

FOR CONSIDERATION By the Appropriations Committee on Pre-K - 12
Education

602-02541A-25

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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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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.
245 1002.395 means a student who receives all 10 scholarship
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 program.—The
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 1002.

282 (1) SCHOOL DISTRICT STABILIZATION.—To 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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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
313 appropriated to ensure that funding is available if the number
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.

318 (4) FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM.—If available
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 BALANCE.—The 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 Conference.—Prior 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) DEFINITIONS.—As 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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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;
392 threat or intimidation; or fighting at school, as defined by the
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 programs ~~program~~
415 ~~accountability and oversight.~~—

416 (1) DEFINITIONS.—As used in this section, s. 1002.394, and
417 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 1002.395(6) and (15).

474 (f) "Eligible postsecondary educational institution" means
475 a Florida College System institution; a state university; a
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 s. 1000.35(2).

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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494 (i) "IEP" means an individual education plan, regardless of
495 whether the plan has been reviewed or revised within the last 12
496 months.

497 (j) "Inactive" means that no eligible expenditures have
498 been made from an account.

499 (k) "Job coach" means an individual employed to help people
500 with disabilities learn, accommodate to, and perform their work
501 duties.

502 (l) "Law enforcement officer" has the same meaning as
503 provided in s. 943.10(1).

504 (m) "Owner or operator" includes:

505 1. An owner, a president, an officer, or a director of an
506 eligible nonprofit scholarship-funding organization or a person
507 with equivalent decisionmaking authority over an eligible
508 nonprofit scholarship-funding organization; or

509 2. An owner, an operator, a superintendent, or a principal
510 of an eligible private school or a person with equivalent
511 decisionmaking authority over an eligible private school.

512 (n) "Parent" means a resident of this state who is a parent
513 as defined in s. 1000.21.

514 (o) "Personalized education program" has the same meaning
515 as in s. 1002.01.

516 (p) "Personalized education student" means a student whose
517 parent applies to an eligible nonprofit scholarship-funding
518 organization for participation in a personalized education
519 program.

520 (q) "Student learning plan" means a customized learning
521 plan developed by a parent at least annually to guide
522 instruction for his or her student and to identify the goods and

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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
533 pursuant to s. 1002.394(3)(b) or s. 1002.395, except for
534 students eligible pursuant to a personalized education program,
535 a participating private school must discuss the school's
536 academic programs and policies, specialized services, code of
537 conduct, and attendance policies before enrollment with the
538 parent to determine which programs and services may meet the
539 student's individual needs.

540 (b) The organization must create a single application for
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
551 for personalized education students, who may only apply during

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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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610 verified list to the department, provide the documentation
611 required for eligibility. However, a parent may withdraw their
612 application and reapply pursuant to the requirements of this
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
618 programs unless the regulation, control, or documentation is
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,
637 proof that the parent submitted the standard withdrawal form to
638 the public school at which the student was previously enrolled.

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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
648 organization pursuant to s. 1002.395(7)(c); or

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 of all scholarship data.

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) PRE-PAYMENT 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

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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 pre-payment
749 verification process. The first payment must be for two
750 installments.

751 (6) SCHOLARSHIP ACCOUNTS.—The 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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784 transfer.

785 2. After funds have been committed pursuant to subparagraph
786 1., funds may be used as authorized in s. 1002.394(4)(a) and as
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.
811 1002.394(4)(b)3.-16. may be completed after the purchase is
812 made.

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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
820 scholarship program in grades 3 through 10 may take the
821 nationally norm-referenced tests that are identified by the
822 department or take the statewide assessments pursuant to s.
823 1008.22. Students with disabilities for whom standardized
824 testing is not appropriate are exempt from this requirement.

825 (a) A participating private school must annually administer
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
836 and administer the statewide assessments pursuant to s. 1008.22
837 to all students who attend the private school in grades 3
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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- 958 j. Section 817.60, relating to obtaining a credit card
959 through fraudulent means.
- 960 k. Section 817.61, relating to fraudulent use of credit
961 cards, if the offense was a felony.
- 962 l. 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.
- 968 p. Section 831.30, relating to fraud in obtaining medicinal
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,
986 brother-in-law, sister-in-law, stepfather, stepmother, stepson,

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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
1004 U.S.C. s. 2000d.

