meaning
<u>as in s. 1002.01.</u>
(p) "Personalized education student" means a student whose
parent applies to an eligible nonprofit scholarship-funding
organization for participation in a personalized education
program.
(q) "Student learning plan" means a customized learning
plan developed by a parent at least annually to guide
instruction for his or her student and to identify the goods and

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576-03223-25 20257030c1 523 services needed to address the academic needs of his or her 524 student. 525 (2) SCHOLARSHIP APPLICATION PROCESS.-526 (a) An eligible nonprofit scholarship-funding organization 527 must provide the parent with information on each scholarship 528 program established pursuant to this chapter which clearly 529 outlines the eligibility requirements of and authorized uses of 530 funds for each program to enable the parent of a student to 531 determine which program best fits the needs of each student. 532 Specifically, for a student applying based on eligibility pursuant to s. 1002.394(3)(b) or s. 1002.395, except for 533 534 students eligible pursuant to a personalized education program, 535 a participating private school must discuss the school's academic programs and policies, specialized services, code of 536 conduct, and attendance policies before enrollment with the 537 538 parent to determine which programs and services may meet the 539 student's individual needs. (b) The organization must create a single application for 540 541 all educational scholarship programs established pursuant to 542 this chapter in a manner that creates an electronic record of 543 the application, which must include the date the application was 544 submitted, the date the application was approved or denied, and 545 the date the scholarship was accepted or declined. The 546 organization may not charge a fee for the application. 547 (c) The organization must establish two application 548 approval windows each school year during which a parent of an 549 eligible student, including renewal students, may apply for an 550 educational scholarship program pursuant to this chapter, except for personalized education students, who may only apply during 551

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552	the fall application window.
553	1.a. For the 2025-2026 school year, the application
554	deadline for the fall application window must be no later than
555	July 15.
556	b. For the 2026-2027 school year and thereafter, the
557	application deadline for the fall application window must be no
558	later than May 31.
559	2. The application deadline for the spring application
560	window must be no later than November 1.
561	(d) An organization must review applications and award
562	scholarships using the following priorities:
563	1. An application for a student who is eligible pursuant to
564	s. 1002.394(3)(a) or s. 1002.395 and:
565	a. Whose household income level does not exceed 185 percent
566	of the federal poverty level or who is in foster care or out-of-
567	home care; and then
568	b. Whose household income level exceeds 185 percent of the
569	federal poverty level but does not exceed 400 percent of the
570	federal poverty level.
571	2. An application for a student who is eligible and
572	received a scholarship during the previous school year.
573	3. An application for a student who was affected by the
574	disapproval of an organization's participation by the department
575	pursuant to s. 1002.395 during the previous school year.
576	
577	The organization must award scholarships to newly eligible
578	students on a first-come, first-served basis unless the student
579	is seeking priority pursuant to this paragraph.
580	(e) A parent must notify the organization within 30 days,

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581	except for the 2025-2026 school year for which the parent must
582	notify the organization within 15 days, of the application
583	window deadline whether the scholarship offer is accepted or
584	declined. A failure to respond within the timeframe established
585	results in an automatic declination of the scholarship. A parent
586	of a student who is awarded funds during the fall does not need
587	to reapply during the spring application window. A parent of a
588	student who is awarded funds during the spring window may only
589	receive five of the 10 payment installments for the school year.
590	(f) A parent may not apply for multiple scholarships under
591	s. 1002.394 or s. 1002.395 for an individual student at the same
592	time.
593	(g) Notwithstanding the application window deadlines, a
594	student in foster care or out-of-home care who is a dependent
595	child of a member of the United States Armed Forces or who
596	reported an incident pursuant to s. 1002.40 may apply for a
597	scholarship at any time but may only receive payments
598	prospectively.
599	(h) An organization may not restrict or reserve
600	scholarships for use at a particular eligible private school or
601	provide scholarships to a child of an owner or operator of such
602	school. The organization must notify each parent of a
603	scholarship applicant that participation in the scholarship
604	program does not guarantee enrollment at an eligible private
605	school.
606	(i) For the 2025-2026 school year, a parent who applies for
607	a scholarship by April 30, 2025, does not need to submit a new
608	application pursuant to the requirements of this section but
609	must, by the time the organization is required to send its

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576-03223-25 20257030c1 610 verified list to the department, provide the documentation 611 required for eligibility. However, a parent may withdraw their application and reapply pursuant to the requirements of this 612 613 section. 614 615 An eligible nonprofit scholarship-funding organization may not 616 further regulate, exercise control over, or require 617 documentation beyond the requirements of the scholarship programs unless the regulation, control, or documentation is 618 619 necessary for participation in the program. 620 (3) ENROLLMENT VERIFICATION.-Upon receipt of an 621 application, the eligible nonprofit scholarship-funding 622 organization must verify each student's initial or continuing 623 eligibility. Each student must apply for a scholarship each 624 academic year. An organization may not grant multiyear 625 scholarships in one approval process. 626 (a) To verify eligibility the organization must request for 627 each student and include in each student's file all of the 628 following information: 629 1. More than one form of proof of residency or proof that 630 the student is the dependent of an active duty member of the 631 United States Armed Forces who has received permanent change of 632 station orders to this state or, at the time of renewal, whose 633 home of record or state of legal residence is Florida. 634 2. A copy of the student's birth certificate. 635 3. For a student who was enrolled in public school in the 636 school year prior to participation in the scholarship program, proof that the parent submitted the standard withdrawal form to 637 638 the public school at which the student was previously enrolled.

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576-03223-25 20257030c1 639 4. The following documentation from the parent attesting 640 that while the student receives scholarship payments, the 641 student will be enrolled in and in compliance with the 642 applicable attendance requirements under ss. 1003.01(16) and 643 1003.21(1):644 a. A copy of the notice of a parent's intent to establish 645 and maintain a home education program pursuant to s. 1002.41; 646 b. A personalized education program and a copy of the 647 student learning plan that has been reviewed and verified by the organization pursuant to s. 1002.395(7)(c); or 648 649 c. A letter of admission or enrollment from an eligible 650 private school for the school year in which the student is 651 applying. 652 (b) In addition, if the student: 653 1. Previously participated in a scholarship program, the 654 organization must request for each student the assessment 655 results necessary to verify compliance with subsection (7). 656 2. Is seeking priority eligible based upon household 657 income, the parent of the student must authorize the 658 organization to access information needed for income eligibility 659 determination and verification held by other state or federal 660 agencies, including the Department of Revenue, the Department of 661 Children and Families, the Department of Education, the 662 Department of Commerce, and the Agency for Health Care 663 Administration. 664 (c) An organization must send to the department a list of 665 verified eligible students and any information necessary for the 666 department to review the list by: 667 1. August 15 for the 2025-2026 school year for the fall

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668	application window.
669	2. July 15 for the 2026-2027 school year and each school
670	year thereafter for the fall application window.
671	3. December 15 for the spring application window.
672	(d) The department must assign each verified eligible
673	student a Florida student identification number. Once a student
674	is assigned a Florida student identification number, the
675	organization must use that number for the reporting and tracking
676	<u>of all scholarship data.</u>
677	(e) The department must cross-check each list of verified
678	eligible students with the most recent public school enrollment
679	lists and each list of verified eligible students applying to
680	receive a scholarship award before an organization makes any
681	payments to avoid duplication between organizations and between
682	the organizations and the public schools.
683	(f) The department, after the list of verified eligible
684	students has been cross-checked and each student has been
685	assigned a Florida student identification number, shall send the
686	updated list to the organization who may then fund students
687	based on the department's list of verified eligible students.
688	The department must notify an organization of any of the
689	organization's identified students who were submitted for a
690	scholarship from another organization and which organization the
691	student shall receive funding from.
692	(4) PREPAYMENT VERIFICATION Prior to the disbursement of
693	each scholarship payment, the organization must verify the
694	student's continued eligibility based upon the requirements of
695	the applicable student's scholarship program.
696	(a) For scholarship programs that require private school
1	

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697	enrollment, the organization must verify that the student is
698	enrolled in and in attendance at an eligible participating
699	private school.
700	(b) Prior to the receipt of each scholarship payment, a
701	parent of the student must attest that the student is not
702	enrolled full-time in a public school and is enrolled in and in
703	attendance at, unless excused for illness or other good cause:
704	1. A home education program;
705	2. A personalized education program; or
706	3. An eligible private school.
707	(c) The organization may not make any payment into a
708	student's account upon notification that the student is enrolled
709	in a public school unless the organization can verify the
710	student's continued eligibility. An organization is liable to
711	the state for payments made in violation of this subsection and
712	must reimburse the state for funds that were improperly awarded
713	which cannot be recovered.
714	(5) SCHOLARSHIP AWARD AMOUNTS AND PAYMENT SCHEDULE
715	(a) Beginning in the 2025-2026 school year, the calculated
716	scholarship program award amounts shall be the amounts provided
717	in the General Appropriations Act which are based upon the
718	amounts by basic program and program for exceptional students
719	under the Florida Education Finance Program. These amounts shall
720	be adjusted annually based upon the value of the percentage
721	change increase in per student funding at the state level for
722	public school districts as provided in the General
723	Appropriations Act.
724	1. The calculated scholarship amount for a student
725	determined eligible pursuant to s. 1002.394(3)(a) or s. 1002.395
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726	shall be based upon the student's current grade level and county
727	of residence.
728	2. The calculated scholarship amount for a student
729	determined eligible pursuant to s. 1002.394(3)(b) must be based
730	upon the student's current grade level, exceptional student
731	program, and county of residence.
732	a. The calculated scholarship amount for a student who
733	received a Gardiner Scholarship pursuant to former s. 1002.385
734	in the 2020-2021 school year shall be the greater of the amount
735	calculated pursuant to this subsection or the amount the student
736	received for the 2020-2021 school year.
737	b. The calculated scholarship amount for a student who
738	received a John M. McKay Scholarship pursuant to former s.
739	1002.39 in the 2020-2021 school year shall be the greater of the
740	amount calculated pursuant to this subsection or the amount the
741	student received for the 2020-2021 school year.
742	(b) The scholarship award shall be divided into 10 equal
743	installments. The organization must make payments no later than
744	August 20, except for the 2025-2026 school year for which the
745	first payment must be made no later than September 1, September
746	15, October 15, November 15, January 15, February 15, March 15,
747	April 15, and May 15 of each school year in which the
748	scholarship is in force and in accordance with the prepayment
749	verification process. The first payment must be for two
750	installments.
751	(6) SCHOLARSHIP ACCOUNTSThe organization must establish
752	and maintain a separate scholarship account for each student
753	enrolled in a scholarship program. For each account, the
754	organization must maintain a record of accrued interest which is

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755	retained in the student's account. Accrued interest in the
756	student's account is in addition to, and not part of, the
757	awarded funds. Program funds include both the awarded funds and
758	accrued interest and are available only for authorized program
759	expenditures.
760	(a) Payment of the scholarship by the eligible nonprofit
761	scholarship-funding organization shall be by funds transfer,
762	including, but not limited to, debit cards, electronic payment
763	cards, or any means of payment the department deems commercially
764	viable or cost-effective. A student's scholarship award may not
765	be reduced to cover debit card or electronic payment fees.
766	Commodities or services related to the development of such
767	transfer system must be procured by competitive solicitation
768	unless purchased from a state term contract pursuant to s.
769	287.056.
770	(b) For students eligible pursuant to s. 1002.394(3)(a) or
771	s. 1002.395, except for those students enrolled in a
772	personalized education program:
773	1. The organization must commit scholarship funds on behalf
774	of the student for tuition and fees that the parent must pay at
775	a participating private school before scholarship account funds
776	may be used for additional authorized uses under s.
777	1002.394(4)(a) or s. 1002.395(4)(d). A parent is responsible for
778	all eligible expenses in excess of the scholarship amount. An
779	eligible nonprofit scholarship-funding organization shall ensure
780	that the parent has approved a funds transfer before any
781	scholarship funds are deposited. The parent may not designate
782	any entity or individual associated with a participating private
783	school as the parent's attorney in fact to approve a funds

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576-03223-25 20257030c1 784 transfer. 785 2. After funds have been committed pursuant to subparagraph 1., funds may be used as authorized in s. 1002.394(4)(a) and as 786 787 authorized in the organization's purchasing handbook by paying 788 for the authorized use directly and then submitting a 789 reimbursement request to the organization. An organization may 790 require the use of an online platform for direct purchases of 791 products if such use does not limit a parent's choice of 792 curriculum or academic programs. If a parent purchases a product 793 identical to one offered by an organization's online platform 794 for a lower price, the organization must reimburse the parent 795 the cost of the product. 796 3. The initial payment shall be made after the 797 organization's verification of admission acceptance, and 798 subsequent payments shall be made upon verification of continued 799 enrollment and attendance at a participating private school. 800 Payments for tuition and fees for full-time enrollment shall be 801 made within 7 business days after approval by the parent and the 802 private school. 803 4. An organization may not transfer any funds to an account 804 of a student which has a balance in excess of \$24,000. 805 (c) For students eligible pursuant to s. 1002.394(3)(b): 806 1. The organization must verify qualifying educational 807 expenditures pursuant to the requirements of s. 1002.394(4)(b). 808 The organization must verify any expenditures made pursuant to 809 s. 1002.394(4)(b)1. and 2. before the distribution of funds. 810 Review of expenditures made for services specified in s. 1002.394(4)(b)3.-16. may be completed after the purchase is 811 812 made.

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576-03223-25 20257030c1 813 2. An organization may not transfer any funds to an account 814 of a student which has a balance in excess of \$50,000. 815 (d) The parent of a student who fails to comply with this 816 subsection forfeits the scholarship. An organization must notify 817 the parent when a scholarship account is closed and program 818 funds revert to the state. 819 (7) TESTING REQUIREMENTS.-A student participating in a scholarship program in grades 3 through 10 may take the 820 821 nationally norm-referenced tests that are identified by the 822 department or take the statewide assessments pursuant to s. 82.3 1008.22. Students with disabilities for whom standardized 824 testing is not appropriate are exempt from this requirement. (a) A participating private school must annually administer 825 826 or make provision for students participating in the program in 827 grades 3 through 10 to take one of the nationally norm-828 referenced tests or cooperate with a student whose parent 829 chooses to participate in the statewide assessments pursuant to 830 s. 1008.22. A parent must require his or her student 831 participating in the program to take the norm-referenced tests 832 offered by the participating private school. The parent may also 833 choose to have the student participate in the statewide 834 assessments pursuant to s. 1008.22. 835 (b)1. If the participating private school chooses to offer and administer the statewide assessments pursuant to s. 1008.22 836 to all students who attend the private school in grades 3 837 838 through 10, it must submit a request in writing to the 839 department by March 1 of each year in order to administer the 840 statewide assessments in the subsequent school year. In turn, 841 upon the request of the department, a school district shall

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842	coordinate with the department to provide to a participating
843	private school the statewide assessments and any related
844	materials for administering the assessments.
845	2. A school district is responsible for administering tests
846	at a participating private school, including:
847	a. Providing training for private school staff on test
848	security and assessment administration procedures;
849	b. Distributing testing materials to a private school;
850	c. Retrieving testing materials from a private school;
851	d. Providing the required format for a private school to
852	submit information to the district for test administration and
853	enrollment purposes; and
854	e. Providing any required assistance, monitoring, or
855	investigation related to administering tests and assessments at
856	a private school.
857	3. A participating private school shall report a student's
858	scores to his or her parent. By August 15 of each year, a
859	participating private school must report the scores of all
860	participating students to a state university as described in s.
861	1002.395(9)(b)3.
862	4. If a parent requests that the student participating in
863	the program take statewide assessments pursuant to s. 1008.22
864	and the participating private school has not chosen to offer and
865	administer the statewide assessments, the district in which the
866	participating private school is located must provide locations
867	and times for the student to take the assessments. The parent is
868	responsible for transporting the student to the assessment site
869	designated by the school district.
870	5. For students determined eligible pursuant to s.

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871	1002.395(7)(b), an organization must receive eligible student
872	test scores, and beginning with the 2027-2028 school year, by
873	August 15, annually report test scores for such students to a
874	state university pursuant to s. 1002.395(9)(b)3.
875	(8) BACKGROUND SCREENING REQUIREMENTS
876	(a) Each owner or operator or an individual providing
877	services under s. 1002.394(4)(b)4. or s. 1002.395(6)(d)4., prior
878	to employment or engagement to provide services, to undergo
879	level 2 background screening as provided under chapter 435. The
880	fingerprints for the background screening must be electronically
881	submitted to the Department of Law Enforcement and may be taken
882	by an authorized law enforcement agency or a private company
883	that is trained to take fingerprints. However, the complete set
884	of fingerprints of an owner or operator or service provider may
885	not be taken by the owner or operator or service provider. The
886	owner or operator or service provider shall provide a copy of
887	the results of the state and national criminal history check to
888	the Department of Education. The cost of the background
889	screening may be borne by the owner or operator or service
890	provider.
891	1. Every 5 years following employment or engagement to
892	provide services, an owner or operator or service provider must
893	meet level 2 screening standards as described in s. 435.04, at
894	which time the owner or operator or service provider shall
895	request the Department of Law Enforcement to forward the
896	fingerprints to the Federal Bureau of Investigation for level 2
897	screening. If the fingerprints of an owner or operator or
898	service provider are not retained by the Department of Law
899	Enforcement under subparagraph 2., the owner or operator or
·	

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900	service provider must electronically file a complete set of
901	fingerprints with the Department of Law Enforcement. Upon
902	submission of fingerprints for this purpose, the owner or
903	operator or service provider shall request that the Department
904	of Law Enforcement forward the fingerprints to the Federal
905	Bureau of Investigation for level 2 screening, and the
906	fingerprints shall be retained by the Department of Law
907	Enforcement under subparagraph 2.
908	2. Fingerprints submitted to the Department of Law
909	Enforcement as required by this paragraph must be retained by
910	the Department of Law Enforcement in a manner approved by rule
911	and entered in the statewide automated biometric identification
912	system authorized by s. 943.05(2)(b). The fingerprints must
913	thereafter be available for all purposes and uses authorized for
914	arrest fingerprints entered in the statewide automated biometric
915	identification system pursuant to s. 943.051.
916	3. The Department of Law Enforcement shall run a search of
917	all arrest fingerprints received under s. 943.051 against the
918	fingerprints retained in the statewide automated biometric
919	identification system under subparagraph 2. Any arrest record
920	that is identified with an owner's or operator's fingerprints
921	must be reported to the owner or operator or service provider,
922	who must report to the Department of Education. Any costs
923	associated with the search shall be borne by the owner or
924	operator or service provider.
925	4. An owner or operator who fails the level 2 background
926	screening is not eligible to participate in a scholarship
927	program under this chapter. A service provider must submit a
928	notarized attestation to the organization and make the

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929	background screening results available upon request. A person
930	that fails to make the background screening results available
931	upon request to either the parent or organization is
932	disqualified from participating in the program. No later than
933	December 1, 2025, an organization may not provide scholarship
934	funds to a person or provider that has not submitted the
935	notarized attestation.
936	5. In addition to the offenses listed in s. 435.04, a
937	person required to undergo background screening pursuant to this
938	part or authorizing statutes may not have an arrest awaiting
939	final disposition for, must not have been found guilty of, or
940	entered a plea of nolo contendere to, regardless of
941	adjudication, and must not have been adjudicated delinquent for,
942	and the record must not have been sealed or expunged for, any of
943	the following offenses or any similar offense of another
944	jurisdiction:
945	a. Any authorizing statutes, if the offense was a felony.
946	b. This chapter, if the offense was a felony.
947	c. Section 409.920, relating to Medicaid provider fraud.
948	d. Section 409.9201, relating to Medicaid fraud.
949	e. Section 741.28, relating to domestic violence.
950	f. Section 817.034, relating to fraudulent acts through
951	mail, wire, radio, electromagnetic, photoelectronic, or
952	photooptical systems.
953	g. Section 817.234, relating to false and fraudulent
954	insurance claims.
955	h. Section 817.505, relating to patient brokering.
956	i. Section 817.568, relating to criminal use of personal
957	identification information.