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~~
1011 organization all documentation required for a student's
1012 participation or required by the organization to process a
1013 scholarship payment, including the private school's and
1014 student's individual fee schedule, and attendance verification
1015 as required by the department or ~~scholarship funding~~

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1016 organization, prior to scholarship payment. Such information
1017 must be provided by the deadlines established by the
1018 organization and in accordance with the requirements of this
1019 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
1021 meet the deadlines.

1022 (e) Annually complete and submit to the department a
1023 notarized scholarship compliance statement certifying that all
1024 school employees and contracted personnel with direct student
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.

1028 (f) Demonstrate fiscal soundness and accountability by:

1029 1. Being in operation for at least 3 school years or
1030 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
1034 personally restrictively endorse the scholarship warrant to the
1035 school or to approve a funds transfer before any funds are
1036 deposited for a student. The school may not act as attorney in
1037 fact for the parent of a scholarship student under the authority
1038 of a power of attorney executed by such parent, or under any
1039 other authority, to endorse a scholarship warrant or approve a
1040 funds transfer on behalf of such parent.

1041 (g) Meet applicable state and local health, safety, and
1042 welfare laws, codes, and rules, including:

- 1043 1. Firesafety.
1044 2. Building safety.

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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 in a personalized education program if students have
1054 regular and direct contact with teachers at the physical
1055 location at least 2 school days per week and the student
1056 learning plan addresses the remaining instructional time.

1057 (j) Publish on the school's website, or provide in a
1058 written format, information for parents regarding the school,
1059 including, but not limited to, programs, services, the
1060 qualifications of classroom teachers, and a statement that a
1061 parentally placed private school student with a disability does
1062 not have an individual right to receive some or all of the
1063 special education and related services that the student would
1064 receive if enrolled in a public school under the Individuals
1065 with Disabilities Education Act (IDEA), as amended.

1066 (k) At a minimum, provide the parent of each scholarship
1067 student with a written explanation of the student's progress on
1068 a quarterly basis.

1069 (l) Cooperate with a student whose parent chooses to
1070 participate in the statewide assessments pursuant to s. 1008.22.

1071 (m) Require each employee and contracted personnel with
1072 direct student contact, upon employment or engagement to provide
1073 services, to undergo a state and national background screening,

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

1083 1. An "employee or contracted personnel with direct student
1084 contact" means any employee or contracted personnel who has
1085 unsupervised access to a scholarship student for whom the
1086 private school is responsible.

1087 2. The costs of fingerprinting and the background check
1088 shall not be borne by the state.

1089 3. Continued employment of an employee or contracted
1090 personnel after notification that he or she has failed the
1091 background screening under this paragraph shall cause a private
1092 school to be ineligible for participation in a scholarship
1093 program.

1094 4. An employee or contracted personnel holding a valid
1095 Florida teaching certificate who has been fingerprinted pursuant
1096 to s. 1012.32 is not required to comply with the provisions of
1097 this paragraph.

1098 5. All fingerprints submitted to the Department of Law
1099 Enforcement as required by this section shall be retained by the
1100 Department of Law Enforcement in a manner provided by rule and
1101 entered in the statewide automated biometric identification
1102 system authorized by s. 943.05(2)(b). Such fingerprints shall

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1103 thereafter be available for all purposes and uses authorized for
1104 arrest fingerprints entered in the statewide automated biometric
1105 identification system pursuant to s. 943.051.

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

1124 7. Employees and contracted personnel whose fingerprints
1125 are not retained by the Department of Law Enforcement under
1126 subparagraphs 5. and 6. are required to be refingerprinted and
1127 must meet state and national background screening requirements
1128 upon reemployment or reengagement to provide services in order
1129 to comply with the requirements of this section.

1130 8. Every 5 years following employment or engagement to
1131 provide services with a private school, employees or contracted

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

1146 (n) Adopt policies establishing standards of ethical
1147 conduct for educational support employees, instructional
1148 personnel, and school administrators. The policies must require
1149 all educational support employees, instructional personnel, and
1150 school administrators, as defined in s. 1012.01, to complete
1151 training on the standards; establish the duty of educational
1152 support employees, instructional personnel, and school
1153 administrators to report, and procedures for reporting, alleged
1154 misconduct by other educational support employees, instructional
1155 personnel, and school administrators which affects the health,
1156 safety, or welfare of a student; and include an explanation of
1157 the liability protections provided under ss. 39.203 and 768.095.
1158 A private school, or any of its employees, may not enter into a
1159 confidentiality agreement regarding terminated or dismissed
1160 educational support employees, instructional personnel, or

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1161 school administrators, or employees, personnel, or
1162 administrators who resign in lieu of termination, based in whole
1163 or in part on misconduct that affects the health, safety, or
1164 welfare of a student, and may not provide the employees,
1165 personnel, or administrators with employment references or
1166 discuss the employees', personnel's, or administrators'
1167 performance with prospective employers in another educational
1168 setting, without disclosing the employees', personnel's, or
1169 administrators' misconduct. Any part of an agreement or contract
1170 that has the purpose or effect of concealing misconduct by
1171 educational support employees, instructional personnel, or
1172 school administrators which affects the health, safety, or
1173 welfare of a student is void, is contrary to public policy, and
1174 may not be enforced.

1175 (o) Before employing a person in any position that requires
1176 direct contact with students, conduct employment history checks
1177 of previous employers, screen the person through use of the
1178 screening tools described in s. 1001.10(5), and document the
1179 findings. If unable to contact a previous employer, the private
1180 school must document efforts to contact the employer. The
1181 private school may not employ a person whose educator
1182 certificate is revoked, who is barred from reapplying for an
1183 educator certificate, or who is on the disqualification list
1184 maintained by the department pursuant to s. 1001.10(4)(b).

1185 ~~(p) Require each owner or operator of the private school,~~
1186 ~~prior to employment or engagement to provide services, to~~
1187 ~~undergo level 2 background screening as provided under chapter~~
1188 ~~435. For purposes of this paragraph, the term "owner or~~
1189 ~~operator" means an owner, operator, superintendent, or principal~~

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

1202 ~~1. Every 5 years following employment or engagement to~~
1203 ~~provide services, each owner or operator must meet level 2~~
1204 ~~screening standards as described in s. 435.04, at which time the~~
1205 ~~owner or operator shall request the Department of Law~~
1206 ~~Enforcement to forward the fingerprints to the Federal Bureau of~~
1207 ~~Investigation for level 2 screening. If the fingerprints of an~~
1208 ~~owner or operator are not retained by the Department of Law~~
1209 ~~Enforcement under subparagraph 2., the owner or operator must~~
1210 ~~electronically file a complete set of fingerprints with the~~
1211 ~~Department of Law Enforcement. Upon submission of fingerprints~~
1212 ~~for this purpose, the owner or operator shall request that the~~
1213 ~~Department of Law Enforcement forward the fingerprints to the~~
1214 ~~Federal Bureau of Investigation for level 2 screening, and the~~
1215 ~~fingerprints shall be retained by the Department of Law~~
1216 ~~Enforcement under subparagraph 2.~~

1217 ~~2. Fingerprints submitted to the Department of Law~~
1218 ~~Enforcement as required by this paragraph must be retained by~~

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1219 ~~the Department of Law Enforcement in a manner approved by rule~~
1220 ~~and entered in the statewide automated biometric identification~~
1221 ~~system authorized by s. 943.05(2)(b). The fingerprints must~~
1222 ~~thereafter be available for all purposes and uses authorized for~~
1223 ~~arrest fingerprints entered in the statewide automated biometric~~
1224 ~~identification system pursuant to s. 943.051.~~