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576-03223-25 20257030c1 958 j. Section 817.60, relating to obtaining a credit card 959 through fraudulent means. k. Section 817.61, relating to fraudulent use of credit 960 961 cards, if the offense was a felony. 962 1. Section 831.01, relating to forgery. 963 m. Section 831.02, relating to uttering forged instruments. 964 n. Section 831.07, relating to forging bank bills, checks, 965 drafts, or promissory notes. 966 o. Section 831.09, relating to uttering forged bank bills, 967 checks, drafts, or promissory notes. p. Section 831.30, relating to fraud in obtaining medicinal 968 969 drugs. 970 q. Section 831.31, relating to the sale, manufacture, 971 delivery, or possession with the intent to sell, manufacture, or 972 deliver any counterfeit controlled substance, if the offense was 973 a felony. 974 6. At least 30 calendar days before a transfer of ownership 975 of a private school, the owner or operator shall notify the 976 parent of each scholarship student. 977 7. The owner or operator of a private school that has been 978 deemed ineligible to participate in a scholarship program 979 pursuant to this chapter may not transfer ownership or 980 management authority of the school to a relative in order to 981 participate in a scholarship program as the same school or a new 982 school. For purposes of this subparagraph, the term "relative" 983 means father, mother, son, daughter, grandfather, grandmother, 984 brother, sister, uncle, aunt, cousin, nephew, niece, husband, 985 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, 986

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576-03223-25 20257030c1 987 stepdaughter, stepbrother, stepsister, half brother, or half 988 sister. 989 (b) An organization must report the annual audit of 990 background screening results required under this subsection to 991 the department. 992 (9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.-A private 993 school participating in an educational scholarship program 994 established pursuant to this chapter may be sectarian or 995 nonsectarian and must be a private school as defined in s. 996 1002.01 in this state, be registered, and be in compliance with 997 all requirements of this section in addition to private school 998 requirements outlined in s. 1002.42, specific requirements 999 identified within respective scholarship program laws, and other 1000 provisions of Florida law that apply to private schools. 1001 Additionally, a private school participating in an educational 1002 scholarship program pursuant to this chapter, and must: 1003 (a) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d. 1004 1005 (b) Notify the department of its intent to participate in a 1006 scholarship program. 1007 (c) Notify the department of any change in the school's 1008 name, school director, mailing address, or physical location 1009 within 15 days after the change. 1010 (d) Provide to the department or scholarship-funding organization all documentation required for a student's 1011 1012 participation or required by the organization to process a 1013 scholarship payment, including the private school's and student's individual fee schedule, and attendance verification 1014 1015 as required by the department or scholarship-funding

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576-03223-25 20257030c1 1016 organization, prior to scholarship payment. Such information 1017 must be provided by the deadlines established by the organization and in accordance with the requirements of this section or ss. 1002.394 and 1002.395. A student is not eligible 1020 to receive a scholarship payment if the private school fails to meet the deadlines. (e) Annually complete and submit to the department a notarized scholarship compliance statement certifying that all school employees and contracted personnel with direct student 1024 1025 contact have undergone background screening pursuant to s. 1026 435.12 and have met the screening standards as provided in s. 1027 435.04. (f) Demonstrate fiscal soundness and accountability by: 1. Being in operation for at least 3 school years or obtaining a surety bond or letter of credit for the amount equal 1031 to the scholarship funds for any quarter and filing the surety 1032 bond or letter of credit with the department. 1033 2. Requiring the parent of each scholarship student to personally restrictively endorse the scholarship warrant to the school or to approve a funds transfer before any funds are deposited for a student. The school may not act as attorney in fact for the parent of a scholarship student under the authority of a power of attorney executed by such parent, or under any other authority, to endorse a scholarship warrant or approve a funds transfer on behalf of such parent. 1041 (g) Meet applicable state and local health, safety, and 1042 welfare laws, codes, and rules, including: 1. Firesafety.

1044 2. Building safety.

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CODING: Words stricken are deletions; words underlined are additions.

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576-03223-25 20257030c1 1045 (h) Employ or contract with teachers who hold baccalaureate 1046 or higher degrees, have at least 3 years of teaching experience 1047 in public or private schools, or have special skills, knowledge, 1048 or expertise that qualifies them to provide instruction in 1049 subjects taught. 1050 (i) Maintain a physical location in the state at which each 1051 student has regular and direct contact with teachers. Regular 1052 and direct contact with teachers may be satisfied for students 1053 enrolled pursuant to s. 1002.394(4)(b) or in a personalized 1054 education program if students have regular and direct contact 1055 with teachers at the physical location at least 2 school days 1056 per week and the student learning plan addresses the remaining 1057 instructional time. 1058 (j) Publish on the school's website, or provide in a 1059 written format, information for parents regarding the school, 1060 including, but not limited to, programs, services, the 1061 qualifications of classroom teachers, and a statement that a 1062 parentally placed private school student with a disability does 1063 not have an individual right to receive some or all of the 1064 special education and related services that the student would 1065 receive if enrolled in a public school under the Individuals 1066 with Disabilities Education Act (IDEA), as amended.

1067 (k) At a minimum, provide the parent of each scholarship 1068 student with a written explanation of the student's progress on 1069 a quarterly basis.

1070 (1) Cooperate with a student whose parent chooses to 1071 participate in the statewide assessments pursuant to s. 1008.22.

1072 (m) Require each employee and contracted personnel with1073 direct student contact, upon employment or engagement to provide

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1074 services, to undergo a state and national background screening, 1075 pursuant to s. 943.0542, by electronically filing with the 1076 Department of Law Enforcement a complete set of fingerprints 1077 taken by an authorized law enforcement agency or an employee of 1078 the private school, a school district, or a private company who 1079 is trained to take fingerprints and deny employment to or 1080 terminate an employee if he or she fails to meet the screening 1081 standards under s. 435.04. Results of the screening shall be 1082 provided to the participating private school. For purposes of 1083 this paragraph:

1084 1. An "employee or contracted personnel with direct student 1085 contact" means any employee or contracted personnel who has 1086 unsupervised access to a scholarship student for whom the 1087 private school is responsible.

1088 2. The costs of fingerprinting and the background check 1089 shall not be borne by the state.

1090 3. Continued employment of an employee or contracted 1091 personnel after notification that he or she has failed the 1092 background screening under this paragraph shall cause a private 1093 school to be ineligible for participation in a scholarship 1094 program.

1095 4. An employee or contracted personnel holding a valid 1096 Florida teaching certificate who has been fingerprinted pursuant 1097 to s. 1012.32 is not required to comply with the provisions of 1098 this paragraph.

1099 5. All fingerprints submitted to the Department of Law 1100 Enforcement as required by this section shall be retained by the 1101 Department of Law Enforcement in a manner provided by rule and 1102 entered in the statewide automated biometric identification

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576-03223-25 20257030c1 1103 system authorized by s. 943.05(2)(b). Such fingerprints shall 1104 thereafter be available for all purposes and uses authorized for 1105 arrest fingerprints entered in the statewide automated biometric 1106 identification system pursuant to s. 943.051. 1107 6. The Department of Law Enforcement shall search all 1108 arrest fingerprints received under s. 943.051 against the 1109 fingerprints retained in the statewide automated biometric 1110 identification system under subparagraph 5. Any arrest record that is identified with the retained fingerprints of a person 1111 1112 subject to the background screening under this section shall be 1113 reported to the employing school with which the person is 1114 affiliated. Each private school participating in a scholarship 1115 program is required to participate in this search process by 1116 informing the Department of Law Enforcement of any change in the 1117 employment or contractual status of its personnel whose 1118 fingerprints are retained under subparagraph 5. The Department 1119 of Law Enforcement shall adopt a rule setting the amount of the 1120 annual fee to be imposed upon each private school for performing 1121 these searches and establishing the procedures for the retention 1122 of private school employee and contracted personnel fingerprints 1123 and the dissemination of search results. The fee may be borne by 1124 the private school or the person fingerprinted.

1125 7. Employees and contracted personnel whose fingerprints 1126 are not retained by the Department of Law Enforcement under 1127 subparagraphs 5. and 6. are required to be refingerprinted and 1128 must meet state and national background screening requirements 1129 upon reemployment or reengagement to provide services in order 1130 to comply with the requirements of this section.

1131

8. Every 5 years following employment or engagement to

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1132 provide services with a private school, employees or contracted 1133 personnel required to be screened under this section must meet 1134 screening standards under s. 435.04, at which time the private 1135 school shall request the Department of Law Enforcement to 1136 forward the fingerprints to the Federal Bureau of Investigation 1137 for national processing. If the fingerprints of employees or 1138 contracted personnel are not retained by the Department of Law 1139 Enforcement under subparagraph 5., employees and contracted personnel must electronically file a complete set of 1140 1141 fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the private school 1142 1143 shall request that the Department of Law Enforcement forward the 1144 fingerprints to the Federal Bureau of Investigation for national processing, and the fingerprints shall be retained by the 1145 1146 Department of Law Enforcement under subparagraph 5.

1147 (n) Adopt policies establishing standards of ethical 1148 conduct for educational support employees, instructional 1149 personnel, and school administrators. The policies must require 1150 all educational support employees, instructional personnel, and 1151 school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational 1152 1153 support employees, instructional personnel, and school 1154 administrators to report, and procedures for reporting, alleged 1155 misconduct by other educational support employees, instructional 1156 personnel, and school administrators which affects the health, 1157 safety, or welfare of a student; and include an explanation of 1158 the liability protections provided under ss. 39.203 and 768.095. 1159 A private school, or any of its employees, may not enter into a 1160 confidentiality agreement regarding terminated or dismissed

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1161	educational support employees, instructional personnel, or
1162	school administrators, or employees, personnel, or
1163	administrators who resign in lieu of termination, based in whole
1164	or in part on misconduct that affects the health, safety, or
1165	welfare of a student, and may not provide the employees,
1166	personnel, or administrators with employment references or
1167	discuss the employees', personnel's, or administrators'
1168	performance with prospective employers in another educational
1169	setting, without disclosing the employees', personnel's, or
1170	administrators' misconduct. Any part of an agreement or contract
1171	that has the purpose or effect of concealing misconduct by
1172	educational support employees, instructional personnel, or
1173	school administrators which affects the health, safety, or
1174	welfare of a student is void, is contrary to public policy, and
1175	may not be enforced.
1176	(o) Before employing a person in any position that requires
1177	direct contact with students, conduct employment history checks
1178	of previous employers screep the person through use of the

of previous employers, screen the person through use of the 1178 1179 screening tools described in s. 1001.10(5), and document the 1180 findings. If unable to contact a previous employer, the private 1181 school must document efforts to contact the employer. The 1182 private school may not employ a person whose educator 1183 certificate is revoked, who is barred from reapplying for an 1184 educator certificate, or who is on the disqualification list 1185 maintained by the department pursuant to s. 1001.10(4)(b).

1186 (p)—Require each owner or operator of the private school, 1187 prior to employment or engagement to provide services, to 1188 undergo level 2 background screening as provided under chapter 1189 435. For purposes of this paragraph, the term "owner or

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576-03223-25 20257030c1 operator" means an owner, operator, superintendent, or principal 1190 1191 of, or a person with equivalent decisionmaking authority over, a private school participating in a scholarship program 1192 1193 established pursuant to this chapter. The fingerprints for the 1194 background screening must be electronically submitted to the 1195 Department of Law Enforcement and may be taken by an authorized 1196 law enforcement agency or a private company who is trained to 1197 take fingerprints. However, the complete set of fingerprints of 1198 an owner or operator may not be taken by the owner or operator. 1199 The owner or operator shall provide a copy of the results of the 1200 state and national criminal history check to the Department of 1201 Education. The cost of the background screening may be borne by 1202 the owner or operator.

1203 1. Every 5 years following employment or engagement to 1204 provide services, each owner or operator must meet level 2 1205 screening standards as described in s. 435.04, at which time the 1206 owner or operator shall request the Department of Law 1207 Enforcement to forward the fingerprints to the Federal Bureau of 1208 Investigation for level 2 screening. If the fingerprints of an 1209 owner or operator are not retained by the Department of Law 1210 Enforcement under subparagraph 2., the owner or operator must 1211 electronically file a complete set of fingerprints with the 1212 Department of Law Enforcement. Upon submission of fingerprints 1213 for this purpose, the owner or operator shall request that the 1214 Department of Law Enforcement forward the fingerprints to the 1215 Federal Bureau of Investigation for level 2 screening, and the 1216 fingerprints shall be retained by the Department of Law 1217 Enforcement under subparagraph 2.

1218

2. Fingerprints submitted to the Department of Law

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1219	Enforcement as required by this paragraph must be retained by
1220	the Department of Law Enforcement in a manner approved by rule
1221	and entered in the statewide automated biometric identification
1222	system authorized by s. 943.05(2)(b). The fingerprints must
1223	thereafter be available for all purposes and uses authorized for
1224	arrest fingerprints entered in the statewide automated biometric
1225	identification system pursuant to s. 943.051.
1226	3. The Department of Law Enforcement shall search all
1227	arrest fingerprints received under s. 943.051 against the
1228	fingerprints retained in the statewide automated biometric
1229	identification system under subparagraph 2. Any arrest record
1230	that is identified with an owner's or operator's fingerprints
1231	must be reported to the owner or operator, who must report to
1232	the Department of Education. Any costs associated with the
1233	search shall be borne by the owner or operator.
1234	4. An owner or operator who fails the level 2 background
1235	screening is not eligible to participate in a scholarship
1236	program under this chapter.
1237	5. In addition to the offenses listed in s. 435.04, a
1238	person required to undergo background screening pursuant to this
1239	part or authorizing statutes may not have an arrest awaiting
1240	final disposition for, must not have been found guilty of, or
1241	entered a plea of nolo contendere to, regardless of
1242	adjudication, and must not have been adjudicated delinquent for,
1243	and the record must not have been sealed or expunged for, any of
1244	the following offenses or any similar offense of another
1245	jurisdiction:
1246	a. Any authorizing statutes, if the offense was a felony.
1247	b. This chapter, if the offense was a felony.
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1248	c. Section 409.920, relating to Medicaid provider fraud.
1249	d. Section 409.9201, relating to Medicaid fraud.
1250	e. Section 741.28, relating to domestic violence.
1251	f. Section 817.034, relating to fraudulent acts through
1252	mail, wire, radio, electromagnetic, photoelectronic, or
1253	photooptical systems.
1254	g. Section 817.234, relating to false and fraudulent
1255	insurance claims.
1256	h. Section 817.505, relating to patient brokering.
1257	i. Section 817.568, relating to criminal use of personal
1258	identification information.
1259	j. Section 817.60, relating to obtaining a credit card
1260	through fraudulent means.
1261	k. Section 817.61, relating to fraudulent use of credit
1262	cards, if the offense was a felony.
1263	1. Section 831.01, relating to forgery.
1264	m. Section 831.02, relating to uttering forged instruments.
1265	n. Section 831.07, relating to forging bank bills, checks,
1266	drafts, or promissory notes.
1267	o.—Section 831.09, relating to uttering forged bank bills,
1268	checks, drafts, or promissory notes.
1269	p. Section 831.30, relating to fraud in obtaining medicinal
1270	drugs.
1271	q. Section 831.31, relating to the sale, manufacture,
1272	delivery, or possession with the intent to sell, manufacture, or
1273	deliver any counterfeit controlled substance, if the offense was
1274	a felony.
1275	6. At least 30 calendar days before a transfer of ownership
1276	of a private school, the owner or operator shall notify the
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1277 parent of each scholarship student.

1278 7. The owner or operator of a private school that has been 1279 deemed ineligible to participate in a scholarship program 1280 pursuant to this chapter may not transfer ownership or 1281 management authority of the school to a relative in order to 1282 participate in a scholarship program as the same school or a new 1283 school. For purposes of this subparagraph, the term "relative" 1284 means father, mother, son, daughter, grandfather, grandmother, 1285 brother, sister, uncle, aunt, cousin, nephew, niece, husband, 1286 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, 1287 brother-in-law, sister-in-law, stepfather, stepmother, stepson, 1288 stepdaughter, stepbrother, stepsister, half brother, or half 1289 sister.

1290 (p) (q) Provide a report from an independent certified 1291 public accountant who performs the agreed-upon procedures 1292 developed pursuant to s. 1002.395(6)(1) s. 1002.395(6)(q) if the 1293 private school receives more than \$250,000 in funds from 1294 scholarships awarded under this chapter in a state fiscal year. 1295 A private school subject to this subsection must annually submit 1296 the report by September 15 to the scholarship-funding 1297 organization that awarded the majority of the school's 1298 scholarship funds. The agreed-upon procedures must be conducted 1299 in accordance with attestation standards established by the 1300 American Institute of Certified Public Accountants.

1301 <u>(q) (r)</u> Prohibit education support employees, instructional 1302 personnel, and school administrators from employment in any 1303 position that requires direct contact with students if the 1304 personnel or administrators are ineligible for such employment 1305 pursuant to this section or s. 1012.315, or have been terminated

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1306	or have resigned in lieu of termination for sexual misconduct
1307	with a student. If the prohibited conduct occurs subsequent to
1308	employment, the private school must report the person and the
1309	disqualifying circumstances to the department for inclusion on
1310	the disqualification list maintained pursuant to s.
1311	1001.10(4)(b).
1312	<u>(r)</u> Not be owned or operated by a person or an entity
1313	domiciled in, owned by, or in any way controlled by a foreign
1314	country of concern or foreign principal as defined in s.
1315	288.860. A violation of this paragraph constitutes an imminent
1316	threat to the health, safety, and welfare of the school's
1317	students and to the public, sufficient to justify immediate
1318	suspension of payment of scholarship funds under paragraph
1319	(11)(e) (3)(e), as well as denial, suspension, or revocation of
1320	a school's participation in a scholarship program under
1321	paragraph <u>(11)(b)</u> (3)(b) .
1322	(s) The inclusion of eligible private schools within
1323	options available to Florida public school students does not
1324	expand the regulatory authority of the state, its officers, or
1325	any school district to impose any additional regulation of
1326	private schools beyond that reasonably necessary to enforce
1327	requirements expressly set forth in this section.
1328	
1329	The department shall suspend the payment of funds to a private
1330	school that knowingly fails to comply with this subsection <u>or</u>
1331	subsection (8), and shall prohibit the school from enrolling new
1332	scholarship students, for 1 fiscal year and until the school

1333 complies. If a private school fails to meet the requirements of 1334 this subsection <u>or subsection (8)</u> or has consecutive years of

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576-03223-25 20257030c1 1335 material exceptions listed in the report required under 1336 paragraph (p) (q), the commissioner may determine that the 1337 private school is ineligible to participate in a scholarship 1338 program. 1339 (10) (2) DEPARTMENT OF EDUCATION OBLIGATIONS. 1340 (a) The Department of Education shall: 1341 1. Annually verify the eligibility of private schools that meet the requirements of this section, specific requirements 1342 1343 identified within respective scholarship program laws, and other 1344 provisions of state law that apply to private schools. 1345 2. Establish a toll-free hotline that provides parents and 1346 private schools with information on participation in the 1347 scholarship programs. 1348 3. Publish and update, as necessary, information on the 1349 department website about the educational scholarship programs 1350 established under this chapter, including, but not limited to, 1351 student eligibility criteria, parental responsibilities, and 1352 relevant data. The information must include a list of approved 1353 providers as required by s. 1002.66, eligible postsecondary 1354 educational institutions, eligible private schools, and eligible 1355 organizations and may identify or provide links to lists of 1356 other approved providers. 1357 4.3. Establish a process by which individuals may notify 1358 the department of any violation by a parent, private school, or 1359 school district of state laws relating to program participation. 1360 If the department has reasonable cause to believe that a 1361 violation of this section or any rule adopted by the State Board 1362 of Education has occurred, it shall conduct an inquiry or make a

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referral to the appropriate agency for an investigation. A

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CODING: Words stricken are deletions; words underlined are additions.

CS for SB 7030

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576-03223-25 20257030c1 1364 department inquiry is not subject to the requirements of chapter 1365 120. 1366 5. Investigate any written complaint of a violation of this 1367 section by a parent, a student, a participating private school, 1368 a public school, a school district, an organization, a provider, 1369 or another appropriate party in accordance with the process 1370 established under s. 1002.421. 1371 6.4. Require an annual, notarized, sworn compliance 1372 statement from participating private schools certifying 1373 compliance with state laws, and retain such records. 1374 7.5. Coordinate with the entities conducting the health 1375 inspection for a private school to obtain copies of the 1376 inspection reports. 1377 8.6. Conduct site visits to private schools entering a 1378 scholarship program for the first time. Beginning with the 2019-1379 2020 school year, a private school is not eligible to receive 1380 scholarship payments until a satisfactory site visit has been 1381 conducted and the school is in compliance with all other 1382 requirements of this section. 1383 9.7. Coordinate with the State Fire Marshal to obtain 1384 access to fire inspection reports for private schools. The 1385 authority conducting the fire safety inspection shall certify to the State Fire Marshal that the annual inspection has been 1386 1387 completed and that the school is in full compliance. The 1388 certification shall be made electronically or by such other

1390 <u>10.8.</u> Upon the request of a participating private school 1391 authorized to administer statewide assessments, provide at no 1392 cost to the school the statewide assessments administered under

means as directed by the State Fire Marshal.

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576-03223-25 20257030c1 1393 s. 1008.22 and any related materials for administering the 1394 assessments. Students at a private school may be assessed using 1395 the statewide assessments if the addition of those students and 1396 the school does not cause the state to exceed its contractual 1397 caps for the number of students tested and the number of testing 1398 sites. The state shall provide the same materials and support to 1399 a private school that it provides to a public school. A private 1400 school that chooses to administer statewide assessments under s. 1401 1008.22 shall follow the requirements set forth in ss. 1008.22 1402 and 1008.24, rules adopted by the State Board of Education to 1403 implement those sections, and district-level testing policies 1404 established by the district school board. 1405 11. Maintain and annually publish a list of nationally 1406 norm-referenced tests identified for purposes of satisfying the 1407 testing requirements in subsection (7). The tests must meet 1408 industry standards of quality in accordance with state board 1409 rule. 1410 12. Develop a standard withdrawal form for parents who are 1411 withdrawing their students from public school to enroll in a 1412 scholarship program under this chapter. The form must include 1413 the student's Florida Education Identification number, full 1414 name, date of birth, school or program from which the student is withdrawing, and date of withdrawal. 1415 1416 (b)

(b) The department may conduct site visits to any private school participating in a scholarship program pursuant to this chapter that has received a complaint about a violation of state law or state board rule pursuant to subparagraph (a)4. (a)3. or has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

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576-03223-25 20257030c1 1422 (c) Annually, by December 15, the department shall report 1423 to the Governor, the President of the Senate, and the Speaker of 1424 the House of Representatives its actions in implementing 1425 accountability in the scholarship programs under this section, 1426 any substantiated allegations or violations of law or rule by an 1427 eligible private school under this section, and the corrective 1428 action taken. 1429 (d) The department shall develop a uniform reimbursement 1430 process that organizations must use when processing 1431 reimbursement requests, including invoices, pursuant to s. 1432 1002.394(11)(b)6. or s. 1002.395(6)(u). An organization must 1433 approve, deny, or request more information relating to a 1434 reimbursement request within 30 days after receipt of such 1435 request. The department shall coordinate with each organization 1436 to develop a process to collect input and feedback from parents, 1437 private schools, and providers before an organization may 1438 implement substantial modifications or enhancements to the 1439 reimbursement process. 1440 (11) (3) COMMISSIONER OF EDUCATION AUTHORITY AND 1441 OBLIGATIONS.-The Commissioner of Education: 1442 (a) Shall deny, suspend, or revoke a private school's 1443 participation in a scholarship program if it is determined that 1444 the private school has failed to comply with this section or 1445 exhibits a previous pattern of failure to comply. However, if 1446 the noncompliance is correctable within a reasonable amount of time, not to exceed 45 days, and if the health, safety, or 1447 1448 welfare of the students is not threatened, the commissioner may

1448 wellare of the students is not threatened, the commissioner ma 1449 issue a notice of noncompliance which provides the private 1450 school with a timeframe within which to provide evidence of

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576-03223-25 20257030c1 1451 compliance before taking action to suspend or revoke the private 1452 school's participation in the scholarship program. 1453 (b) May deny, suspend, or revoke a private school's 1454 participation in a scholarship program if the commissioner 1455 determines that an owner or operator of the private school is 1456 operating or has operated an educational institution in this 1457 state or in another state or jurisdiction in a manner contrary 1458 to the health, safety, or welfare of the public or if the owner 1459 or operator has exhibited a previous pattern of failure to 1460 comply with this section or specific requirements identified 1461 within respective scholarship program laws. For purposes of this 1462 subsection, the term "owner or operator" has the same meaning as

1463 provided in paragraph (1) (p).

(c) May permanently deny or revoke the authority of an owner, officer, or director to establish or operate a private school in the state and include such individual on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) if the commissioner decides that the owner, officer, or director:

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

1473 2. Has operated an educational institution that closed 1474 during the school year. An individual may be removed from the 1475 disqualification list if the individual reimburses the 1476 department or eligible nonprofit scholarship-funding 1477 organization the amount of scholarship funds received by the 1478 educational institution during the school year in which it 1479 closed.

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576-03223-25 20257030c1 1480 (d)1. In making such a determination, may consider factors 1481 that include, but are not limited to, acts or omissions by an 1482 owner or operator which led to a previous denial, suspension, or revocation of participation in a state or federal education 1483 1484 scholarship program; an owner's or operator's failure to 1485 reimburse the department or scholarship-funding organization for 1486 scholarship funds improperly received or retained by a school; 1487 the imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational 1488 1489 institution; the imposition of a civil fine or administrative 1490 fine, license revocation or suspension, or program eligibility 1491 suspension, termination, or revocation related to an owner's or 1492 operator's management or operation of an educational 1493 institution; or other types of criminal proceedings in which an 1494 owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, 1495 1496 any offense involving fraud, deceit, dishonesty, or moral 1497 turpitude. 1498 2. The commissioner's determination is subject to the 1499 following:

1500 a. If the commissioner intends to deny, suspend, or revoke 1501 a private school's participation in the scholarship program, the 1502 department shall notify the private school of such proposed 1503 action in writing by certified mail and regular mail to the 1504 private school's address of record with the department. The 1505 notification shall include the reasons for the proposed action 1506 and notice of the timelines and procedures set forth in this 1507 paragraph.

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b. The private school that is adversely affected by the

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576-03223-25 20257030c1 1509 proposed action shall have 15 days after receipt of the notice 1510 of proposed action to file with the department's agency clerk a 1511 request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), 1512 1513 the department shall forward the request to the Division of 1514 Administrative Hearings. 1515 c. Upon receipt of a request referred pursuant to this 1516 subparagraph, the director of the Division of Administrative 1517 Hearings shall expedite the hearing and assign an administrative 1518 law judge who shall commence a hearing within 30 days after the 1519 receipt of the formal written request by the division and enter 1520 a recommended order within 30 days after the hearing or within

1521 30 days after receipt of the hearing transcript, whichever is 1522 later. Each party shall be allowed 10 days in which to submit 1523 written exceptions to the recommended order. A final order shall 1524 be entered by the agency within 30 days after the entry of a 1525 recommended order. The provisions of this sub-subparagraph may 1526 be waived upon stipulation by all parties.

(e) May immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1530 1. An imminent threat to the health, safety, or welfare of 1531 the students;

1532 2. A previous pattern of failure to comply with this1533 section; or

3. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department's Office of Inspector General is authorized to release personally

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576-03223-25 20257030c1 1538 identifiable records or reports of students to the following 1539 persons or organizations: 1540 a. A court of competent jurisdiction in compliance with an 1541 order of that court or the attorney of record in accordance with 1542 a lawfully issued subpoena, consistent with the Family 1543 Educational Rights and Privacy Act, 20 U.S.C. s. 1232q. 1544 b. A person or entity authorized by a court of competent 1545 jurisdiction in compliance with an order of that court or the 1546 attorney of record pursuant to a lawfully issued subpoena, 1547 consistent with the Family Educational Rights and Privacy Act, 1548 20 U.S.C. s. 1232g. 1549 Any person, entity, or authority issuing a subpoena for с. 1550 law enforcement purposes when the court or other issuing agency 1551 has ordered that the existence or the contents of the subpoena 1552 or the information furnished in response to the subpoena not be 1553 disclosed, consistent with the Family Educational Rights and 1554 Privacy Act, 20 U.S.C. s. 1232q, and 34 C.F.R. s. 99.31. 1555 1556 The commissioner's order suspending payment pursuant to this 1557 paragraph may be appealed pursuant to the same procedures and 1558 timelines as the notice of proposed action set forth in 1559 subparagraph (d)2. 1560 (12) SCHOOL DISTRICT OBLIGATIONS.-1561 (a) By January 1 of each year, a school district shall 1562 inform all households within the district receiving free or 1563 reduced-priced meals under the National School Lunch Act of 1564 their eligibility to apply for a scholarship program established 1565 under this chapter. The form of such notice shall be provided by 1566 the department, and the school district shall include the

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1567	provided form in any normal correspondence with eligible
1568	households. If an organization requests a special communication
1569	to be issued to households within the district receiving free or
1570	reduced-price meals under the National School Lunch Act, the
1571	organization shall reimburse the district for the cost of
1572	postage. Such notice is limited to once a year.
1573	(b) Upon the request of the department, a school district
1574	shall coordinate with the department to provide to a
1575	participating private school the statewide assessments
1576	administered under s. 1008.22 and any related materials for
1577	administering the assessments. For a student participating in a
1578	scholarship program established under this chapter whose parent
1579	requests that the student take the statewide assessments under
1580	s. 1008.22, the district in which the student attends a
1581	participating private school shall provide locations and times
1582	to take all statewide assessments. A school district is
1583	responsible for implementing test administrations at a
1584	participating private school, including:
1585	1. Providing training for private school staff on test
1586	security and assessment administration procedures;
1587	2. Distributing testing materials to a private school;
1588	3. Retrieving testing materials from a private school;
1589	4. Providing the required format for a private school to
1590	submit information to the district for test administration and
1591	enrollment purposes; and
1592	5. Providing any required assistance, monitoring, or
1593	investigation at a private school.
1594	(c) Each school district must publish information about a
1595	scholarship program established under this chapter on the
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1596	district's website homepage. At a minimum, the published
1597	information must include a website link to the scholarship
1598	programs published on the department's website as well as a
1599	telephone number and e-mail address that students and parents
1600	may use to contact relevant personnel in the school district to
1601	obtain information about the scholarship.
1602	(d) A school district, upon the request of a parent, must
1603	provide the parent of a student enrolled in a school in the
1604	school district the standard withdrawal form developed by the
1605	department. The school district must sign a completed form
1606	within 10 days after receipt. The school district must also
1607	publish the withdrawal form on its website in a downloadable
1608	format
1609	
1610	options available to Florida public school students does not
1611	expand the regulatory authority of the state, its officers, or
1612	any school district to impose any additional regulation of
1613	private schools beyond those reasonably necessary to enforce
1614	requirements expressly set forth in this section.
1615	(13) (5) RULEMAKING.—The State Board of Education shall
1616	adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
1617	this section, including rules to establish a deadline for
1618	private school applications for participation and timelines for
1619	the department to conduct site visits.
1620	Section 7. Subsections (2) through (12) of section
1621	1002.394, Florida Statutes, are amended to read:
1622	1002.394 The Family Empowerment Scholarship Program
1623	(2) DEFINITIONS.—As used in this section, the term:
1624	(a) "Approved provider" means a provider approved by the
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576-03223-25 20257030c1 1625 Agency for Persons with Disabilities, a health care practitioner 1626 as defined in s. 456.001, or a provider approved by the department pursuant to s. 1002.66. 1627 1628 (b) "Choice navigator" has the same meaning as in s. 1629 1002.395(2). 1630 (c) "Curriculum" means a complete course of study for a 1631 particular content area or grade level, including any required 1632 supplemental materials and associated online instruction. 1633 (d) "Department" means the Department of Education. 1634 (c) "Disability" means, for a 3- or 4-year-old child or for 1635 a student in kindergarten to grade 12, autism spectrum disorder, 1636 defined in the Diagnostic and Statistical Manual of Mental as 1637 Disorders, Fifth Edition, published by the American Psychiatric 1638 Association; cerebral palsy, as defined in s. 393.063; Down 1639 syndrome, as defined in s. 393.063; an intellectual disability, 1640 as defined in s. 393.063; a speech impairment; a language 1641 impairment; an orthopedic impairment; any other health impairment; an emotional or a behavioral disability; a specific 1642 learning disability, including, but not limited to, dyslexia, 1643 1644 dyscalculia, or developmental aphasia; Phelan-McDermid syndrome, 1645 as defined in s. 393.063; Prader-Willi syndrome, as defined in 1646 s. 393.063; spina bifida, as defined in s. 393.063; being a 1647 high-risk child, as defined in s. 393.063(22)(a); muscular 1648 dystrophy; Williams syndrome; rare diseases which affect patient 1649 populations of fewer than 200,000 individuals in the United 1650 States, as defined by the National Organization for Rare 1651 Disorders; anaphylaxis; a hearing impairment, including deafness; a visual impairment, including blindness; traumatic 1652 brain injury; hospital or homebound; or identification as dual 1653

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1654	sensory impaired, as defined by rules of the State Board of
1655	Education and evidenced by reports from local school districts.
1656	The term "hospital or homebound" includes a student who has a
1657	medically diagnosed physical or psychiatric condition or
1658	illness, as defined by the state board in rule, and who is
1659	confined to the home or hospital for more than 6 months.
1660	(f) "Eligible nonprofit scholarship-funding organization"
1661	or "organization" has the same meaning as in s. 1002.395(2).
1662	(g) "Eligible postsecondary educational institution" means
1663	a Florida College System institution; a state university; a
1664	school district technical center; a school district adult
1665	general education center; an independent college or university
1666	that is eligible to participate in the William L. Boyd, IV,
1667	Effective Access to Student Education Grant Program under s.
1668	1009.89; or an accredited independent postsecondary educational
1669	institution, as defined in s. 1005.02, which is licensed to
1670	operate in this state under part III of chapter 1005 or is
1671	approved to participate in a reciprocity agreement as defined in
1672	s. 1000.35(2).
1673	(h)—"Eligible private school" has the same meaning as in s.
1674	1002.395(2).
1675	(i) "IEP" means an individual education plan, regardless of
1676	whether the plan has been reviewed or revised within the last 12
1677	months.
1678	(j) "Inactive" means that no eligible expenditures have
1679	been made from an account funded pursuant to paragraph (12)(b).
1680	(k) "Job coach" means an individual employed to help people
1681	with disabilities learn, accommodate to, and perform their work
1682	duties.
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1683	(1) "Law enforcement officer" has the same meaning as
1684	provided in s. 943.10(1).
1685	(m) "Parent" means a resident of this state who is a
1686	parent, as defined in s. 1000.21.
1687	<u>(b)</u> "Program" means the Family Empowerment Scholarship
1688	Program.
1689	(3) SCHOLARSHIP ELIGIBILITY
1690	(a) 1 . A parent of a student may apply pursuant to s.
1691	1002.421 for and receive from the state a scholarship for the
1692	purposes specified in paragraph (4)(a) if the student:
1693	1.a. Is a resident of this state or the dependent child of
1694	an active duty member of the United States Armed Forces who has
1695	received permanent change of station orders to this state; and
1696	<u>2.</u> b. Is eligible to enroll in kindergarten through grade 12
1697	in a public school in this state or received a scholarship under
1698	the Hope Scholarship Program in the 2023-2024 school year.
1699	2. Priority must be given in the following order:
1700	a. A student whose household income level does not exceed
1701	185 percent of the federal poverty level or who is in foster
1702	care or out-of-home care.
1703	b. A student whose household income level exceeds 185
1704	percent of the federal poverty level, but does not exceed 400
1705	percent of the federal poverty level.
1706	(b) A parent of a student with a disability may apply
1707	pursuant to s. 1002.421 for and receive from the state a
1708	scholarship for the purposes specified in paragraph (4)(b) if
1709	the student:
1710	1. Is a resident of this state or the dependent child of an
1711	active duty member of the United States Armed Forces who has

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576-03223-25 20257030c1 1712 received permanent change of station orders to this state or, at 1713 the time of renewal, whose home of record or state of legal 1714 residence is Florida; 1715 2. Is 3 or 4 years of age during the year in which the 1716 student applies for program participation or is eligible to 1717 enroll in kindergarten through grade 12 in a public school in 1718 this state; 1719 3. Has a disability as defined in subsection (2); and 4. Is the subject of an IEP written in accordance with 1720 1721 rules of the State Board of Education or with the applicable 1722 rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or 1723 1724 chapter 459, a psychologist who is licensed under chapter 490, 1725 or a physician who holds an active license issued by another 1726 state or territory of the United States, the District of 1727 Columbia, or the Commonwealth of Puerto Rico. 1728 (4) AUTHORIZED USES OF PROGRAM FUNDS.-1729 (a) Program funds awarded to a student determined eligible 1730 pursuant to paragraph (3)(a) may be used for: 1731 1. Tuition and fees at an eligible private school. 1732 2. Instructional materials, including digital materials, 1733 digital devices, and Internet resources. 1734 3. Curriculum as defined in subsection (2). 1735 4. Tuition and fees associated with full-time or part-time 1736 enrollment in an eligible postsecondary educational institution 1737 or a program offered by the postsecondary educational 1738 institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship 1739 program as defined in s. 446.021(5) which is not subject to s. 1740

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576-03223-25 20257030c1 1741 1009.25 and complies with all applicable requirements of the 1742 department pursuant to chapter 1005; a private tutoring program 1743 authorized under s. 1002.43; a virtual program offered by a 1744 department-approved private online provider that meets the 1745 provider qualifications specified in s. 1002.45(2)(a); the 1746 Florida Virtual School as a private paying student; or an 1747 approved online course offered pursuant to s. 1003.499 or s. 1004.0961. 1748

1749 5. Fees for nationally standardized, norm-referenced 1750 achievement tests, Advanced Placement Examinations, industry 1751 certification examinations, assessments related to postsecondary 1752 education, or other assessments.

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

1759 7. Tuition and fees for part-time tutoring services or fees 1760 for services provided by a choice navigator. Such services must 1761 be provided by a person who holds a valid Florida educator's 1762 certificate pursuant to s. 1012.56, a person who holds an 1763 adjunct teaching certificate pursuant to s. 1012.57, a person 1764 who has a bachelor's degree or a graduate degree in the subject area or related subject area in which instruction is given, a 1765 1766 person who has demonstrated a mastery of subject area knowledge 1767 pursuant to s. 1012.56(5), or a person certified by a nationally 1768 or internationally recognized research-based training program as 1769 approved by the department. As used in this subparagraph, the

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576-03223-25 20257030c1 1770 term "part-time tutoring services" does not qualify as regular 1771 school attendance as defined in s. 1003.01(16)(e). 1772 8. Membership dues and related activity fees for 1773 participation in Career and Technical Student Organizations. 1774 (b) Program funds awarded to a student with a disability 1775 determined eligible pursuant to paragraph (3) (b) may be used for 1776 the following purposes: 1777 Instructional materials, including digital devices, 1. 1778 digital periphery devices, and assistive technology devices that 1779 allow a student to access instruction or instructional content 1780 and training on the use of and maintenance agreements for these 1781 devices. 1782 2. Curriculum as defined in subsection (2). 1783 Specialized services by approved providers or by a 3. 1784 hospital in this state which are selected by the parent. These 1785 specialized services may include, but are not limited to: 1786 a. Applied behavior analysis services as provided in ss. 1787 627.6686 and 641.31098. 1788 b. Services provided by speech-language pathologists as 1789 defined in s. 468.1125(8). 1790 c. Occupational therapy as defined in s. 468.203. 1791 d. Services provided by physical therapists as defined in 1792 s. 486.021(8). 1793 Services provided by listening and spoken language 1794 specialists and an appropriate acoustical environment for a 1795 child who has a hearing impairment, including deafness, and who 1796 has received an implant or assistive hearing device. 4. Tuition and fees associated with full-time or part-time 1797 1798 enrollment in a home education program that meets all of the

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1799	following requirements:
1800	a. Provides educational courses or activities.
1801	b. Has a publicly available description of courses and
1802	activities.
1803	c. Has a tuition and fee schedule.
1804	d. Makes the tuition and fees payable to a registered
1805	business entity.
1806	5. Tuition and fees associated with full-time or part-time
1807	<u>enrollment in</u> ; an eligible private school; an eligible
1808	postsecondary educational institution or a program offered by
1809	the postsecondary educational institution, unless the program is
1810	subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an
1811	approved preapprenticeship program as defined in s. 446.021(5)
1812	which is not subject to s. 1009.25 and complies with all
1813	applicable requirements of the department pursuant to chapter
1814	1005; a private tutoring program authorized under s. 1002.43; a
1815	virtual program offered by a department-approved private online
1816	provider that meets the provider qualifications specified in s.
1817	1002.45(2)(a); the Florida Virtual School as a private paying
1818	student; or an approved online course offered pursuant to s.
1819	1003.499 or s. 1004.0961.
1820	6.5. Fees for nationally standardized, norm-referenced
1821	achievement tests, Advanced Placement Examinations, industry
1822	certification examinations, assessments related to postsecondary
1823	education, or other assessments.
1824	7.6. Contributions to the Stanley G. Tate Florida Prepaid
1825	College Program pursuant to s. 1009.98 or the Florida College
1826	Savings Program pursuant to s. 1009.981 for the benefit of the
1827	eligible student.
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576-03223-25 20257030c1 1828 8.7. Contracted services provided by a public school or 1829 school district, including classes. A student who receives 1830 services under a contract under this paragraph is not considered 1831 enrolled in a public school for eligibility purposes as 1832 specified in subsection (6) but rather attending a public school on a part-time basis as authorized under s. 1002.44. 1833 1834 9.8. Tuition and fees for part-time tutoring services or 1835 fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida 1836 1837 educator's certificate pursuant to s. 1012.56, a person who 1838 holds an adjunct teaching certificate pursuant to s. 1012.57, a 1839 person who has a bachelor's degree or a graduate degree in the 1840 subject area or related subject area in which instruction is 1841 given, a person who has demonstrated a mastery of subject area 1842 knowledge pursuant to s. 1012.56(5), or a person certified by a 1843 nationally or internationally recognized research-based training 1844 program as approved by the department. As used in this 1845 subparagraph, the term "part-time tutoring services" does not 1846 qualify as regular school attendance as defined in s. 1847 1003.01(16)(e). 10.9. Fees for specialized summer education programs. 1848 1849 11.10. Fees for specialized after-school education 1850 programs. 1851 12.11. Transition services provided by job coaches. 1852 Transition services are a coordinated set of activities which 1853 are focused on improving the academic and functional achievement

1854 of a student with a disability to facilitate the student's 1855 movement from school to postschool activities and are based on 1856 the student's needs.