1225 ~~3. The Department of Law Enforcement shall search all~~
1226 ~~arrest fingerprints received under s. 943.051 against the~~
1227 ~~fingerprints retained in the statewide automated biometric~~
1228 ~~identification system under subparagraph 2. Any arrest record~~
1229 ~~that is identified with an owner's or operator's fingerprints~~
1230 ~~must be reported to the owner or operator, who must report to~~
1231 ~~the Department of Education. Any costs associated with the~~
1232 ~~search shall be borne by the owner or operator.~~

1233 ~~4. An owner or operator who fails the level 2 background~~
1234 ~~screening is not eligible to participate in a scholarship~~
1235 ~~program under this chapter.~~

1236 ~~5. In addition to the offenses listed in s. 435.04, a~~
1237 ~~person required to undergo background screening pursuant to this~~
1238 ~~part or authorizing statutes may not have an arrest awaiting~~
1239 ~~final disposition for, must not have been found guilty of, or~~
1240 ~~entered a plea of nolo contendere to, regardless of~~
1241 ~~adjudication, and must not have been adjudicated delinquent for,~~
1242 ~~and the record must not have been sealed or expunged for, any of~~
1243 ~~the following offenses or any similar offense of another~~
1244 ~~jurisdiction:~~

1245 ~~a. Any authorizing statutes, if the offense was a felony.~~

1246 ~~b. This chapter, if the offense was a felony.~~

1247 ~~c. Section 409.920, relating to Medicaid provider fraud.~~

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- 1248 ~~d. Section 409.9201, relating to Medicaid fraud.~~
- 1249 ~~e. Section 741.28, relating to domestic violence.~~
- 1250 ~~f. Section 817.034, relating to fraudulent acts through~~
- 1251 ~~mail, wire, radio, electromagnetic, photoelectronic, or~~
- 1252 ~~photooptical systems.~~
- 1253 ~~g. Section 817.234, relating to false and fraudulent~~
- 1254 ~~insurance claims.~~
- 1255 ~~h. Section 817.505, relating to patient brokering.~~
- 1256 ~~i. Section 817.568, relating to criminal use of personal~~
- 1257 ~~identification information.~~
- 1258 ~~j. Section 817.60, relating to obtaining a credit card~~
- 1259 ~~through fraudulent means.~~
- 1260 ~~k. Section 817.61, relating to fraudulent use of credit~~
- 1261 ~~cards, if the offense was a felony.~~
- 1262 ~~l. Section 831.01, relating to forgery.~~
- 1263 ~~m. Section 831.02, relating to uttering forged instruments.~~
- 1264 ~~n. Section 831.07, relating to forging bank bills, checks,~~
- 1265 ~~drafts, or promissory notes.~~
- 1266 ~~o. Section 831.09, relating to uttering forged bank bills,~~
- 1267 ~~checks, drafts, or promissory notes.~~
- 1268 ~~p. Section 831.30, relating to fraud in obtaining medicinal~~
- 1269 ~~drugs.~~
- 1270 ~~q. Section 831.31, relating to the sale, manufacture,~~
- 1271 ~~delivery, or possession with the intent to sell, manufacture, or~~
- 1272 ~~deliver any counterfeit controlled substance, if the offense was~~
- 1273 ~~a felony.~~
- 1274 ~~6. At least 30 calendar days before a transfer of ownership~~
- 1275 ~~of a private school, the owner or operator shall notify the~~
- 1276 ~~parent of each scholarship student.~~

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1277 ~~7. The owner or operator of a private school that has been~~
1278 ~~deemed ineligible to participate in a scholarship program~~
1279 ~~pursuant to this chapter may not transfer ownership or~~
1280 ~~management authority of the school to a relative in order to~~
1281 ~~participate in a scholarship program as the same school or a new~~
1282 ~~school. For purposes of this subparagraph, the term "relative"~~
1283 ~~means father, mother, son, daughter, grandfather, grandmother,~~
1284 ~~brother, sister, uncle, aunt, cousin, nephew, niece, husband,~~
1285 ~~wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,~~
1286 ~~brother-in-law, sister-in-law, stepfather, stepmother, stepson,~~
1287 ~~stepdaughter, stepbrother, stepsister, half brother, or half~~
1288 ~~sister.~~