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576-03223-25 20257030c1 1857 13.12. Fees for an annual evaluation of educational 1858 progress by a state-certified teacher under s. 1002.41(1)(f), if 1859 this option is chosen for a home education student. 1860 14.13. Tuition and fees associated with programs offered by 1861 Voluntary Prekindergarten Education Program providers approved pursuant to s. 1002.55, school readiness providers approved 1862 1863 pursuant to s. 1002.88, and prekindergarten programs offered by 1864 an eligible private school. 1865 15.14. Fees for services provided at a center that is a 1866 member of the Professional Association of Therapeutic 1867 Horsemanship International. 1868 16.15. Fees for services provided by a therapist who is 1869 certified by the Certification Board for Music Therapists or 1870 credentialed by the Art Therapy Credentials Board, Inc. 1871 17. Membership dues and related activity fees for 1872 participation in Career and Technical Student Organizations. 1873 (5) TERM OF SCHOLARSHIP.-For purposes of continuity of 1874 educational choice: 1875 (a)1. A scholarship funded to an eligible student pursuant 1876 to paragraph (3)(a) shall remain in force until: 1877 a. The organization determines that the student is not 1878 eligible for program renewal; b. The Commissioner of Education suspends or revokes 1879 1880 program participation or use of funds; 1881 c. The student's parent has forfeited participation in the program for failure to comply with the scholarship program 1882 1883 requirements subsection (10); 1884 The student, who uses the scholarship for tuition and d. 1885 fees pursuant to subparagraph (4)(a)1., enrolls in a public

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1886	school. However, if a student enters a Department of Juvenile
1887	Justice detention center for a period of no more than 21 days,
1888	the student is not considered to have returned to a public
1889	school on a full-time basis for that purpose; or
1890	e. The student graduates from high school or attains 21
1891	years of age, whichever occurs first.
1892	2. a. The student's scholarship account must be closed and
1893	any remaining funds shall revert to the state after:
1894	<u>a.(I) Denial or revocation of program eligibility by the</u>
1895	commissioner for fraud or abuse, including, but not limited to,
1896	the student or student's parent accepting any payment, refund,
1897	or rebate, in any manner, from a provider of any services
1898	received pursuant to paragraph (4)(a);
1899	<u>b.(II) One fiscal year Two consecutive fiscal years in</u>
1900	which an account has been inactive; or
1901	<u>c.(III)</u> A student remains unenrolled in an eligible private
1902	school for 30 days while receiving a scholarship that requires
1903	full-time enrollment <u>; or</u>
1904	d. A student's scholarship no longer remains in force due
1905	to any of the reasons provided in subparagraph 1.
1906	3. An organization must notify the parent prior to closing
1907	a student's account regarding the reason the account will be
1908	closed and that the balance of funds will revert upon closure.
1909	4. An organization must annually report to the department
1910	the total number of scholarship accounts that were closed
1911	pursuant to this subparagraph and the amount of funds by account
1912	which reverted to the state
1913	b. Reimbursements for program expenditures may continue
1914	until the account balance is expended or remaining funds have

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1915	reverted to the state.
1916	(b)1. A scholarship funded to an eligible student pursuant
1917	to paragraph (3)(b) shall remain in force until:
1918	a. The parent does not renew program eligibility;
1919	b. The organization determines that the student is not
1920	eligible for program renewal;
1921	c. The Commissioner of Education suspends or revokes
1922	program participation or use of funds;
1923	d. The student's parent has forfeited participation in the
1924	program for failure to comply with the scholarship requirements
1925	subsection (10);
1926	e. The student enrolls full time in a public school; or
1927	f. The student graduates from high school or attains 22
1928	years of age, whichever occurs first.
1929	2. Reimbursements for program expenditures may continue
1930	until the account balance is expended or the account is closed.
1931	3. A student's scholarship account must be closed and any
1932	remaining funds, including, but not limited to, contributions
1933	made to the Stanley G. Tate Florida Prepaid College Program or
1934	earnings from or contributions made to the Florida College
1935	Savings Program using program funds pursuant to subparagraph
1936	(4)(b)7. (4)(b)6., shall revert to the state after:
1937	a. Denial or revocation of program eligibility by the
1938	commissioner for fraud or abuse, including, but not limited to,
1939	the student or student's parent accepting any payment, refund,
1940	or rebate, in any manner, from a provider of any services
1941	received pursuant to subsection (4); <u>or</u>
1942	b. Any period of 3 consecutive years after high school
1943	completion or graduation during which the student has not been

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576-03223-25 20257030c1 1944 enrolled in an eligible postsecondary educational institution or 1945 a program offered by the institution; or c. Two consecutive fiscal years in which an account has 1946 1947 been inactive. 1948 4. An organization must notify the parent prior to closing 1949 a student's account regarding the reason the account will be 1950 closed and that the balance of funds will revert upon closure. 1951 5. Upon a student reaching the age of 16, the organization 1952 must notify the parent if there is a balance in the student's 1953 account and provide the amount of the balance and information 1954 regarding how the funds may be used. 1955 6. An organization must report to the department the total 1956 number of scholarship accounts that were closed pursuant to this 1957 paragraph and the amount of funds by account that reverted to 1958 the state. 1959 (c) Upon reasonable notice to the organization and the 1960 school district, the student's parent may remove the student 1961 from the participating private school and place the student in a 1962 public school in accordance with this section. 1963 (d) Upon reasonable notice to the organization, the 1964 student's parent may move the student from one participating 1965 private school to another participating private school. 1966 (6) SCHOLARSHIP PROHIBITIONS.-A student is not eligible for 1967 a Family Empowerment Scholarship while he or she is: 1968 (a) Enrolled full time in a public school, including, but 1969 not limited to, the Florida School for the Deaf and the Blind, 1970 the College-Preparatory Boarding Academy, the Florida School for 1971 Competitive Academics, the Florida Virtual School, the Florida 1972 Scholars Academy, a developmental research school authorized Page 68 of 139

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1973	under s. 1002.32, or a charter school authorized under this
1974	chapter. For purposes of this paragraph, a 3- or 4-year-old
1975	child who receives services funded through the Florida Education
1976	Finance Program is considered to be a student enrolled in a
1977	public school;
1978	(b) Enrolled in a school operating for the purpose of
1979	providing educational services to youth in a Department of
1980	Juvenile Justice commitment program;
1981	(c) Receiving any other educational scholarship pursuant to
1982	this chapter. However, an eligible public school student
1983	receiving a scholarship under s. 1002.411 may receive a
1984	scholarship for transportation pursuant to subparagraph
1985	(4) (a) 2. ;
1986	(d) Not having regular and direct contact with his or her
1987	private school teachers pursuant to <u>s. 1002.421(9)(i)</u> s.
1988	1002.421(1)(i), unless he or she is eligible pursuant to
1989	paragraph (3)(b) and enrolled in the participating private
1990	school's transition-to-work program pursuant to subsection (16)
1991	or a home education program pursuant to s. 1002.41;
1992	(e) Participating in a private tutoring program pursuant to
1993	s. 1002.43 unless he or she is determined eligible pursuant to
1994	paragraph (3)(b); or
1995	(f) Participating in virtual instruction pursuant to s.
1996	1002.455 that receives state funding pursuant to the student's
1997	participation.
1998	(7) SCHOOL DISTRICT OBLIGATIONS
1999	(a) By January 1 of each year, a school district shall
2000	inform all households within the district receiving free or
2001	reduced-priced meals under the National School Lunch Act of

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576-03223-25 20257030c1 2002 their eligibility to apply to the department for a Family Empowerment Scholarship. The form of such notice shall be 2003 2004 provided by the department, and the school district shall 2005 include the provided form in any normal correspondence with 2006 eligible households. Such notice is limited to once a year. 2007 (b)1. The parent of a student with a disability who does 2008 not have an IEP in accordance with subparagraph (3)(b)4. or who 2009 seeks a reevaluation of an existing IEP may request an IEP 2010 meeting and evaluation from the school district in order to 2011 obtain or revise a matrix of services. The school district shall 2012 notify a parent who has made a request for an IEP that the 2013 district is required to complete the IEP and matrix of services 2014 within 30 days after receiving notice of the parent's request. 2015 The school district shall conduct a meeting and develop an IEP 2016 and a matrix of services within 30 days after receipt of the 2017 parent's request in accordance with State Board of Education 2018 rules. The district must accept the diagnosis and consider the 2019 service plan of the licensed professional providing the 2020 diagnosis pursuant to subparagraph (3) (b)4. The school district 2021 must complete a matrix that assigns the student to one of the 2022 levels of service as they existed before the 2000-2001 school 2023 year. For a nonpublic school student without an IEP, the school 2024 district is authorized to use evaluation reports and plans of 2025 care developed by the licensed professionals under subparagraph 2026 (4) (b) 3. to complete the matrix of services.

2027 2.a. The school district must provide the student's parent 2028 and the department with the student's matrix level within 10 2029 calendar days after its completion.

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b. The department shall notify the parent and the

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576-03223-25 20257030c1 2031 organization of the amount of the funds awarded within 10 days 2032 after receiving the school district's notification of the student's matrix level. 2033 2034 e. A school district may change a matrix of services only 2035 if the change is a result of an IEP reevaluation or to correct a 2036 technical, typographical, or calculation error. 2037 (b)1.(c)1. Within 10 days after an IEP meeting is held, a 2038 school district shall notify the parent of a student of all 2039 options available pursuant to this section and offer that 2040 student's parent an opportunity to enroll the student in another 2041 public school in the school district. 2042 2. The parent is not required to accept the offer of 2043 enrolling the student in another public school in lieu of 2044 requesting a scholarship. However, if the parent chooses the 2045 public school option, the student may continue attending the 2046 public school chosen by the parent until the student graduates 2047 from high school. 2048 3. The parent may choose another public school in the 2049 school district, and the school district shall provide 2050 transportation to the public school selected by the parent.

4. The parent may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district that has available space and has a program with the services agreed to in the student's IEP already in place, and that school district shall accept the student and report the student for purposes of the school district's funding pursuant to the Florida Education Finance Program.

2058(d) Upon the request of the department, a school district2059shall coordinate with the department to provide to a

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2060	participating private school the statewide assessments
2061	administered under s. 1008.22 and any related materials for
2062	administering the assessments. For a student who participates in
2063	the Family Empowerment Scholarship Program whose parent requests
2064	that the student take the statewide assessments under s.
2065	1008.22, the district in which the student attends a
2066	participating private school shall provide locations and times
2067	to take all statewide assessments. A school district is
2068	responsible for implementing test administrations at a
2069	participating private school, including the:
2070	1. Provision of training for private school staff on test
2071	security and assessment administration procedures;
2072	2. Distribution of testing materials to a private school;
2073	3. Retrieval of testing materials from a private school;
2074	4. Provision of the required format for a private school to
2075	submit information to the district for test administration and
2076	enrollment purposes; and
2077	5. Provision of any required assistance, monitoring, or
2078	investigation at a private school.
2079	(e)—Each school district must publish information about the
2080	Family Empowerment Scholarship Program on the district's website
2081	homepage. At a minimum, the published information must include a
2082	website link to the Family Empowerment Scholarship Program
2083	published on the Department of Education website as well as a
2084	telephone number and e-mail that students and parents may use to
2085	contact relevant personnel in the school district to obtain
2086	information about the scholarship.
2087	(8) DEPARTMENT OF EDUCATION OBLIGATIONS
2088	(a) The department shall:

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rule.

576-03223-25 20257030c1 1. Publish and update, as necessary, information on the department website about the Family Empowerment Scholarship Program, including, but not limited to, student eligibility criteria, parental responsibilities, and relevant data. 2. Report, as part of the determination of full-time equivalent membership pursuant to s. 1011.62(1)(a), all scholarship students funded through the Florida Education Finance Program, and cross-check the list of scholarship students submitted by the eligible nonprofit scholarship-funding organization with the full-time equivalent student membership survey data to avoid duplication. 3. Maintain and annually publish a list of nationally normreferenced tests identified for purposes of satisfying the testing requirement in subparagraph (9)(c)1. The tests must meet industry standards of quality in accordance with state board 4. Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of eligible scholarship students. (a) 5. Deny or terminate program participation upon a parent's failure to comply with the scholarship program

2110 requirements subsection (10).

2111 6. Notify the parent and the organization when a 2112 scholarship account is closed and program funds revert to the 2113 state.

2114 7. Notify an eligible nonprofit scholarship-funding 2115 organization of any of the organization's or other organization's identified students who are receiving 2116 scholarships under this chapter. 2117

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576-03223-25 20257030c1 2118 (b) 8. Maintain on its website a list of approved providers 2119 as required by s. 1002.66, eligible postsecondary educational 2120 institutions, eligible private schools, and eligible organizations and may identify or provide links to lists of 2121 2122 other approved providers. 2123 9. Require each organization to verify eligible 2124 expenditures before the distribution of funds for any expenditures made pursuant to subparagraphs (4)(b)1. and 2. 2125 Review of expenditures made for services specified in 2126 2127 subparagraphs (4) (b) 3.-15. may be completed after the purchase 2128 is made. 2129 (c)10. Investigate any written complaint of a violation of 2130 this section by a parent, a student, a participating private 2131 school, a public school, a school district, an organization, a 2132 provider, or another appropriate party in accordance with the 2133 process established under s. 1002.421. 2134 (d) 11. Require quarterly reports by an organization, which 2135 must include, at a minimum, the number of students participating 2136 in the program; the demographics of program participants; the 2137 disability category of program participants; the matrix level of 2138 services, if known; the program award amount per student; the 2139 total expenditures for the purposes specified in paragraph 2140 (4) (b); the types of providers of services to students; the 2141 number of scholarship applications received, the number of 2142 applications processed within 30 days after receipt, and the number of incomplete applications received; data related to 2143 2144 reimbursement submissions, including the average number of days 2145 for a reimbursement to be reviewed and the average number of

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days for a reimbursement to be approved; any parent input and

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2147	feedback collected regarding the program; and any other
2148	information deemed necessary by the department.
2149	12. Notify eligible nonprofit scholarship-funding
2150	organizations that scholarships may not be awarded in a school
2151	district in which the award will exceed 99 percent of the school
2152	district's share of state funding through the Florida Education
2153	Finance Program as calculated by the department.
2154	13. Adjust payments to eligible nonprofit scholarship-
2155	funding organizations and, when the Florida Education Finance
2156	Program is recalculated, adjust the amount of state funds
2157	allocated to school districts through the Florida Education
2158	Finance Program based upon the results of the cross-check
2159	completed pursuant to subparagraph 2.
2160	(b) At the direction of the Commissioner of Education, the
2161	department may:
2162	1. Suspend or revoke program participation or use of
2163	program funds by the student or participation or eligibility of
2164	an organization, eligible postsecondary educational institution,
2165	approved provider, or other party for a violation of this
2166	section.
2167	2. Determine the length of, and conditions for lifting, a
2168	suspension or revocation specified in this paragraph.
2169	3. Recover unexpended program funds or withhold payment of
2170	an equal amount of program funds to recover program funds that
2171	were not authorized for use.
2172	
2173	In determining whether to suspend or revoke participation or
2174	lift a suspension or revocation in accordance with this
2175	paragraph, the department may consider factors that include, but
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576-03223-25 20257030c1 2176 are not limited to, acts or omissions that led to a previous 2177 suspension or revocation of participation in a state or federal 2178 program or an education scholarship program; failure to 2179 reimburse the organization for funds improperly received or 2180 retained; failure to reimburse government funds improperly received or retained; imposition of a prior criminal sanction 2181 2182 related to the person or entity or its officers or employees; imposition of a civil fine or administrative fine, license 2183 2184 revocation or suspension, or program eligibility suspension, 2185 termination, or revocation related to a person's or entity's management or operation; or other types of criminal proceedings 2186 2187 in which the person or entity or its officers or employees were 2188 found quilty of, regardless of adjudication, or entered a plea of nolo contendere or quilty to, any offense involving fraud, 2189 2190 deceit, dishonesty, or moral turpitude. 2191 (e) (c) The department shall Notify each school district of 2192 the full-time equivalent student consensus estimate of students 2193 participating in the program developed pursuant to s. 2194 216.136(4)(a). 2195 (f) (d) The department may Provide guidance to a 2196 participating private school that submits a transition-to-work 2197 program plan pursuant to subsection (15) (16). 2198 (9)-PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.-To be 2199 eligible to participate in the Family Empowerment Scholarship 2200 Program, a private school may be sectarian or nonsectarian and 2201 must: 2202 (a) Comply with all requirements for private schools 2203 participating in state school choice scholarship programs pursuant to s. 1002.421. 2204

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576-03223-25 20257030c1 2205 (b) -- Provide to the organization all documentation required 2206 for a student's participation, including confirmation of the 2207 student's admission to the private school, the private school's 2208 and student's fee schedules, and any other information required 2209 by the organization to process scholarship payment under 2210 subparagraph (12) (a) 4. Such information must be provided by the 2211 deadlines established by the organization and in accordance with 2212 the requirements of this section. A student is not eligible to 2213 receive a quarterly scholarship payment if the private school 2214 fails to meet the deadline. 2215 (c)1. Annually administer or make provision for students participating in the program in grades 3 through 10 to take one 2216 2217 of the nationally norm-referenced tests that are identified by 2218 the department pursuant to paragraph (8) (a) or to take the statewide assessments pursuant to s. 1008.22. Students with 2219 2220 disabilities for whom the physician or psychologist who issued 2221 the diagnosis or the IEP team determines that standardized 2222 testing is not appropriate are exempt from this requirement. A 2223 participating private school shall report a student's scores to 2224 his or her parent. By August 15 of each year, a participating 2225 private school must report the scores of all participating 2226 students to a state university as described in s. 2227 1002.395(9)(f). 2. Administer the statewide assessments pursuant to s. 2228 2229 1008.22 if the private school chooses to offer the statewide 2230 assessments. A participating private school may choose to offer

2231 and administer the statewide assessments to all students who 2232 attend the private school in grades 3 through 10 and must submit 2233 a request in writing to the department by March 1 of each year

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576-03223-25 20257030c1 2234 in order to administer the statewide assessments in the 2235 subsequent school year. 2236 (d) For a student determined eligible pursuant to paragraph 2237 (3) (b), discuss the school's academic programs and policies, 2238 specialized services, code of conduct, and attendance policies 2239 before enrollment with the parent to determine which programs 2240 and services may meet the student's individual needs. 2241 2242 If a private school fails to meet the requirements of this 2243 subsection or s. 1002.421, the commissioner may determine that 2244 the private school is ineligible to participate in the 2245 scholarship program. 2246 (9) (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM 2247 PARTICIPATION.-2248 (a) A parent who applies for a scholarship under paragraph 2249 (3) (a) whose student will be enrolled full time in an eligible 2250 private school must: 2251 1. Select an eligible private school and apply for the 2252 admission of his or her student. 2253 2. Request the scholarship by the date established by the 2254 organization in a manner that creates a written or electronic 2255 record of the request and the date of receipt of the request. 2256 3.a. Beginning with new applications for the 2025-2026 2257 school year and thereafter, notify the organization by December 2258 15 that the scholarship is being accepted or declined. 2259 b. Beginning with renewal applications for the 2025-2026 2260 school year and thereafter, notify the organization by May 31 2261 that the scholarship is being renewed or declined. 2262 4. Inform the applicable school district when the parent

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576-03223-25 20257030c1 2263 withdraws his or her student from a public school to attend an 2264 eligible private school using the standard withdrawal form 2265 developed by the department pursuant to s. 1002.421. 2266 3.5. Require his or her student participating in the 2267 program to remain in attendance at the eligible private school 2268 throughout the school year unless excused by the school for 2269 illness or other good cause. 2270 4.6. Meet with the eligible private school's principal or 2271 the principal's designee to review the school's academic 2272 programs and policies, specialized services, code of student 2273 conduct, and attendance policies before enrollment. 2274 7. Require his or her student participating in the program 2275 to take the norm-referenced assessment offered by the eligible 2276 private school. The parent may also choose to have the student 2277 participate in the statewide assessments pursuant to paragraph 2278 (7) (d). If the parent requests that the student participating in 2279 the program take all statewide assessments required pursuant to s. 1008.22, the parent is responsible for transporting the 2280 2281 student to the assessment site designated by the school 2282 district. 2283 8. Approve each payment before the scholarship funds may be 2284 deposited by funds transfer pursuant to subparagraph (12) (a)3. 2285 The parent may not designate any entity or individual associated with the participating private school as the parent's attorney 2286 2287 in fact to approve a funds transfer. A participant who fails to 2288 comply with this paragraph forfeits the scholarship.

2289 9. Agree to have the organization commit scholarship funds
2290 on behalf of his or her student for tuition and fees for which
2291 the parent is responsible for payment at the eligible private

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576-03223-25 20257030c1 2292 school before using scholarship account funds for additional 2293 authorized uses under paragraph (4) (a). A parent is responsible 2294 for all eligible expenses in excess of the amount of the 2295 scholarship. 2296 10. Comply with the scholarship application and renewal

processes and requirements established by the organization.

(b) A parent who applies for a scholarship under paragraph (3) (b) is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child and must÷

2302 1. Apply to an eligible nonprofit scholarship-funding organization to participate in the program by a date set by the organization. The request must be communicated directly to the organization in a manner that creates a written or electronic record of the request and the date of receipt of the request.

2307 2.a. Beginning with new applications for the 2025-2026
 2308 school year and thereafter, notify the organization by December
 2309 15 that the scholarship is being accepted or declined.

b. Beginning with renewal applications for the 2025-2026
 school year and thereafter, notify the organization by May 31
 that the scholarship is being renewed or declined.