1289 (p)~~(q)~~ Provide a report from an independent certified
1290 public accountant who performs the agreed-upon procedures
1291 developed pursuant to s. 1002.395(6)(1) ~~s. 1002.395(6)(q)~~ if the
1292 private school receives more than \$250,000 in funds from
1293 scholarships awarded under this chapter in a state fiscal year.
1294 A private school subject to this subsection must annually submit
1295 the report by September 15 to the scholarship-funding
1296 organization that awarded the majority of the school's
1297 scholarship funds. The agreed-upon procedures must be conducted
1298 in accordance with attestation standards established by the
1299 American Institute of Certified Public Accountants.

1300 (q)~~(r)~~ Prohibit education support employees, instructional
1301 personnel, and school administrators from employment in any
1302 position that requires direct contact with students if the
1303 personnel or administrators are ineligible for such employment
1304 pursuant to this section or s. 1012.315, or have been terminated
1305 or have resigned in lieu of termination for sexual misconduct

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1306 with a student. If the prohibited conduct occurs subsequent to
1307 employment, the private school must report the person and the
1308 disqualifying circumstances to the department for inclusion on
1309 the disqualification list maintained pursuant to s.
1310 1001.10 (4) (b).

1311 (r)~~(s)~~ Not be owned or operated by a person or an entity
1312 domiciled in, owned by, or in any way controlled by a foreign
1313 country of concern or foreign principal as defined in s.
1314 288.860. A violation of this paragraph constitutes an imminent
1315 threat to the health, safety, and welfare of the school's
1316 students and to the public, sufficient to justify immediate
1317 suspension of payment of scholarship funds under paragraph
1318 (11) (e) ~~(3) (e)~~, as well as denial, suspension, or revocation of
1319 a school's participation in a scholarship program under
1320 paragraph (11) (b) ~~(3) (b)~~.

1321 (s) The inclusion of eligible private schools within
1322 options available to Florida public school students does not
1323 expand the regulatory authority of the state, its officers, or
1324 any school district to impose any additional regulation of
1325 private schools beyond that reasonably necessary to enforce
1326 requirements expressly set forth in this section.

1327
1328 The department shall suspend the payment of funds to a private
1329 school that knowingly fails to comply with this subsection or
1330 subsection (8), and shall prohibit the school from enrolling new
1331 scholarship students, for 1 fiscal year and until the school
1332 complies. If a private school fails to meet the requirements of
1333 this subsection or subsection (8) or has consecutive years of
1334 material exceptions listed in the report required under

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1335 paragraph (p) ~~(q)~~, the commissioner may determine that the
1336 private school is ineligible to participate in a scholarship
1337 program.

1338 ~~(10)~~~~(2)~~ DEPARTMENT OF EDUCATION OBLIGATIONS.—

1339 (a) The Department of Education shall:

1340 1. Annually verify the eligibility of private schools that
1341 meet the requirements of this section, specific requirements
1342 identified within respective scholarship program laws, and other
1343 provisions of state law that apply to private schools.

1344 2. Establish a toll-free hotline that provides parents and
1345 private schools with information on participation in the
1346 scholarship programs.

1347 3. Publish and update, as necessary, information on the
1348 department website about the educational scholarship programs
1349 established under this chapter, including, but not limited to,
1350 student eligibility criteria, parental responsibilities, and
1351 relevant data. The information must include a list of approved
1352 providers as required by s. 1002.66, eligible postsecondary
1353 educational institutions, eligible private schools, and eligible
1354 organizations and may identify or provide links to lists of
1355 other approved providers.