3. sign an agreement with the organization and annually submit a sworn compliance statement to the organization to satisfy or maintain program eligibility, including eligibility to receive and spend program payments by:

2317 <u>1.a.</u> Affirming that the student is enrolled in a program 2318 that meets regular school attendance requirements as provided in 2319 s. 1003.01(16)(b), (c), or (d).

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2.b. Affirming that the program funds are used only for

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2321	authorized purposes serving the student's educational needs, as
2322	described in paragraph (4)(b); that any prepaid college plan or
2323	college savings plan funds contributed pursuant to <u>subparagraph</u>
2324	(4)(b)7. subparagraph (4)(b)6. will not be transferred to
2325	another beneficiary while the plan contains funds contributed
2326	pursuant to this section; and that they will not receive a
2327	payment, refund, or rebate of any funds provided under this
2328	section.
2329	3.e. Affirming that the parent is responsible for all
2330	eligible expenses in excess of the amount of the scholarship and
2331	for the education of his or her student by, as applicable:
2332	<u>a.(I)</u> Requiring the student to take an assessment in
2333	accordance with <u>s. 1002.421(7)</u>
2334	<u>b.(II)</u> Providing an annual evaluation in accordance with s.
2335	1002.41(1)(f); or
2336	<u>c.(III)</u> Requiring the child to take any preassessments and
2337	postassessments selected by the provider if the child is 4 years
2338	of age and is enrolled in a program provided by an eligible
2339	Voluntary Prekindergarten Education Program provider. A student
2340	with disabilities for whom the physician or psychologist who
2341	issued the diagnosis or the IEP team determines that a
2342	preassessment and postassessment is not appropriate is exempt
2343	from this requirement. A participating provider shall report a
2344	student's scores to the parent.
2345	4.d. Affirming that the student remains in good standing
2346	with the provider or school if those options are selected by the
2347	parent.
2348	5.e. Enrolling his or her child in a program from a

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2349 Voluntary Prekindergarten Education Program provider authorized

576-03223-25 20257030c1 2350 under s. 1002.55, a school readiness provider authorized under 2351 s. 1002.88, a prekindergarten program offered by an eligible 2352 private school, or an eligible private school if selected by the 2353 parent. 2354 6.f. Comply with the scholarship application and renewal 2355 processes and requirements established by the organization. A 2356 student whose participation in the program is not renewed may 2357 continue to spend scholarship funds that are in his or her 2358 account from prior years unless the account must be closed 2359 pursuant to subparagraph (5) (b) 3. Notwithstanding any changes to the student's IEP, a student who was previously eligible for 2360 2361 participation in the program shall remain eligible to apply for 2362 renewal. However, for a high-risk child to continue to 2363 participate in the program in the school year after he or she 2364 reaches 6 years of age, the child's application for renewal of 2365 program participation must contain documentation that the child 2366 has a disability defined in paragraph (2) (e) other than high-2367 risk status. 2368 7.g. Procuring the services necessary to educate the 2369 student. If such services include enrollment in an eligible 2370 private school, the parent must meet with the private school's 2371 principal or the principal's designee to review the school's 2372 academic programs and policies, specialized services, code of 2373 student conduct, and attendance policies before his or her

2374 student is enrolled. The parent must also approve each payment 2375 to the eligible private school before the scholarship funds may 2376 be deposited by funds transfer pursuant to subparagraph 2377 (12) (a) 4. The parent may not designate any entity or individual

2378 associated with the eligible private school as the parent's

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2379	attorney in fact to approve a funds transfer. When the student
2380	receives a scholarship, the district school board is not
2381	obligated to provide the student with a free appropriate public
2382	education. For purposes of s. 1003.57 and the Individuals with
2383	Disabilities in Education Act, a participating student has only
2384	those rights that apply to all other unilaterally parentally
2385	placed students, except that, when requested by the parent,
2386	school district personnel must develop an IEP or matrix level of
2387	services.
2388	(c) A parent may not apply for multiple scholarships under
2389	this section and s. 1002.395 for an individual student at the
2390	same time.
2391	(d) A participant who fails to comply with this subsection
2392	forfeits the scholarship.
2393	(10) (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
2394	ORGANIZATIONS
2395	(a) An eligible nonprofit scholarship-funding organization
2396	awarding scholarships to eligible students pursuant to <u>this</u>
2397	<pre>section paragraph (3)(a) shall:</pre>
2398	1. Establish a process for parents who are in compliance
2399	with paragraph (10)(a) to renew their students' scholarships.
2400	Renewal applications for the 2025-2026 school year and
2401	thereafter must provide for a renewal timeline beginning
2402	February 1 of the prior school year and ending April 30 of the
2403	prior school year. A student's renewal is contingent upon an
2404	eligible private school providing confirmation of student
2405	admission pursuant to subsection (9). The process must require
2406	that parents confirm that the scholarship is being renewed or
2407	declined by May 31.

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2408	2. Establish a process that allows a parent to apply for a
2409	new scholarship. The process may begin no earlier than February
2410	1 of the prior school year and must authorize submission of
2411	applications until November 15. The process must be in a manner
2412	that creates a written or electronic record of the application
2413	request and the date of receipt of the application request.
2414	Applications received after the deadline may be considered for
2415	scholarship award in the subsequent fiscal year. The process
2416	must require that parents confirm that the scholarship is being
2417	accepted or declined by December 15.
2418	<u>(a)</u> . Verify the household income level of students seeking
2419	priority eligibility and submit the verified list of students to
2420	the department.
2421	4. Award scholarships in priority order pursuant to
2422	paragraph (3)(a).
2423	5. Establish and maintain separate scholarship accounts for
2424	each eligible student. For each account, the organization must
2425	maintain a record of accrued interest that is retained in the
2426	student's account and available only for authorized program
2427	expenditures.
2428	6. Permit eligible students to use program funds for the
2429	purposes specified in paragraph (4)(a), as authorized in the
2430	organization's purchasing handbook, by paying for the authorized
2431	use directly, then submitting a reimbursement request to the
2432	eligible nonprofit scholarship-funding organization. However, an
2433	eligible nonprofit scholarship-funding organization may require
2434	the use of an online platform for direct purchases of products
2435	so long as such use does not limit a parent's choice of
2436	curriculum or academic programs. If a parent purchases a product
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576-03223-25 20257030c1 2437 identical to one offered by an organization's online platform 2438 for a lower price, the organization must reimburse the parent 2439 the cost of the product. 2440 7. In a timely manner, submit the verified list of students 2441 and any information requested by the department relating to the scholarship under this section. 2442 2443 8. Notify the department about any violation of this 2444 section. 2445 9. Document each student's eligibility for a fiscal year 2446 before granting a scholarship for that fiscal year. A student is 2447 ineligible for a scholarship if the student's account has been 2448 inactive for 2 consecutive fiscal years. 2449 10. Notify each parent that participation in the 2450 scholarship program does not guarantee enrollment. 2451 11. Commit scholarship funds on behalf of the student for 2452 tuition and fees for which the parent is responsible for payment 2453 at the participating private school before using scholarship account funds for additional authorized uses under paragraph 2454 2455 (4) (a). 2456 (b) For students An eligible nonprofit scholarship-funding 2457 organization awarding scholarships to eligible students pursuant 2458 to paragraph (3) (b) shall: 2459 1. Establish a process for parents who are in compliance 2460 with paragraph (10) (b) to renew their students' scholarships. 2461 Renewal applications for the 2025-2026 school year and 2462 thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the 2463 2464 prior school year. A student's renewal is contingent upon an eligible private school providing confirmation of student 2465

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2466	admission pursuant to subsection (9), if applicable. The process
2467	must require that parents confirm that the scholarship is being
2468	renewed or declined by May 31.
2469	2. Establish a process that allows a parent to apply for a
2470	new scholarship. The process may begin no earlier than February
2471	1 of the prior school year and must authorize the submission of
2472	applications until November 15. The process must be in a manner
2473	that creates a written or electronic record of the application
2474	request and the date of receipt of the application request.
2475	Applications received after the deadline may be considered for
2476	scholarship award in the subsequent fiscal year. The process
2477	must require that parents confirm that the scholarship is being
2478	accepted or declined by December 15.
2479	3. Review applications and award scholarships using the
2480	following priorities:
2481	a. Renewing students from the previous school year.
2482	b. An eligible student who meets the criteria for an
2483	initial award pursuant to paragraph (3)(b) on a first-come,
2484	first-served basis.
2485	4. Establish and maintain separate accounts for each
2486	eligible student. For each account, the organization must
2487	maintain a record of accrued interest that is retained in the
2488	student's account and available only for authorized program
2489	expenditures.
2490	5. Verify qualifying educational expenditures pursuant to
2491	the requirements of paragraph (4)(b).
2492	6. Return any remaining program funds to the department
2493	pursuant to paragraph (6)(b).
2494	1.7. Notify the parent about the availability of, and the
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576-03223-25 20257030c1 2495 requirements associated with requesting, an initial IEP or IEP 2496 reevaluation every 3 years for each student participating in the 2497 program. 2498 2.8. Notify the parent of available state and local 2499 services, including, but not limited to, services under chapter 2500 413. 2501 9. In a timely manner, submit to the department the 2502 verified list of eligible scholarship students and any 2503 information requested by the department relating to the 2504 scholarship under this section. 2505 (c)10. Notify the department of any violation of this 2506 section. 2507 11. Document each scholarship student's eligibility for a 2508 fiscal year before granting a scholarship for that fiscal year 2509 pursuant to paragraph (3) (b). A student is ineligible for a 2510 scholarship if the student's account has been inactive for 2 2511 consecutive fiscal years. 2512 (d) (c) An eligible nonprofit scholarship-funding 2513 organization may, from eligible contributions received pursuant 2514 to s. 1002.395(6)(1)1., Use an amount, from eligible 2515 contributions received pursuant to s. 1002.395(6)(1)1., not to 2516 exceed 2.5 percent of the total amount of all scholarships 2517 funded under this section for administrative expenses associated 2518 with performing functions under this section. An organization 2519 that, for the prior fiscal year, has complied with the 2520 expenditure requirements of s. 1002.395(6)(i)3. s. 2521 1002.395(6)(1)3. may use an amount not to exceed 3 percent. Such 2522 administrative expense amount is considered within the 3-percent 2523 limit on the total amount an organization may use to administer

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576-03223-25 20257030c1 2524 scholarships under this chapter. 2525 (d) An eligible nonprofit scholarship-funding organization 2526 shall establish a process to collect input and feedback from 2527 parents, private schools, and providers before implementing 2528 substantial modifications or enhancements to the reimbursement 2529 process. 2530 (11) (12) SCHOLARSHIP FUNDING AND PAYMENT.-2531 (a)1. The calculated scholarship amount for a participating 2532 student determined eligible pursuant to paragraph (3) (a) shall 2533 be based upon the grade level and school district in which the 2534 student was assigned as 100 percent of the funds per unweighted 2535 full-time equivalent in the Florida Education Finance Program 2536 for a student in the basic program established pursuant to s. 2537 1011.62(1)(c)1., plus a per-full-time equivalent share of funds 2538 for the categorical programs established in s. 1011.62(5), 2539 (7) (a), and (16), as funded in the General Appropriations Act. 2540 2.a. For renewing scholarship students, the organization 2541 must verify the student's continued eligibility to participate in the scholarship program at least 30 days before each payment. 2542 2543 Upon receiving the verified list of eligible scholarship 2544 students, the department shall release, from state funds only, 2545 the amount calculated pursuant to subparagraph 1. to the 2546 organization for deposit into the student's account in quarterly 2547 payments no later than August 1, November 1, February 1, and 2548 April 1 of each school year in which the scholarship is in 2549 force. 2550 b. For new scholarship students, the organization must 2551 verify the student's eligibility to participate in the 2552 scholarship program at least 30 days before each payment. Upon

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2553 receiving the verified list of eligible scholarship students, 2554 the department shall release, from state funds only, the amount 2555 calculated pursuant to subparagraph 1. to the organization for 2556 deposit into the student's account in quarterly payments no 2557 later than September 1, November 1, February 1, and April 1 of 2558 each school year in which the scholarship is in force. For a 2559 student exiting a Department of Juvenile Justice commitment 2560 program who chooses to participate in the scholarship program, 2561 the amount calculated pursuant to subparagraph 1. must be 2562 transferred from the school district in which the student last attended a public school before commitment to the Department of 2563 2564 Juvenile Justice.

2565 c. The department is authorized to release the state funds 2566 contingent upon verification that the organization will comply 2567 with s. 1002.395(6)(1) based upon the organization's submitted 2568 verified list of eligible scholarship students pursuant to s. 2569 1002.395.

2570 3. The initial payment shall be made after the 2571 organization's verification of admission acceptance, and 2572 subsequent payments shall be made upon verification of continued 2573 enrollment and attendance at the participating private school. 2574 Payments for tuition and fees for full-time enrollment shall be 2575 made within 7 business days after approval by the parent 2576 pursuant to paragraph (10) (a) and the private school pursuant to 2577 paragraph (9) (b). Payment must be by funds transfer or any other 2578 means of payment that the department deems to be commercially 2579 viable or cost-effective. An organization shall ensure that the 2580 parent has approved a funds transfer before any scholarship 2581 funds are deposited.

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576-03223-25 20257030c1 2582 4. An organization may not transfer any funds to an account 2583 of a student determined eligible pursuant to paragraph (3) (a) 2584 which has a balance in excess of \$24,000. 2585 (b)1. For the 2024-2025 school year, the maximum number of 2586 scholarships funded under paragraph (3) (b) shall be 72,615. 2587 Beginning in the 2025-2026 school year, the maximum number of 2588 scholarships funded under paragraph (3) (b) shall annually 2589 increase by 5 percent of the state's total exceptional student 2590 education full-time equivalent student membership, not including 2591 gifted students. The maximum number of scholarships funded shall 2592 increase by 1 percent of the state's total exceptional student 2593 education full-time equivalent student membership, not including 2594 gifted students, in the school year following any school year in 2595 which the number of scholarships funded exceeds 95 percent of 2596 the number of available scholarships for that school year. An 2597 eligible student who meets any of the following requirements 2598 shall be excluded from the maximum number of students if the 2599 student:

2600 (a) a. Received specialized instructional services under the 2601 Voluntary Prekindergarten Education Program pursuant to s. 2602 1002.66 during the previous school year and the student has a 2603 current IEP developed by the district school board in accordance 2604 with rules of the State Board of Education;

2605 (b)b. Is a dependent child of a law enforcement officer or 2606 a member of the United States Armed Forces, a foster child, or 2607 an adopted child; or

2608 (c) c. Spent the prior school year in attendance at a
2609 Florida public school or the Florida School for the Deaf and the
2610 Blind. For purposes of this subparagraph, the term "prior school

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2611

2612 reported by: 1.(I) A school district for funding during either the 2613 2614 preceding October or February full-time equivalent student 2615 membership surveys in kindergarten through grade 12, which 2616 includes time spent in a Department of Juvenile Justice 2617 commitment program if funded under the Florida Education Finance 2618 Program; 2619 2.(II) The Florida School for the Deaf and the Blind during 2620 the preceding October or February full-time equivalent student 2621 membership surveys in kindergarten through grade 12; 2622 3.(III) A school district for funding during the preceding 2623 October or February full-time equivalent student membership 2624 surveys, was at least 4 years of age when enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or 2625 2626 4.(IV) Received a John M. McKay Scholarship for Students 2627 with Disabilities in the 2021-2022 school year. 2. For a student who has a Level I to Level III matrix of 2628 2629 services or a diagnosis by a physician or psychologist, the 2630 calculated scholarship amount for a student participating in the 2631 program must be based upon the grade level and school district 2632 in which the student would have been enrolled as the total funds 2633 per unweighted full-time equivalent in the Florida Education 2634 Finance Program for a student in the basic exceptional student 2635 education program pursuant to s. 1011.62(1)(c) and (d), plus a 2636 per full-time equivalent share of funds for the categorical 2637 programs established in s. 1011.62(5), (7)(a), (8), and (16), as 2638 funded in the General Appropriations Act. For the categorical program established in s. 1011.62(8), the funds must be 2639

year in attendance" means that the student was enrolled and

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2640	allocated based on the school district's average exceptional
2641	student education guaranteed allocation funds per exceptional
2642	student education full-time equivalent student.
2643	3. For a student with a Level IV or Level V matrix of
2644	services, the calculated scholarship amount must be based upon
2645	the school district to which the student would have been
2646	assigned as the total funds per full-time equivalent for the
2647	Level IV or Level V exceptional student education program
2648	pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
2649	equivalent share of funds for the categorical programs
2650	established in s. 1011.62(5), (7)(a), and (16), as funded in the
2651	General Appropriations Act.
2652	4. For a student who received a Gardiner Scholarship
2653	pursuant to former s. 1002.385 in the 2020-2021 school year, the
2654	amount shall be the greater of the amount calculated pursuant to
2655	subparagraph 2. or the amount the student received for the 2020-
2656	2021 school year.
2657	5. For a student who received a John M. McKay Scholarship
2658	pursuant to former s. 1002.39 in the 2020-2021 school year, the
2659	amount shall be the greater of the amount calculated pursuant to
2660	subparagraph 2. or the amount the student received for the 2020-
2661	2021 school year.
2662	6. The organization must verify the student's eligibility
2663	to participate in the scholarship program at least 30 days
2664	before each payment.
2665	7.a.—For renewing scholarship students, upon receiving the
2666	verified list of eligible scholarship students, the department
2667	shall release, from state funds only, the amount calculated
2668	pursuant to subparagraph 1. to the organization for deposit into
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576-03223-25 20257030c1 2669 the student's account in quarterly payments no later than August 2670 1, November 1, February 1, and April 1 of each school year in 2671 which the scholarship is in force. 2672 b. For new scholarship students, upon receiving the 2673 verified list of eligible scholarship students, the department 2674 shall release, from state funds only, the amount calculated 2675 pursuant to subparagraph 1. to the organization for deposit into 2676 the student's account in quarterly payments no later than 2677 September 1, November 1, February 1, and April 1 of each school 2678 year in which the scholarship is in force. 2679 8. If a scholarship student is attending an eligible 2680 private school full time, the initial payment shall be made 2681 after the organization's verification of admission acceptance, 2682 and subsequent payments shall be made upon verification of 2683 continued enrollment and attendance at the eligible private 2684 school. Payments for tuition and fees for full-time enrollment 2685 shall be made within 7 business days after approval by the 2686 parent pursuant to paragraph (10) (b) and the private school 2687 pursuant to paragraph (9) (b). 2688 9. Accrued interest in the student's account is in addition 2689 to, and not part of, the awarded funds. Program funds include 2690 both the awarded funds and accrued interest. 2691 10. The organization may develop a system for payment of 2692 benefits by funds transfer, including, but not limited to, debit 2693 cards, electronic payment cards, or any other means of payment 2694 which the department deems to be commercially viable or cost-2695 effective. A student's scholarship award may not be reduced for 2696 debit card or electronic payment fees. Commodities or services related to the development of such a system must be procured by 2697

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2698	competitive solicitation unless they are purchased from a state
2699	term contract pursuant to s. 287.056.
2700	11. An organization may not transfer any funds to an
2701	account of a student determined to be eligible pursuant to
2702	paragraph (3)(b) which has a balance in excess of \$50,000.
2703	12. Moneys received pursuant to this section do not
2704	constitute taxable income to the qualified student or the parent
2705	of the qualified student.
2706	(c) An organization may not submit a new scholarship
2707	student for funding after February 1.
2708	(d) Within 30 days after the release of state funds
2709	pursuant to paragraphs (a) and (b), the eligible scholarship-
2710	funding organization shall certify to the department the amount
2711	of funds distributed for student scholarships. If the amount of
2712	funds released by the department is more than the amount
2713	distributed by the organization, the department is authorized to
2714	adjust the amount of the overpayment in the subsequent quarterly
2715	payment release.
2716	Section 8. Subsections (2), (3), (4), and (6) through (11),
2717	and paragraph (e) of subsection (15) of section 1002.395,
2718	Florida Statutes, are amended to read:
2719	1002.395 Florida Tax Credit Scholarship Program.—
2720	(2) DEFINITIONSAs used in this section, the term:
2721	(a) "Annual tax credit amount" means, for any state fiscal
2722	year, the sum of the amount of tax credits approved under
2723	paragraph (5)(b), including tax credits to be taken under s.
2724	220.1875 or s. 624.51055, which are approved for a taxpayer
2725	whose taxable year begins on or after January 1 of the calendar
2726	year preceding the start of the applicable state fiscal year.
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2727 (b)--"Choice navigator" means an individual who meets the 2728 requirements of sub-subparagraph (6) (d) 4.g. and who provides 2729 consultations, at a mutually agreed upon location, on the 2730 selection of, application for, and enrollment in educational 2731 options addressing the academic needs of a student; curriculum 2732 selection; and advice on career and postsecondary education 2733 opportunities. However, nothing in this section authorizes a 2734 choice navigator to oversee or exercise control over the 2735 curricula or academic programs of a personalized education 2736 program.

2737

(b) (c) "Department" means the Department of Revenue.

2738 <u>(c) (d)</u> "Direct certification list" means the certified list 2739 of children who qualify for the food assistance program, the 2740 Temporary Assistance to Needy Families Program, or the Food 2741 Distribution Program on Indian Reservations provided to the 2742 Department of Education by the Department of Children and 2743 Families.