1356 ~~4.3.~~ Establish a process by which individuals may notify
1357 the department of any violation by a parent, private school, or
1358 school district of state laws relating to program participation.
1359 If the department has reasonable cause to believe that a
1360 violation of this section or any rule adopted by the State Board
1361 of Education has occurred, it shall conduct an inquiry or make a
1362 referral to the appropriate agency for an investigation. A
1363 department inquiry is not subject to the requirements of chapter

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1364 120.

1365 5. Investigate any written complaint of a violation of this
1366 section by a parent, a student, a participating private school,
1367 a public school, a school district, an organization, a provider,
1368 or another appropriate party in accordance with the process
1369 established under s. 1002.421.

1370 ~~6.4.~~ Require an annual, notarized, sworn compliance
1371 statement from participating private schools certifying
1372 compliance with state laws, and retain such records.

1373 ~~7.5.~~ Coordinate with the entities conducting the health
1374 inspection for a private school to obtain copies of the
1375 inspection reports.

1376 ~~8.6.~~ Conduct site visits to private schools entering a
1377 scholarship program for the first time. Beginning with the 2019-
1378 2020 school year, a private school is not eligible to receive
1379 scholarship payments until a satisfactory site visit has been
1380 conducted and the school is in compliance with all other
1381 requirements of this section.

1382 ~~9.7.~~ Coordinate with the State Fire Marshal to obtain
1383 access to fire inspection reports for private schools. The
1384 authority conducting the fire safety inspection shall certify to
1385 the State Fire Marshal that the annual inspection has been
1386 completed and that the school is in full compliance. The
1387 certification shall be made electronically or by such other
1388 means as directed by the State Fire Marshal.

1389 ~~10.8.~~ Upon the request of a participating private school
1390 authorized to administer statewide assessments, provide at no
1391 cost to the school the statewide assessments administered under
1392 s. 1008.22 and any related materials for administering the

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1393 assessments. Students at a private school may be assessed using
1394 the statewide assessments if the addition of those students and
1395 the school does not cause the state to exceed its contractual
1396 caps for the number of students tested and the number of testing
1397 sites. The state shall provide the same materials and support to
1398 a private school that it provides to a public school. A private
1399 school that chooses to administer statewide assessments under s.
1400 1008.22 shall follow the requirements set forth in ss. 1008.22
1401 and 1008.24, rules adopted by the State Board of Education to
1402 implement those sections, and district-level testing policies
1403 established by the district school board.

1404 11. Maintain and annually publish a list of nationally
1405 norm-referenced tests identified for purposes of satisfying the
1406 testing requirements in subsection (7). The tests must meet
1407 industry standards of quality in accordance with state board
1408 rule.

1409 12. Develop a standard withdrawal form for parents who are
1410 withdrawing their students from public school to enroll in a
1411 scholarship program under this chapter. The form must include
1412 the student's Florida Education Identification number, full
1413 name, date of birth, school or program from which the student is
1414 withdrawing, and date of withdrawal.

1415 (b) The department may conduct site visits to any private
1416 school participating in a scholarship program pursuant to this
1417 chapter that has received a complaint about a violation of state
1418 law or state board rule pursuant to subparagraph (a)4. ~~(a)3.~~ or
1419 has received a notice of noncompliance or a notice of proposed
1420 action within the previous 2 years.

1421 (c) Annually, by December 15, the department shall report

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1422 to the Governor, the President of the Senate, and the Speaker of
1423 the House of Representatives its actions in implementing
1424 accountability in the scholarship programs under this section,
1425 any substantiated allegations or violations of law or rule by an
1426 eligible private school under this section, and the corrective
1427 action taken.

1428 (d) The department shall develop a uniform reimbursement
1429 process that organizations must use when processing
1430 reimbursement requests, including invoices, pursuant to s.
1431 1002.394(11)(b)6. or s. 1002.395(6)(u). An organization must
1432 approve, deny, or request more information relating to a
1433 reimbursement request within 30 days after receipt of such
1434 request. The department shall coordinate with each organization
1435 to develop a process to collect input and feedback from parents,
1436 private schools, and providers before an organization may
1437 implement substantial modifications or enhancements to the
1438 reimbursement process.