2744 (d) (e) "Division" means the Division of Alcoholic Beverages
2745 and Tobacco of the Department of Business and Professional
2746 Regulation.

2747 <u>(e) (f)</u> "Eligible contribution" means a monetary 2748 contribution from a taxpayer, subject to the restrictions 2749 provided in this section, to an eligible nonprofit scholarship-2750 funding organization pursuant to this section and ss. 212.099, 2751 212.1831, and 212.1832. The taxpayer making the contribution may 2752 not designate a specific child as the beneficiary of the 2753 contribution.

2754 (f) (g) "Eligible nonprofit scholarship-funding 2755 organization" means a state university; or an independent

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2756	college or university that is eligible to participate in the
2757	William L. Boyd, IV, Effective Access to Student Education Grant
2758	Program, located and chartered in this state, is not for profit,
2759	and is accredited by the Commission on Colleges of the Southern
2760	Association of Colleges and Schools; or is a charitable
2761	organization that:
2762	1. Is exempt from federal income tax pursuant to s.
2763	501(c)(3) of the Internal Revenue Code;
2764	2. Is a Florida entity formed under chapter 605, chapter
2765	607, or chapter 617 and whose principal office is located in the
2766	state; and
2767	3. Complies with subsections (6) and (13) (15) .
2768	(h) "Eligible postsecondary educational institution" means
2769	a Florida College System institution; a state university; a
2770	school district technical center; a school district adult
2771	general education center; an independent college or university
2772	eligible to participate in the William L. Boyd, IV, Effective
2773	Access to Student Education Grant Program under s. 1009.89; or
2774	an accredited independent postsecondary educational institution,
2775	as defined in s. 1005.02, which is licensed to operate in this
2776	state under part III of chapter 1005 or is approved to
2777	participate in a reciprocity agreement as defined in s.
2778	1000.35(2).
2779	(i) "Eligible private school" means a private school, as
2780	defined in s. 1002.01, located in Florida which offers an
2781	education to students in any grades K-12 and that meets the
2782	requirements in subsection (8).
2783	(j) "Household income" has the same meaning as the term
2784	"income" as defined in the Income Eligibility Guidelines for

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576-03223-25 20257030c1 2785 free and reduced price meals under the National School Lunch 2786 Program in 7 C.F.R. part 210 as published in the Federal 2787 Register by the United States Department of Agriculture. 2788 (k) "Owner or operator" includes: 2789 1. An owner, president, officer, or director of an eligible 2790 nonprofit scholarship-funding organization or a person with 2791 equivalent decisionmaking authority over an eligible nonprofit 2792 scholarship-funding organization. 2793 An owner, operator, superintendent, or principal of an 2. 2794 eligible private school or a person with equivalent 2795 decisionmaking authority over an eligible private school. 2796 (1) "Personalized education program" has the same meaning 2797 as in s. 1002.01. 2798 (m) --- "Personalized education student" means a student whose 2799 parent applies to an eligible nonprofit scholarship-funding 2800 organization for participation in a personalized education 2801 program. 2802 (n) "Student learning plan" means a customized learning plan developed by a parent, at least annually, to guide 2803 2804 instruction for his or her student and to identify the goods and 2805 services needed to address the academic needs of his or her 2806 student. 2807 (g) (o) "Tax credit cap amount" means the maximum annual tax 2808 credit amount that the department may approve for a state fiscal 2809 year. 2810 (h) (p) "Unweighted FTE funding amount" means the statewide 2811 average total funds per unweighted full-time equivalent funding 2812 amount that is incorporated by reference in the General 2813 Appropriations Act, or any subsequent special appropriations

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576-03223-25 20257030c1 2814 act, for the applicable state fiscal year. 2815 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.-2816 (a) The Florida Tax Credit Scholarship Program is 2817 established. 2818 (b)1. A student is eligible for a Florida tax credit 2819 scholarship under this section if the student: 2820 (a)a. Is a resident of this state or the dependent child of 2821 an active duty member of the United States Armed Forces who has 2822 received permanent change of station orders to this state or, at 2823 the time of renewal, whose home of record or state of legal 2824 residence is Florida; and 2825 (b) b. Is eligible to enroll in kindergarten through grade 2826 12 in a public school in this state or received a scholarship 2827 under the Hope Scholarship Program in the 2023-2024 school year. 2828 2. Priority must be given in the following order: 2829 a. A student whose household income level does not exceed 2830 185 percent of the federal poverty level or who is in foster 2831 care or out-of-home care. 2832 b. A student whose household income level exceeds 185 2833 percent of the federal poverty level, but does not exceed 400 2834 percent of the federal poverty level. 2835 (4) SCHOLARSHIP PROHIBITIONS.-A student is not eligible for 2836 a scholarship while he or she is: 2837 (a) Enrolled full time in a public school, including, but 2838 not limited to, the Florida School for the Deaf and the Blind, 2839 the College-Preparatory Boarding Academy, the Florida School for 2840 Competitive Academics, the Florida Virtual School, the Florida 2841 Scholars Academy, a developmental research school authorized 2842 under s. 1002.32, or a charter school authorized under this

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2843	chapter. For purposes of this paragraph, a 3- or 4-year-old
2844	child who receives services funded through the Florida Education
2845	Finance Program is considered a student enrolled full time in a
2846	public school;
2847	(b) Enrolled in a school operating for the purpose of
2848	providing educational services to youth in a Department of
2849	Juvenile Justice commitment program;
2850	(c) Receiving any other educational scholarship pursuant to
2851	this chapter. However, an eligible public school student
2852	receiving a scholarship under s. 1002.411 may receive a
2853	scholarship for transportation pursuant to subparagraph
2854	(6)(d)4. ;
2855	(d) Not having regular and direct contact with his or her
2856	private school teachers pursuant to <u>s. 1002.421(9)(i)</u> s.
2857	1002.421(1)(i) unless he or she is enrolled in a personalized
2858	education program;
2859	(e) Participating in a home education program as defined in
2860	s. 1002.01(1);
2861	(f) Participating in a private tutoring program pursuant to
2862	s. 1002.43 unless he or she is enrolled in a personalized
2863	education program; or
2864	(g) Participating in virtual instruction pursuant to s.
2865	1002.455 that receives state funding pursuant to the student's
2866	participation.
2867	(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
2868	ORGANIZATIONSAn eligible nonprofit scholarship-funding
2869	organization:
2870	(a) Must comply with the antidiscrimination provisions of
2871	42 U.S.C. s. 2000d.

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576-03223-25 20257030c1 2872 (b) Must comply with the following background check 2873 requirements: 2874 1. All owners and operators as defined in subparagraph (2) (k)1. are, before employment or engagement to provide 2875 2876 services, subject to level 2 background screening as provided 2877 under chapter 435. The fingerprints for the background screening 2878 must be electronically submitted to the Department of Law 2879 Enforcement and can be taken by an authorized law enforcement 2880 agency or by an employee of the eligible nonprofit scholarship-2881 funding organization or a private company who is trained to take 2882 fingerprints. However, the complete set of fingerprints of an 2883 owner or operator may not be taken by the owner or operator. The 2884 results of the state and national criminal history check shall 2885 be provided to the Department of Education for screening under 2886 chapter 435. The cost of the background screening may be borne 2887 by the eligible nonprofit scholarship-funding organization or 2888 the owner or operator. 2889 2. Every 5 years following employment or engagement to 2890 provide services or association with an eligible nonprofit 2891 scholarship-funding organization, each owner or operator must 2892 meet level 2 screening standards as described in s. 435.04, at 2893 which time the nonprofit scholarship-funding organization shall 2894 request the Department of Law Enforcement to forward the 2895 fingerprints to the Federal Bureau of Investigation for level 2 2896 screening. If the fingerprints of an owner or operator are not 2897 retained by the Department of Law Enforcement under subparagraph 2898 3., the owner or operator must electronically file a complete 2899 set of fingerprints with the Department of Law Enforcement. Upon 2900 submission of fingerprints for this purpose, the eligible

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2901	nonprofit scholarship-funding organization shall request that
2902	the Department of Law Enforcement forward the fingerprints to
2903	the Federal Bureau of Investigation for level 2 screening, and
2904	the fingerprints shall be retained by the Department of Law
2905	Enforcement under subparagraph 3.
2906	3. Fingerprints submitted to the Department of Law
2907	Enforcement as required by this paragraph must be retained by
2908	the Department of Law Enforcement in a manner approved by rule
2909	and entered in the statewide automated biometric identification
2910	system authorized by s. 943.05(2)(b). The fingerprints must
2911	thereafter be available for all purposes and uses authorized for
2912	arrest fingerprints entered in the statewide automated biometric
2913	identification system pursuant to s. 943.051.
2914	4.—The Department of Law Enforcement shall search all
2915	arrest fingerprints received under s. 943.051 against the
2916	fingerprints retained in the statewide automated biometric
2917	identification system under subparagraph 3. Any arrest record
2918	that is identified with an owner's or operator's fingerprints
2919	must be reported to the Department of Education. The Department
2920	of Education shall participate in this search process by paying
2921	an annual fee to the Department of Law Enforcement and by
2922	informing the Department of Law Enforcement of any change in the
2923	employment, engagement, or association status of the owners or
2924	operators whose fingerprints are retained under subparagraph 3.
2925	The Department of Law Enforcement shall adopt a rule setting the
2926	amount of the annual fee to be imposed upon the Department of
2927	Education for performing these services and establishing the
2928	procedures for the retention of owner and operator fingerprints
2929	and the dissemination of search results. The fee may be borne by

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576-03223-25 20257030c1 2930 the owner or operator of the nonprofit scholarship-funding 2931 organization. 2932 5. A nonprofit scholarship-funding organization whose owner 2933 or operator fails the level 2 background screening is not 2934 eligible to provide scholarships under this section. 2935 6. A nonprofit scholarship-funding organization whose owner 2936 or operator in the last 7 years has filed for personal 2937 bankruptcy or corporate bankruptcy in a corporation of which he 2938 or she owned more than 20 percent shall not be eligible to 2939 provide scholarships under this section. 2940 7. In addition to the offenses listed in s. 435.04, a 2941 person required to undergo background screening pursuant to this 2942 part or authorizing statutes must not have an arrest awaiting 2943 final disposition for, must not have been found quilty of, or 2944 entered a plea of nolo contendere to, regardless of 2945 adjudication, and must not have been adjudicated delinquent, and 2946 the record must not have been sealed or expunged for, any of the 2947 following offenses or any similar offense of another 2948 jurisdiction: 2949 a. Any authorizing statutes, if the offense was a felony. 2950 b. This chapter, if the offense was a felony. 2951 c. Section 409.920, relating to Medicaid provider fraud. 2952 d.-Section 409.9201, relating to Medicaid fraud. 2953 Section 741.28, relating to domestic violence. e. 2954 f. Section 817.034, relating to fraudulent acts through 2955 mail, wire, radio, electromagnetic, photoelectronic, or 2956 photooptical systems. 2957 q. Section 817.234, relating to false and fraudulent 2958 insurance claims.

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2959	h. Section 817.505, relating to patient brokering.
2960	i. Section 817.568, relating to criminal use of personal
2961	identification information.
2962	j. Section 817.60, relating to obtaining a credit card
2963	through fraudulent means.
2964	k. Section 817.61, relating to fraudulent use of credit
2965	cards, if the offense was a felony.
2966	1. Section 831.01, relating to forgery.
2967	m. Section 831.02, relating to uttering forged instruments.
2968	n. Section 831.07, relating to forging bank bills, checks,
2969	drafts, or promissory notes.
2970	o. Section 831.09, relating to uttering forged bank bills,
2971	checks, drafts, or promissory notes.
2972	p. Section 831.30, relating to fraud in obtaining medicinal
2973	drugs.
2974	q. Section 831.31, relating to the sale, manufacture,
2975	delivery, or possession with the intent to sell, manufacture, or
2976	deliver any counterfeit controlled substance, if the offense was
2977	a-felony.
2978	<u>(b)</u> Must not have an owner or operator, as defined in
2979	subparagraph (2)(k)1., who owns or operates an eligible private
2980	school that is participating in the scholarship program.
2981	<u>(c)</u> (d)1. For the 2023-2024 school year, may fund no more
2982	than 20,000 scholarships for students who are enrolled pursuant
2983	to <u>subsection (7)</u> paragraph (7)(b) . The number of scholarships
2984	funded for such students may increase by 40,000 in each
2985	subsequent school year. This <u>paragraph</u> subparagraph is repealed
2986	July 1, 2027.
2987	2. Shall establish a process for parents who are in

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2988	compliance with paragraph (7)(a) to renew their students'
2989	scholarships. Renewal applications for the 2025-2026 school year
2990	and thereafter must provide for a renewal timeline beginning
2991	February 1 of the prior school year and ending April 30 of the
2992	prior school year. A student's renewal is contingent upon an
2993	eligible private school providing confirmation of admission
2994	pursuant to subsection (8). The process must require that
2995	parents confirm that the scholarship is being renewed or
2996	declined by May 31.
2997	3. Shall establish a process that allows a parent to apply
2998	for a new scholarship. The process must be in a manner that
2999	creates a written or electronic record of the application
3000	request and the date of receipt of the application request. The
3001	process must require that parents confirm that the scholarship
3002	is being accepted or declined by a date set by the organization.
3003	4. Must establish and maintain separate scholarship
3004	accounts from eligible contributions for each eligible student.
3005	For each account, the organization must maintain a record of
3006	accrued interest retained in the student's account. The
3007	organization
3008	(d) Must verify that scholarship funds are used for:
3009	<u>1.</u> a. Tuition and fees for full-time or part-time enrollment
3010	in an eligible private school.
3011	<u>2.b. Instructional materials, including digital materials,</u>
3012	digital devices, and Internet resources.
3013	3.c. Curriculum as defined in s. 1002.394(2).
3014	4.d. Tuition and fees associated with full-time or part-
3015	time enrollment in a home education instructional program <u>that</u>
3016	meets all of the following requirements:

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3017	a. Provides educational courses or activities.
3018	b. Has a publicly available description of courses and
3019	activities.
3020	c. Has a tuition and fee schedule.
3021	d. Makes the tuition and fees payable to a registered
3022	business entity.
3023	5. Tuition and fees associated with full-time or part-time
3024	<u>enrollment in</u> ; an eligible postsecondary educational institution
3025	or a program offered by the postsecondary educational
3026	institution, unless the program is subject to s. 1009.25 or
3027	reimbursed pursuant to s. 1009.30; an approved preapprenticeship
3028	program as defined in s. 446.021(5) which is not subject to s.
3029	1009.25 and complies with all applicable requirements of the
3030	Department of Education pursuant to chapter 1005; a private
3031	tutoring program authorized under s. 1002.43; a virtual program
3032	offered by a department-approved private online provider that
3033	meets the provider qualifications specified in s. 1002.45(2)(a);
3034	the Florida Virtual School as a private paying student; or an
3035	approved online course offered pursuant to s. 1003.499 or s.
3036	1004.0961.
3037	<u>6.</u> Fees for nationally standardized, norm-referenced
3038	achievement tests, Advanced Placement Examinations, industry
3039	certification examinations, assessments related to postsecondary
3040	education, or other assessments.
3041	7.f. Contracted services provided by a public school or
3042	school district, including classes. A student who receives
3043	contracted services under this <u>subparagraph</u> sub-subparagraph is
3044	not considered enrolled in a public school for eligibility
3045	purposes as specified in subsection (9) (11) but rather

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576-03223-25 20257030c1 3046 attending a public school on a part-time basis as authorized 3047 under s. 1002.44.

3048 8.g. Tuition and fees for part-time tutoring services or 3049 fees for services provided by a choice navigator. Such services 3050 must be provided by a person who holds a valid Florida 3051 educator's certificate pursuant to s. 1012.56, a person who 3052 holds an adjunct teaching certificate pursuant to s. 1012.57, a 3053 person who has a bachelor's degree or a graduate degree in the 3054 subject area in which instruction is given, a person who has 3055 demonstrated a mastery of subject area knowledge pursuant to s. 3056 1012.56(5), or a person certified by a nationally or 3057 internationally recognized research-based training program as 3058 approved by the Department of Education. As used in this 3059 paragraph, the term "part-time tutoring services" does not 3060 qualify as regular school attendance as defined in s. 3061 1003.01(16)(e).

3062 <u>9. Membership dues and related activity fees for</u>
 3063 participation in Career and Technical Student Organizations.

3064 (e) For students determined eligible pursuant to <u>subsection</u> 3065 <u>(7)</u> paragraph (7) (b), must:

3066 1. Establish a process for parents who are in compliance with subparagraph (7) (b)1. to apply for a new scholarship. New 3067 3068 scholarship applications for the 2025-2026 school year and 3069 thereafter must provide for an application timeline beginning 3070 February 1 of the prior school year and ending April 30 of the 3071 prior school year. The process must require that parents confirm 3072 that the scholarship is being accepted or declined by May 31. 3073 2. Establish a process for parents who are in compliance

3074 with paragraph (7)(b) to renew their students' scholarships.

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3075	Renewal scholarship applications for the 2025-2026 school year
3076	and thereafter must provide for a renewal timeline beginning
3077	February 1 of the prior school year and ending April 30 of the
3078	prior school year. The process must require that parents confirm
3079	that the scholarship is being renewed or declined by May 31.
3080	1.3. Maintain a signed agreement from the parent which
3081	constitutes compliance with the attendance requirements under
3082	ss. 1003.01(16) and 1003.21(1).
3083	2.4. Receive eligible student test scores and, beginning
3084	with the 2027-2028 school year, by August 15, annually report
3085	test scores for students pursuant to <u>subsection (7)</u> paragraph
3086	(7)(b) to a state university pursuant to paragraph <u>(8)(d)</u>
3087	(9)(f) .
3088	3.5. Provide parents with information, guidance, and
3089	support to create and annually update a student learning plan
3090	for their student. The organization must maintain the plan and
3091	allow parents to electronically submit, access, and revise the
3092	plan continuously.
3093	4.6. Upon submission by the parent of an annual student
3094	learning plan, fund a scholarship for a student determined
3095	eligible.
3096	(f) Must give first priority to eligible renewal students
3097	who received a scholarship from an eligible nonprofit
3098	scholarship-funding organization during the previous school
3099	year. The eligible nonprofit scholarship-funding organization
3100	must fully apply and exhaust all funds available under this
3101	section for renewal scholarship awards before awarding any
3102	initial scholarships.
3103	(g) Must provide a new scholarship to an eligible student

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576-03223-25 20257030c1 3104 on a first-come, first-served basis unless the student is 3105 seeking priority eligibility pursuant to subsection (3). 3106 (g) (h) Must refer any student eligible for a scholarship 3107 pursuant to this section who did not receive a renewal or 3108 initial scholarship based solely on the lack of available funds under this section to another eligible nonprofit scholarship-3109 3110 funding organization that may have funds available. 3111 (i) May not restrict or reserve scholarships for use at a particular eligible private school or provide scholarships to a 3112 3113 child of an owner or operator as defined in subparagraph 3114 (2) (k) 1. 3115 (i) Must allow a student in foster care or out-of-home 3116 or a dependent child of a parent who is a member of the United 3117 States Armed Forces to apply for a scholarship at any time. 3118 (h) (k) Must allow an eligible student to attend any 3119 eligible private school and must allow a parent to transfer a 3120 scholarship during a school year to any other eligible private 3121 school of the parent's choice. 3122 (i)1.(1)1. May use eligible contributions received pursuant 3123 to this section and ss. 212.099, 212.1831, and 212.1832 during 3124 the state fiscal year in which such contributions are collected 3125 for administrative expenses if the organization has operated as 3126 an eligible nonprofit scholarship-funding organization for at 3127 least the preceding 3 fiscal years and did not have any findings 3128 of material weakness or material noncompliance in its most 3129 recent audit under paragraph (k) (o) or is in good standing in 3130 each state in which it administers a scholarship program and the 3131 audited financial statements for the preceding 3 fiscal years 3132 are free of material misstatements and going concern issues.

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576-03223-25 20257030c1 3133 Administrative expenses from eligible contributions may not 3134 exceed 3 percent of the total amount of all scholarships and 3135 stipends funded by an eligible scholarship-funding organization 3136 under this chapter. Such administrative expenses must be 3137 reasonable and necessary for the organization's management and 3138 distribution of scholarships funded under this chapter. 3139 Administrative expenses may include developing or contracting 3140 with rideshare programs or facilitating carpool strategies for recipients of a transportation scholarship under s. 1002.394. No 3141 3142 funds authorized under this subparagraph shall be used for 3143 lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized 3144 for administrative expenses under this subparagraph may be used 3145 3146 for expenses related to the recruitment of contributions from 3147 taxpayers. An eligible nonprofit scholarship-funding 3148 organization may not charge an application fee.

3149 2. Must expend for annual or partial-year scholarships 100 3150 percent of any eligible contributions from the prior fiscal 3151 year.

3152 3. Must expend for annual or partial-year scholarships an 3153 amount equal to or greater than 75 percent of all net eligible 3154 contributions, as defined in subsection (2), remaining after 3155 administrative expenses during the state fiscal year in which 3156 such eligible contributions are collected. No more than 25 3157 percent of such net eligible contributions may be carried 3158 forward to the following state fiscal year. All amounts carried 3159 forward, for audit purposes, must be specifically identified for 3160 particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of 3161

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576-03223-25 20257030c1 3162 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the 3163 applicable rules and regulations issued pursuant thereto. Any 3164 amounts carried forward shall be expended for annual or partialyear scholarships in the following state fiscal year. Eligible 3165 3166 contributions remaining on June 30 of each year that are in 3167 excess of the 25 percent that may be carried forward shall be used to provide scholarships to eligible students or transferred 3168 3169 to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred 3170 3171 funds must be deposited by each eligible nonprofit scholarship-3172 funding organization receiving such funds into its scholarship 3173 account. All transferred amounts received by any eligible 3174 nonprofit scholarship-funding organization must be separately 3175 disclosed in the annual financial audit required under paragraph 3176 (k) (o).

3177 4. Must, before granting a scholarship for an academic 3178 year, document each scholarship student's eligibility for that 3179 academic year. A scholarship-funding organization may not grant 3180 multiyear scholarships in one approval process.

3181 (m) Must maintain separate accounts for scholarship funds 3182 and operating funds.

3183 (j) (n) With the prior approval of the Department of 3184 Education, may transfer funds to another eligible nonprofit 3185 scholarship-funding organization if additional funds are required to meet scholarship demand at the receiving nonprofit 3186 3187 scholarship-funding organization. A transfer is limited to the 3188 greater of \$500,000 or 20 percent of the total contributions 3189 received by the nonprofit scholarship-funding organization making the transfer. All transferred funds must be deposited by 3190

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576-03223-25 20257030c1 3191 the receiving nonprofit scholarship-funding organization into 3192 its scholarship accounts. All transferred amounts received by 3193 any nonprofit scholarship-funding organization must be 3194 separately disclosed in the annual financial and compliance 3195 audit required in this section. 3196 (k) (o) Must provide to the Auditor General and the 3197 Department of Education a report on the results of an annual 3198 financial audit of its accounts and records conducted by an 3199 independent certified public accountant in accordance with 3200 auditing standards generally accepted in the United States, 3201 government auditing standards, and rules promulgated by the 3202 Auditor General. The audit report must include a report on 3203 financial statements presented in accordance with generally 3204 accepted accounting principles. Audit reports must be provided 3205 to the Auditor General and the Department of Education within 3206 180 days after completion of the eligible nonprofit scholarship-3207 funding organization's fiscal year. The Auditor General shall 3208 review all audit reports submitted pursuant to this paragraph. 3209 The Auditor General shall request any significant items that 3210 were omitted in violation of a rule adopted by the Auditor 3211 General. The items must be provided within 45 days after the 3212 date of the request. If the scholarship-funding organization 3213 does not comply with the Auditor General's request, the Auditor

3215 (p) Must prepare and submit quarterly reports to the 3216 Department of Education pursuant to paragraph (9)(i). In 3217 addition, an eligible nonprofit scholarship-funding organization 3218 must submit in a timely manner the verified list of eligible 3219 scholarship students and any information requested by the

General shall notify the Legislative Auditing Committee.

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3220 Department of Education relating to the scholarship program.

3221 (1)1.a. (q)1.a. Must participate in the joint development of 3222 agreed-upon procedures during the 2009-2010 state fiscal year. 3223 The agreed-upon procedures must uniformly apply to all private 3224 schools and must determine, at a minimum, whether the private 3225 school has been verified as eligible by the Department of 3226 Education under s. 1002.421; has an adequate accounting system, 3227 system of financial controls, and process for deposit and 3228 classification of scholarship funds; and has properly expended 3229 scholarship funds for education-related expenses. During the 3230 development of the procedures, the participating scholarship-3231 funding organizations shall specify guidelines governing the 3232 materiality of exceptions that may be found during the 3233 accountant's performance of the procedures. The procedures and 3234 quidelines shall be provided to private schools and the 3235 Commissioner of Education by March 15, 2011.

3236 b. Must participate in a joint review of the agreed-upon 3237 procedures and quidelines developed under sub-subparagraph a., 3238 by February of each biennium, if the scholarship-funding 3239 organization provided more than \$250,000 in scholarship funds 3240 under this chapter during the state fiscal year preceding the 3241 biennial review. If the procedures and guidelines are revised, 3242 the revisions must be provided to private schools and the 3243 Commissioner of Education by March 15 of the year in which the 3244 revisions were completed. The revised agreed-upon procedures and 3245 guidelines shall take effect the subsequent school year.

3246 c. Must monitor the compliance of a participating private 3247 school with <u>s. 1002.421(9)(p)</u> <u>s. 1002.421(1)(q)</u> if the 3248 scholarship-funding organization provided the majority of the

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576-03223-25 20257030c1 3249 scholarship funding to the school. For each participating private school subject to s. 1002.421(9)(p) s. 1002.421(1)(q), 3250 3251 the appropriate scholarship-funding organization shall annually 3252 notify the Commissioner of Education by October 30 of: 3253 (I) A private school's failure to submit a report required 3254 under s. 1002.421(9)(p) s. 1002.421(1)(q); or 3255 (II) Any material exceptions set forth in the report 3256 required under s. 1002.421(9)(p) s. 1002.421(1)(q). 3257 2. Must seek input from the accrediting associations that 3258 are members of the Florida Association of Academic Nonpublic Schools and the Department of Education when jointly developing 3259 3260 the agreed-upon procedures and guidelines under sub-subparagraph 3261 1.a. and conducting a review of those procedures and guidelines 3262 under sub-subparagraph 1.b. 3263 (m) (r) Must maintain the surety bond or letter of credit 3264 required by subsection (13) (15). The amount of the surety bond 3265 or letter of credit may be adjusted quarterly to equal the 3266 actual amount of undisbursed funds based upon submission by the 3267 organization of a statement from a certified public accountant 3268 verifying the amount of undisbursed funds. The requirements of 3269 this paragraph are waived if the cost of acquiring a surety bond 3270 or letter of credit exceeds the average 10-year cost of 3271 acquiring a surety bond or letter of credit by 200 percent. The 3272 requirements of this paragraph are waived for a state 3273 university; or an independent college or university which is 3274 eligible to participate in the William L. Boyd, IV, Effective 3275 Access to Student Education Grant Program, located and chartered 3276 in this state, is not for profit, and is accredited by the 3277 Commission on Colleges of the Southern Association of Colleges

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3278 and Schools.

3279 <u>(n) (s)</u> Must provide to the Auditor General any information 3280 or documentation requested in connection with an operational 3281 audit of a scholarship-funding organization conducted pursuant 3282 to s. 11.45.

3283 (0)1.(t)1. Must develop a purchasing handbook that includes 3284 policies for authorized uses of scholarship funds under 3285 paragraph (d) and s. 1002.394(4)(a). The handbook must include, 3286 at a minimum, a routinely updated list of prohibited items and 3287 services, and items or services that require preauthorization or 3288 additional documentation. By August 1, 2024, and by each July 1 3289 thereafter, the purchasing handbook must be provided to the 3290 Commissioner of Education and published on the eligible 3291 nonprofit scholarship-funding organization's website. Any 3292 revisions must be provided to the commissioner and published on 3293 the organization's website within 30 days after such revisions.

3294 2. The organization shall assist the Florida Center for 3295 Students with Unique Abilities established under s. 1004.6495 3296 with the development of purchasing guidelines, which must 3297 include a routinely updated list of prohibited items and 3298 services, and items or services for which preauthorization or 3299 additional documentation is required, for authorized uses of 3300 scholarship funds under s. 1002.394(4)(b) and publish the 3301 quidelines on the organization's website.

3302 3. If the organization fails to submit the purchasing 3303 handbook required by subparagraph 1., the Department of 3304 Education may assess a financial penalty, not to exceed \$10,000, 3305 as prescribed by State Board of Education rule. This 3306 subparagraph expires July 1, 2026.

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3307 (p) (u) May permit eligible students to use program funds 3308 for the purposes specified in paragraph (d), as authorized in 3309 the organization's purchasing handbook, by paying for the 3310 authorized use directly, then submitting a reimbursement request 3311 to the eligible nonprofit scholarship-funding organization. However, an eligible nonprofit scholarship-funding organization 3312 3313 may require the use of an online platform for direct purchases 3314 of products so long as such use does not limit a parent's choice 3315 of curriculum or academic programs. If a parent purchases a 3316 product identical to one offered by an organization's online 3317 platform for a lower price, the organization shall reimburse the 3318 parent the cost of the product.

3319 (v) Must notify each parent that participation in the 3320 scholarship program does not guarantee enrollment.

3321 (w) Shall commit scholarship funds on behalf of the student 3322 for tuition and fees for which the parent is responsible for 3323 payment at the participating private school before using 3324 scholarship account funds for additional authorized uses under 3325 paragraph (d).

3326 <u>(q)(x)</u> Beginning September 30, 2023, Must submit to the 3327 department quarterly reports that provide the estimated and 3328 actual amounts of the net eligible contributions, as defined in 3329 subsection (2), and all funds carried forward from the prior 3330 state fiscal year.

3331 <u>(r) (y)</u> Must establish a process to collect input and 3332 feedback from parents, private schools, and providers before 3333 implementing substantial modifications or enhancements to the 3334 reimbursement process.

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3336	Information and documentation provided to the Department of
3337	Education and the Auditor General relating to the identity of a
3338	taxpayer that provides an eligible contribution under this
3339	section shall remain confidential at all times in accordance
3340	with s. 213.053.
3341	(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
3342	PARTICIPATION
3343	(a) A parent who applies for a scholarship whose student
3344	will be enrolled full time in an eligible private school must:
3345	1. Select an eligible private school and apply for the
3346	admission of his or her child.
3347	2. Request the scholarship by the date established by the
3348	organization in a manner that creates a written or electronic
3349	record of the request and the date of receipt of the request.
3350	3.a. Beginning with new applications for the 2025-2026
3351	school year and thereafter, notify the organization by a date
3352	set by the organization that the scholarship is being accepted
3353	or declined.
3354	b. Beginning with renewal applications for the 2025-2026
3355	school year and thereafter, notify the organization by May 31
3356	that the scholarship is being renewed or declined.
3357	4. Inform the applicable school district when the parent
3358	withdraws his or her student from a public school to attend an
3359	eligible private school.
3360	5. Require his or her student participating in the program
3361	to remain in attendance at the eligible private school
3362	throughout the school year unless excused by the school for
3363	illness or other good cause and comply with the private school's
3364	published policies.

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576-03223-25 20257030c1 3365 6. Meet with the eligible private school's principal or the 3366 principal's designee to review the school's academic programs 3367 and policies, specialized services, code of student conduct, and 3368 attendance policies before enrollment. 3369 7. Require his or her student participating in the program 3370 to take the norm-referenced assessment offered by the 3371 participating private school. The parent may also choose to have 3372 the student participate in the statewide assessments pursuant to 3373 s. 1008.22. If the parent requests that the student 3374 participating in the program take statewide assessments pursuant 3375 to s. 1008.22 and the participating private school has not 3376 chosen to offer and administer the statewide assessments, the 3377 parent is responsible for transporting the student to the 3378 assessment site designated by the school district. 3379 8. Approve each payment before the scholarship funds may be 3380 deposited by funds transfer. The parent may not designate any entity or individual associated with the participating private 3381 school as the parent's attorney in fact to approve a funds 3382 3383 transfer. A participant who fails to comply with this paragraph 3384 forfeits the scholarship. 3385 9. Authorize the nonprofit scholarship-funding organization 3386 to access information needed for income eligibility 3387 determination and verification held by other state or federal 3388 agencies, including the Department of Revenue, the Department of 3389 Children and Families, the Department of Education, the 3390 Department of Commerce, and the Agency for Health Care 3391 Administration, for students seeking priority eligibility. 3392 10. Agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which 3393

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576-03223-25 20257030c1 3394 the parent is responsible for payment at the participating 3395 private school before using scholarship account funds for 3396 additional authorized uses under paragraph (6) (d). A parent is 3397 responsible for all eligible expenses in excess of the amount of 3398 the scholarship. 3399 11. Comply with the scholarship application and renewal 3400 processes and requirements established by the organization. 3401 (b) A parent whose student is participating in the 3402 personalized education program and will not be enrolled full time in a public or private school must: 3403 3404 1. Apply to an eligible nonprofit scholarship-funding 3405 organization to participate in the program as a personalized 3406 education student by a date set by the organization. The request 3407 must be communicated directly to the organization in a manner 3408 that creates a written or electronic record of the request and 3409 the date of receipt of the request. Beginning with new and renewal applications for the 2025-2026 school year and 3410 3411 thereafter, a parent must notify the organization by May 31 that 3412 the scholarship is being accepted, renewed, or declined. 3413 $\frac{2}{2}$ sign an agreement with the organization and annually 3414 submit a sworn compliance statement to the organization to 3415 satisfy or maintain program eligibility, including eligibility 3416 to receive and spend program payments, by: 3417 (a) a. Affirming that the program funds are used only for authorized purposes serving the student's educational needs, as 3418 3419 described in paragraph (6)(d), and that they will not receive a 3420 payment, refund, or rebate of any funds provided under this section. 3421

(b) b. Affirming that the parent is responsible for all

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3422

576-03223-25 20257030c1 3423 eligible expenses in excess of the amount of the scholarship and 3424 for the education of his or her student. 3425 (c) c. Submitting a student learning plan to the 3426 organization and revising the plan at least annually before 3427 program renewal. 3428 (d)d. Requiring his or her student to take a nationally 3429 norm-referenced test identified by the Department of Education, 3430 or a statewide assessment under s. 1008.22, and provide 3431 assessment results to the organization before the student's 3432 program renewal. 3433 e. Complying with the scholarship application and renewal 3434 processes and requirements established by the organization. A 3435 student whose participation in the program is not renewed may 3436 continue to spend scholarship funds that are in his or her 3437 account from prior years unless the account must be closed 3438 pursuant to s. 1002.394(5)(a)2. 3439 (e) f. Procuring the services necessary to educate the 3440 student. When the student receives a scholarship, the district 3441 school board is not obligated to provide the student with a free 3442 appropriate public education. 3443 3444 For purposes of this subsection paragraph, full-time enrollment 3445 does not include enrollment at a private school that addresses 3446 regular and direct contact with teachers through the student 3447 learning plan in accordance with s. 1002.421(9)(i) s.

3448 1002.421(1)(i).

3449 (c) A parent may not apply for multiple scholarships under 3450 this section and s. 1002.394 for an individual student at the 3451 same time.

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3452	
3453	An eligible nonprofit scholarship-funding organization may not
3454	further regulate, exercise control over, or require
3455	documentation beyond the requirements of this subsection unless
3456	the regulation, control, or documentation is necessary for
3457	participation in the program.
3458	(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONSAn eligible
3459	private school may be sectarian or nonsectarian and must:
3460	(a) Comply with all requirements for private schools
3461	participating in state school choice scholarship programs
3462	pursuant to s. 1002.421.
3463	(b) Provide to the organization all documentation required
3464	for a student's participation, including confirmation of the
3465	student's admission to the private school, the private school's
3466	and student's fee schedules, and any other information required
3467	by the organization to process scholarship payment pursuant to
3468	paragraph (11)(c). Such information must be provided by the
3469	deadlines established by the organization and in accordance with
3470	the requirements of this section. A student is not eligible to
3471	receive a quarterly scholarship payment if the private school
3472	fails to meet the deadline.
3473	(c)1. Annually administer or make provision for students
3474	participating in the scholarship program in grades 3 through 10
3475	to take one of the nationally norm-referenced tests identified
3476	by the department or the statewide assessments pursuant to s.
3477	1008.22. Students with disabilities for whom standardized
3478	testing is not appropriate are exempt from this requirement. A
3479	participating private school must report a student's scores to
3480	the parent. A participating private school must annually report
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3481	
	by August 15 the scores of all participating students to a state
3482	university described in paragraph (9)(f).
3483	2. Administer the statewide assessments pursuant to s.
3484	1008.22 if a participating private school chooses to offer the
3485	statewide assessments. A participating private school may choose
3486	to offer and administer the statewide assessments to all
3487	students who attend the participating private school in grades 3
3488	through 10 and must submit a request in writing to the
3489	Department of Education by March 1 of each year in order to
3490	administer the statewide assessments in the subsequent school
3491	year.
3492	
3493	If a participating private school fails to meet the requirements
3494	of this subsection or s. 1002.421, the commissioner may
3495	determine that the participating private school is ineligible to
3496	participate in the scholarship program.
3497	(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
3498	Education shall:
3499	(a) Annually submit to the department and division, by
3500	March 15, a list of eligible nonprofit scholarship-funding
3501	organizations that meet the requirements of paragraph (2)(f)
3502	(2)(g) .
3503	(b) Annually verify the eligibility of nonprofit
3504	scholarship-funding organizations that meet the requirements of
3505	paragraph (2)(f) (2)(g) .
3506	(c) Annually verify the eligibility of expenditures as
3507	provided in paragraph (6)(d) using the audit required by
3508	paragraph (6)(k) (6)(o) .
3509	(d) Notify eligible nonprofit scholarship-funding
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576-03223-25 20257030c1 3510 organizations of the deadlines for submitting the verified list 3511 of eligible scholarship students; cross-check the verified list 3512 with the public school enrollment lists to avoid duplication; 3513 and, when the Florida Education Finance Program is recalculated, 3514 adjust the amount of state funds allocated to school districts 3515 through the Florida Education Finance Program based upon the 3516 results of the cross-check. 3517 (e) Maintain and annually publish a list of nationally 3518 norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (8) (c)1. The tests must meet 3519 3520 industry standards of quality in accordance with State Board of 3521 Education rule. 3522 (f) Issue a project grant award to a state university, to 3523 which participating private schools and eligible nonprofit 3524 scholarship-funding organizations must report the scores of

3524 scholarship-funding organizations must report the scores of 3525 participating students on the nationally norm-referenced tests 3526 or the statewide assessments administered in grades 3 through 3527 10. The project term is 2 years, and the amount of the project 3528 is up to \$250,000 per year. The project grant award must be 3529 reissued in 2-year intervals in accordance with this paragraph.

3530 1. The state university must annually report to the 3531 Department of Education on the student performance of 3532 participating students and, beginning with the 2027-2028 school 3533 year, on the performance of personalized education students:

a. On a statewide basis. The report shall also include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program. To

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3539	minimize costs and reduce time required for the state
3540	university's analysis and evaluation, the Department of
3541	Education shall coordinate with the state university to provide
3542	data to the state university in order to conduct analyses of
3543	matched students from public school assessment data and
3544	calculate control group student performance using an agreed-upon
3545	methodology with the state university; and
3546	b. On an individual school basis for students enrolled full
3547	time in a private school. The annual report must include student
3548	performance for each participating private school in which
3549	enrolled students in the private school participated in a
3550	scholarship program under this section or s. 1002.394(12)(a) in
3551	the prior school year. The report shall be according to each
3552	participating private school, and for participating students, in
3553	which there are at least 30 participating students who have
3554	scores for tests administered. If the state university
3555	determines that the 30-participating-student cell size may be
3556	reduced without disclosing personally identifiable information,
3557	as described in 34 C.F.R. s. 99.12, of a participating student,
3558	the state university may reduce the participating-student cell
3559	size, but the cell size must not be reduced to less than 10
3560	participating students. The department shall provide each
3561	participating private school's prior school year's student
3562	enrollment information to the state university no later than
3563	June 15 of each year, or as requested by the state university.
3564	2. The sharing and reporting of student performance data
3565	under this paragraph must be in accordance with requirements of
3566	ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
3567	Educational Rights and Privacy Act, and the applicable rules and

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3568	regulations issued pursuant thereto, and shall be for the sole
3569	purpose of creating the annual report required by subparagraph
3570	1. All parties must preserve the confidentiality of such
3571	information as required by law. The annual report must not
3572	disaggregate data to a level that will identify individual
3573	participating schools, except as required under sub-subparagraph
3574	1.b., or disclose the academic level of individual students.
3575	3. The annual report required by subparagraph 1. shall be
3576	published by the Department of Education on its website.
3577	(g) Notify an eligible nonprofit scholarship-funding
3578	organization of any of the organization's identified students
3579	who are receiving educational scholarships pursuant to this
3580	chapter.
3581	(h) Notify an eligible nonprofit scholarship-funding
3582	organization of any of the organization's identified students
3583	who are receiving tax credit scholarships from other eligible
3584	nonprofit scholarship-funding organizations.
3585	(i) Require quarterly reports by an eligible nonprofit
3586	scholarship-funding organization regarding the number of
3587	students participating in the program; the private schools at
3588	which the students are enrolled; the number of scholarship
3589	applications received, the number of applications processed
3590	within 30 days after receipt, and the number of incomplete
3591	applications received; data related to reimbursement
3592	submissions, including the average number of days for a
3593	reimbursement to be reviewed and the average number of days for
3594	a reimbursement to be approved; any parent input and feedback
3595	collected regarding the program; and any other information
3596	deemed necessary by the Department of Education.
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3597
           (e) (j) Provide a process to match the direct certification
3598
      list with the scholarship application data submitted by any
3599
      nonprofit scholarship-funding organization eligible to receive
3600
      the 3-percent administrative allowance under paragraph (6)(i)
3601
      \frac{(6)(1)}{(1)}.
3602
           (f) (k) Notify each school district of the full-time
3603
      equivalent student consensus estimate of scholarship students
3604
      developed pursuant to s. 216.136(4)(a).
3605
           (10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-
3606
           (a) Upon the request of any eligible nonprofit scholarship-
3607
      funding organization, a school district shall inform all
3608
      households within the district receiving free or reduced-priced
3609
      meals under the National School Lunch Act of their eligibility
3610
      to apply for a tax credit scholarship. The form of such notice
3611
      shall be provided by the eligible nonprofit scholarship-funding
3612
      organization, and the district shall include the provided form,
3613
      if requested by the organization, in any normal correspondence
      with eligible households. If an eligible nonprofit scholarship-
3614
3615
      funding organization requests a special communication to be
3616
      issued to households within the district receiving free or
3617
      reduced-price meals under the National School Lunch Act, the
3618
      organization shall reimburse the district for the cost of
3619
      postage. Such notice is limited to once a year.
3620
           (b) Upon the request of the Department of Education, a
3621
      school district shall coordinate with the department to provide
3622
      to a participating private school the statewide assessments
3623
      administered under s. 1008.22 and any related materials for
3624
      administering the assessments. A school district is responsible
      for implementing test administrations at a participating private
3625
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3626	school, including the:
3627	1. Provision of training for participating private school
3628	staff on test security and assessment administration procedures;
3629	2. Distribution of testing materials to a participating
3630	private school;
3631	3. Retrieval of testing materials from a participating
3632	private school;
3633	4. Provision of the required format for a participating
3634	private school to submit information to the district for test
3635	administration and enrollment purposes; and
3636	5. Provision of any required assistance, monitoring, or
3637	investigation at a participating private school.
3638	(9) (11) SCHOLARSHIP AMOUNT AND PAYMENT
3639	(a) The scholarship amount provided to any student for any
3640	single school year by an eligible nonprofit scholarship-funding
3641	organization from eligible contributions shall be for total
3642	costs authorized under paragraph <u>(6)(c)</u> (6)(d) , not to exceed
3643	annual limits, which shall be determined as follows:
3644	1. For a student who received a scholarship in the 2018-
3645	2019 school year, who remains eligible, and who is enrolled in
3646	an eligible private school, the amount shall be the greater
3647	amount calculated pursuant to subparagraph 2. or a percentage of
3648	the unweighted FTE funding amount for the 2018-2019 state fiscal
3649	year and thereafter as follows:
3650	a. Eighty-cight percent for a student enrolled in
3651	kindergarten through grade 5.
3652	b. Ninety-two percent for a student enrolled in grade 6
3653	through grade 8.
3654	c. Ninety-six percent for a student enrolled in grade 9
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576-03223-25 20257030c1 3655 through grade 12. 3656 2. For students initially eligible in the 2019-2020 school year or thereafter, the calculated amount for a student to 3657 3658 attend an eligible private school shall be calculated in 3659 accordance with s. 1002.394(12)(a). 3660 (b) Payment of the scholarship by the eligible nonprofit 3661 scholarship-funding organization shall be by funds transfer, 3662 including, but not limited to, debit cards, electronic payment 3663 cards, or any other means of payment that the department deems 3664 to be commercially viable or cost-effective. An eligible 3665 nonprofit scholarship-funding organization shall ensure that the 3666 parent has approved a funds transfer before any scholarship 3667 funds are deposited. 3668 (c)—If a scholarship student is attending an eligible 3669 private school full time, the initial payment shall be made 3670 after the organization's verification of admission acceptance, 3671 and subsequent payments shall be made upon verification of 3672 continued enrollment and attendance at the eligible private 3673 school. Payments shall be made within 7 business days after 3674 approval by the parent pursuant to paragraph (7) (a) and the 3675 private school pursuant to paragraph (8) (b). 3676 (d) Payment of the scholarship shall be made by the 3677 eligible nonprofit scholarship-funding organization no less 3678 frequently than on a quarterly basis. 3679 (c) An eligible nonprofit scholarship-funding organization 3680 may not transfer any funds to an account of a student determined 3681 eligible under this section which has a balance in excess of \$24,000. 3682 3683 (b) (f) A scholarship awarded to an eligible student shall

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576-03223-25 20257030c1 3684 remain in force until: 3685 1. The organization determines that the student is not 3686 eligible for program renewal; 3687 2. The Commissioner of Education suspends or revokes 3688 program participation or use of funds; 3689 3. The student's parent has forfeited participation in the 3690 program for failure to comply with subsection (7); 3691 The student who uses the scholarship for full-time 4. 3692 tuition and fees at an eligible private school pursuant to 3693 paragraph (7) (a) enrolls full time in a public school. However, 3694 if a student enters a Department of Juvenile Justice detention 3695 center for a period of no more than 21 days, the student is not 3696 considered to have returned to a public school on a full-time 3697 basis for that purpose; or 3698 5. The student graduates from high school or attains 21 3699 years of age, whichever occurs first. 3700 (g) - Reimbursements for program expenditures may continue 3701 until the account balance is expended or remaining funds have 3702 reverted to the state. 3703 (c) (h) A student's scholarship account must be closed and 3704 any remaining funds shall revert to the state after: 3705 1. Denial or revocation of program eligibility by the 3706 commissioner for fraud or abuse, including, but not limited to, 3707 the student or student's parent accepting any payment, refund, 3708 or rebate, in any manner, from a provider of any services received pursuant to paragraph (6)(d); 3709 3710 One fiscal year Two consecutive fiscal years in which an 2. 3711 account has been inactive; or 3712 3. The student remains unenrolled in an eligible private

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3713	school for 30 days while receiving a scholarship that requires
3714	full-time enrollment <u>;</u>
3715	4. A student's scholarship no longer remains in force due
3716	to any of the reasons provided in paragraph (b).
3717	
3718	An organization must report to the Department of Education the
3719	total number of scholarship accounts that were closed pursuant
3720	to this paragraph and the amount of funds by account that
3721	reverted to the state.
3722	<u>(d) (i)</u> Moneys received pursuant to this section do not
3723	constitute taxable income to the qualified student or the parent
3724	of the qualified student.
3725	(13) (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
3726	APPLICATION.—In order to participate in the scholarship program
3727	created under this section, a charitable organization that seeks
3728	to be a nonprofit scholarship-funding organization must submit
3729	an application for initial approval or renewal to the Office of
3730	Independent Education and Parental Choice. Charitable
3731	organizations may apply at any time to participate in the
3732	program.
3733	(e) If the State Board of Education disapproves the renewal
3734	of a nonprofit scholarship-funding organization, the
3735	organization must notify the affected eligible students and
3736	parents of the decision within 15 days after disapproval. An
3737	eligible student affected by the disapproval of an
3738	organization's participation remains eligible under this section
3739	until the end of the school year in which the organization was
3740	disapproved. The student must apply and be accepted by another
3741	eligible nonprofit scholarship-funding organization for the

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3742	upcoming school year. The student shall be given priority in
3743	accordance with <u>s. 1002.421(2)(d)3.</u> paragraph (6)(g).
3744	Section 9. Paragraph (b) of subsection (2) and paragraph
3745	(l) of subsection (4) of section 1003.485, Florida Statutes, are
3746	amended to read:
3747	1003.485 The New Worlds Reading Initiative
3748	(2) NEW WORLDS READING INITIATIVE; PURPOSE.—The purpose of
3749	the New Worlds Reading Initiative established under the
3750	department is to instill a love of reading by providing high-
3751	quality, free books to students in prekindergarten through grade
3752	5 who are reading below grade level and to improve the literacy
3753	skills of students in prekindergarten through grade 12. The New
3754	Worlds Reading Initiative shall consist of:
3755	(b) The New Worlds Scholarship Program under s. 1002.411.
3756	(4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
3757	shall:
3758	(1) Expend eligible contributions received only for the
3759	purchase and delivery of books and to implement the requirements
3760	of this section, as well as for administrative expenses not to
3761	exceed 2 percent of total eligible contributions.
3762	Notwithstanding <u>s. 1002.395(6)(i)3.</u> s. 1002.395(6)(l)3. , the
3763	administrator may carry forward up to 25 percent of eligible
3764	contributions made before January 1 of each state fiscal year
3765	and 100 percent of eligible contributions made on or after
3766	January 1 of each state fiscal year to the following state
3767	fiscal year for purposes authorized by this subsection. Any
3768	eligible contributions in excess of the allowable carry forward
3769	not used to provide additional books throughout the year to
3770	eligible students shall revert to the state treasury.

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3771	Section 10. Paragraph (d) of subsection (5) of section
3772	1008.25, Florida Statutes, is amended to read:
3773	1008.25 Public school student progression; student support;
3774	coordinated screening and progress monitoring; reporting
3775	requirements
3776	(5) READING DEFICIENCY AND PARENTAL NOTIFICATION
3777	(d) The parent of any student who exhibits a substantial
3778	deficiency in reading, as described in paragraph (a), must be
3779	immediately notified in writing of the following:
3780	1. That his or her child has been identified as having a
3781	substantial deficiency in reading, including a description and
3782	explanation, in terms understandable to the parent, of the exact
3783	nature of the student's difficulty in learning and lack of
3784	achievement in reading.
3785	2. A description of the current services that are provided
3786	to the child.
3787	3. A description of the proposed intensive interventions
3788	and supports that will be provided to the child that are
3789	designed to remediate the identified area of reading deficiency.
3790	4. The student progression requirements under paragraph
3791	(2)(h) and that if the child's reading deficiency is not
3792	remediated by the end of grade 3, the child must be retained
3793	unless he or she is exempt from mandatory retention for good
3794	cause.
3795	5. Strategies, including multisensory strategies and
3796	programming, through a read-at-home plan the parent can use in
3797	helping his or her child succeed in reading. The read-at-home
3798	plan must provide access to the resources identified in
3799	paragraph (e).

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576-03223-25 20257030c1 3800 6. That the statewide, standardized English Language Arts 3801 assessment is not the sole determiner of promotion and that 3802 additional evaluations, portfolio reviews, and assessments are 3803 available to the child to assist parents and the school district 3804 in knowing when a child is reading at or above grade level and 3805 ready for grade promotion. 3806 7. The district's specific criteria and policies for a 3807 portfolio as provided in subparagraph (7) (b)4. and the evidence 3808 required for a student to demonstrate mastery of Florida's 3809 academic standards for English Language Arts. A school must 3810 immediately begin collecting evidence for a portfolio when a 3811 student in grade 3 is identified as being at risk of retention 3812 or upon the request of the parent, whichever occurs first. 3813 The district's specific criteria and policies for 8. 3814 midyear promotion. Midyear promotion means promotion of a 3815 retained student at any time during the year of retention once 3816 the student has demonstrated ability to read at grade level. 3817 9. Information about the student's eligibility for the New 3818 Worlds Reading Initiative under s. 1003.485 and the New Worlds 3819 Scholarship Accounts under s. 1002.411 and information on parent 3820 training modules and other reading engagement resources 3821 available through the initiative. 3822 3823 After initial notification, the school shall apprise the parent 3824 at least monthly of the student's progress in response to the 3825 intensive interventions and supports. Such communications must

3826 be in writing and must explain any additional interventions or 3827 supports that will be implemented to accelerate the student's 3828 progress if the interventions and supports already being

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3829	implemented have not resulted in improvement. Upon the request
3830	of the parent, the teacher or school administrator shall meet to
3831	discuss the student's progress. The parent may request more
3832	frequent notification of the student's progress, more frequent
3833	interventions or supports, and earlier implementation of the
3834	additional interventions or supports described in the initial
3835	notification.
3836	Section 11. Section 1010.305, Florida Statutes, is amended
3837	to read:
3838	1010.305 Audit of student enrollment
3839	(1) The Auditor General shall periodically examine the
3840	records of school districts, <u>eligible nonprofit scholarship-</u>
3841	funding organizations as defined in s. 1002.421, and other
3842	agencies as appropriate, to determine compliance with law and
3843	State Board of Education rules relating to the classification,
3844	assignment, and verification of full-time equivalent student
3845	enrollment and student transportation reported under the Florida
3846	Education Finance Program.
3847	(2) If it is determined that the approved criteria and
3848	procedures for the placement of students and the conduct of
3849	programs have not been followed by the district or eligible
3850	nonprofit scholarship-funding organization, appropriate
3851	adjustments in the full-time equivalent student count for that
3852	district or eligible nonprofit scholarship-funding organization
3853	must be made, and any excess funds must be deducted from
3854	subsequent allocations of state funds to that district <u>or</u>
3855	eligible nonprofit scholarship-funding organization. As provided
3856	for by rule, if errors in a specific program of a district <u>or</u>
3857	eligible nonprofit scholarship-funding organization recur in
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3858	consecutive years due to lack of corrective action by the
3859	district or eligible nonprofit scholarship-funding organization,
3860	adjustments may be made based upon statistical estimates of
3861	error projected to the overall district or scholarship program.
3862	Section 12. Subsection (5) of section 1011.61, Florida
3863	Statutes, is amended to read:
3864	1011.61 DefinitionsNotwithstanding the provisions of s.
3865	1000.21, the following terms are defined as follows for the
3866	purposes of the Florida Education Finance Program:
3867	(5) The "Florida Education Finance Program" includes all
3868	programs and costs as provided in ss. 1003.03, 1011.62, 1011.68,
3869	and 1011.685, and 1011.687.
3870	Section 13. Paragraph (a) of subsection (15) and
3871	subsections (16) and (18) of section 1011.62, Florida Statutes,
3872	are amended to read:
3873	1011.62 Funds for operation of schoolsIf the annual
3874	allocation from the Florida Education Finance Program to each
3875	district for operation of schools is not determined in the
3876	annual appropriations act or the substantive bill implementing
3877	the annual appropriations act, it shall be determined as
3878	follows:
3879	(15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
3880	CURRENT OPERATIONThe total annual state allocation to each
3881	district for current operation for the Florida Education Finance
3882	Program shall be distributed periodically in the manner
3883	prescribed in the General Appropriations Act.
3884	(a) If the funds appropriated for current operation of the
3885	Florida Education Finance Program , including funds appropriated
3886	pursuant to subsection (18), are not sufficient to pay the state

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576-03223-25 20257030c1 3887 requirement in full, the department shall prorate the available 3888 state funds to each district in the following manner: 3889 1. Determine the percentage of proration by dividing the 3890 sum of the total amount for current operation, as provided in 3891 this paragraph for all districts collectively, and the total 3892 district required local effort into the sum of the state funds 3893 available for current operation and the total district required 3894 local effort. 3895 2. Multiply the percentage so determined by the sum of the 3896 total amount for current operation as provided in this paragraph 3897 and the required local effort for each individual district. 3898 3. From the product of such multiplication, subtract the 3899 required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for 3900 3901 current operation. However, no calculation subsequent to the 3902 appropriation shall result in negative state funds for any 3903 district. 3904 (16) STATE-FUNDED DISCRETIONARY SUPPLEMENT.-3905 (a) The state-funded discretionary supplement is created to 3906 fund the nonvoted discretionary millage for operations pursuant 3907 to s. 1011.71(1) and (3) for students awarded a Family 3908 Empowerment Scholarship in accordance with s. 1002.394. To 3909 calculate the state-funded discretionary supplement for 3910 inclusion in the amount of the scholarship funding: 3911 1. For fiscal year 2023-2024, multiply the maximum

3911 allowable nonvoted discretionary millage for operations pursuant 3913 to s. 1011.71(1) and (3) by the value of 96 percent of the 3914 current year's taxable value for school purposes for the school 3915 district where the student is reported for purposes of the

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576-03223-25 20257030c1 3916 Florida Education Finance Program as appropriated in the General 3917 Appropriations Act; divide the result by the school district's 3918 total unweighted full-time equivalent membership as appropriated 3919 in the General Appropriations Act; and multiply the result by the total unweighted full-time equivalent membership associated 3920 3921 with the number of Family Empowerment Scholarship students 3922 included in the school district's total unweighted full-time 3923 equivalent membership. A base amount as specified in the General 3924 Appropriations Act shall be added to this amount for purposes of 3925 calculating the total amount of the supplement. 3926 2. Beginning in fiscal year 2024-2025 and thereafter, 3927 multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 3928 3929 96 percent of the current year's taxable value for school 3930 purposes for the school district where the student is reported 3931 for purposes of the Florida Education Finance Program as 3932 appropriated in the General Appropriations Act; divide the result by the school district's total unweighted full-time 3933 3934 equivalent membership as appropriated in the General 3935 Appropriations Act; and multiply the result by the total

3936 unweighted full-time equivalent membership associated with the 3937 number of Family Empowerment Scholarship students. The prior 3938 year's base amount shall be adjusted based on changes in the eligible number of unweighted full-time equivalent membership 3940 associated with the number of Family Empowerment Scholarship 3941 students.

3942 (b) The state-funded discretionary supplement shall be 3943 recalculated during the fiscal year pursuant to paragraph 3944 (1)(a). If the recalculated amount is greater than the amount

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3945	provided in the General Appropriations Act, the allocation shall
3946	be prorated to the level provided to support the appropriation,
3947	based on each school district's proportionate share of the total
3948	allocation.
3949	(18) EDUCATIONAL ENROLLMENT STABILIZATION PROGRAM
3950	(a) The educational enrollment stabilization program is
3951	created to provide supplemental state funds as needed to
3952	maintain the stability of the operations of public schools in
3953	each school district and to protect districts, including charter
3954	schools, from financial instability as a result of changes in
3955	full-time equivalent student enrollment throughout the school
3956	year.
3957	(b) The Legislature shall annually appropriate funds in the
3958	General Appropriations Act to the Department of Education for
3959	this program in an amount necessary to maintain a projected
3960	minimum balance of \$250 million at the beginning of the upcoming
3961	fiscal year. The Department of Education shall use funds as
3962	appropriated to ensure that based on each recalculation of the
3963	Florida Education Finance Program pursuant to paragraph (1)(a),
3964	a school district's funds per unweighted full-time equivalent
3965	student are not less than the greater of either the school
3966	district's funds per unweighted full-time equivalent student as
3967	appropriated in the General Appropriations Act or the school
3968	district's funds per unweighted full-time equivalent student as
3969	recalculated based upon the receipt of the certified taxable
3970	value for school purposes pursuant to s. 1011.62(4).
3971	(c) Notwithstanding s. 216.301 and pursuant to s. 216.351,
3972	the unexpended balance of funds appropriated pursuant to this
3973	subsection which is not disbursed by June 30 of the fiscal year

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576-03223-25 20257030c1 3974 in which the funds are appropriated may be carried forward for 3975 up to 10 years after the effective date of the original 3976 appropriation. 3977 Section 14. Paragraph (1) of subsection (2) of section 3978 11.45, Florida Statutes, is amended to read: 3979 11.45 Definitions; duties; authorities; reports; rules.-3980 (2) DUTIES.-The Auditor General shall: 3981 (1) At least once every 3 years, conduct operational audits 3982 of the accounts and records of eligible nonprofit scholarship-3983 funding organizations receiving eligible contributions under s. 3984 1002.395, including any contracts for services with related 3985 entities, to determine compliance with the provisions of that 3986 section. Such audits shall include, but not be limited to, a 3987 determination of the eligible nonprofit scholarship-funding organization's compliance with s. 1002.395(6)(i) s. 3988 3989 1002.395(6)(1). The Auditor General shall provide its report on 3990 the results of the audits to the Governor, the President of the 3991 Senate, the Speaker of the House of Representatives, the Chief 3992 Financial Officer, and the Legislative Auditing Committee, 3993 within 30 days of completion of the audit. 3994 3995 The Auditor General shall perform his or her duties 3996 independently but under the general policies established by the 3997 Legislative Auditing Committee. This subsection does not limit 3998 the Auditor General's discretionary authority to conduct other 3999 audits or engagements of governmental entities as authorized in 4000 subsection (3). 4001 Section 15. Paragraph (c) of subsection (7) of section 4002 212.099, Florida Statutes, is amended to read:

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CODING: Words stricken are deletions; words underlined are additions.

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4003	212.099 Credit for contributions to eligible nonprofit
4004	scholarship-funding organizations
4005	(7)
4006	(c) The organization may, subject to the limitations of <u>s.</u>
4007	<u>1002.395(6)(i)1.</u> s. 1002.395(6)(1)1. , use eligible contributions
4008	received during the state fiscal year in which such
4009	contributions are collected for administrative expenses.
4010	Section 16. Paragraph (b) of subsection (6) of section
4011	1002.45, Florida Statutes, is amended to read:
4012	1002.45 Virtual instruction programs
4013	(6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
4014	FUNDING
4015	(b) Students enrolled in a virtual instruction program
4016	shall be funded in the Florida Education Finance Program as
4017	provided in the General Appropriations Act. The calculation to
4018	determine the amount of funds for each student through the
4019	Florida Education Finance Program shall include the sum of the
4020	basic amount for current operations established in s.
4021	1011.62(1)(s) and all categorical programs except for the
4022	categorical programs established in ss. 1011.62(7) and, (12),
4023	and (16), 1011.68, and 1011.685. Students residing outside of
4024	the school district reporting the full-time equivalent virtual
4025	student shall be funded from state funds only.
4026	Section 17. This act shall take effect July 1, 2025.

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