1439 (11)(3)- COMMISSIONER OF EDUCATION AUTHORITY AND
1440 OBLIGATIONS.—The Commissioner of Education:

1441 (a) Shall deny, suspend, or revoke a private school's
1442 participation in a scholarship program if it is determined that
1443 the private school has failed to comply with this section or
1444 exhibits a previous pattern of failure to comply. However, if
1445 the noncompliance is correctable within a reasonable amount of
1446 time, not to exceed 45 days, and if the health, safety, or
1447 welfare of the students is not threatened, the commissioner may
1448 issue a notice of noncompliance which provides the private
1449 school with a timeframe within which to provide evidence of
1450 compliance before taking action to suspend or revoke the private

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1451 school's participation in the scholarship program.

1452 (b) May deny, suspend, or revoke a private school's
1453 participation in a scholarship program if the commissioner
1454 determines that an owner or operator of the private school is
1455 operating or has operated an educational institution in this
1456 state or in another state or jurisdiction in a manner contrary
1457 to the health, safety, or welfare of the public or if the owner
1458 or operator has exhibited a previous pattern of failure to
1459 comply with this section or specific requirements identified
1460 within respective scholarship program laws. ~~For purposes of this~~
1461 ~~subsection, the term "owner or operator" has the same meaning as~~
1462 ~~provided in paragraph (1) (p).~~

1463 (c) May permanently deny or revoke the authority of an
1464 owner, officer, or director to establish or operate a private
1465 school in the state and include such individual on the
1466 disqualification list maintained by the department pursuant to
1467 s. 1001.10(4)(b) if the commissioner decides that the owner,
1468 officer, or director:

1469 1. Is operating or has operated an educational institution
1470 in the state or another state or jurisdiction in a manner
1471 contrary to the health, safety, or welfare of the public; or

1472 2. Has operated an educational institution that closed
1473 during the school year. An individual may be removed from the
1474 disqualification list if the individual reimburses the
1475 department or eligible nonprofit scholarship-funding
1476 organization the amount of scholarship funds received by the
1477 educational institution during the school year in which it
1478 closed.

1479 (d)1. In making such a determination, may consider factors

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1480 that include, but are not limited to, acts or omissions by an
1481 owner or operator which led to a previous denial, suspension, or
1482 revocation of participation in a state or federal education
1483 scholarship program; an owner's or operator's failure to
1484 reimburse the department or scholarship-funding organization for
1485 scholarship funds improperly received or retained by a school;
1486 the imposition of a prior criminal sanction related to an
1487 owner's or operator's management or operation of an educational
1488 institution; the imposition of a civil fine or administrative
1489 fine, license revocation or suspension, or program eligibility
1490 suspension, termination, or revocation related to an owner's or
1491 operator's management or operation of an educational
1492 institution; or other types of criminal proceedings in which an
1493 owner or operator was found guilty of, regardless of
1494 adjudication, or entered a plea of nolo contendere or guilty to,
1495 any offense involving fraud, deceit, dishonesty, or moral
1496 turpitude.

1497 2. The commissioner's determination is subject to the
1498 following:

1499 a. If the commissioner intends to deny, suspend, or revoke
1500 a private school's participation in the scholarship program, the
1501 department shall notify the private school of such proposed
1502 action in writing by certified mail and regular mail to the
1503 private school's address of record with the department. The
1504 notification shall include the reasons for the proposed action
1505 and notice of the timelines and procedures set forth in this
1506 paragraph.

1507 b. The private school that is adversely affected by the
1508 proposed action shall have 15 days after receipt of the notice

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1509 of proposed action to file with the department's agency clerk a
1510 request for a proceeding pursuant to ss. 120.569 and 120.57. If
1511 the private school is entitled to a hearing under s. 120.57(1),
1512 the department shall forward the request to the Division of
1513 Administrative Hearings.

1514 c. Upon receipt of a request referred pursuant to this
1515 subparagraph, the director of the Division of Administrative
1516 Hearings shall expedite the hearing and assign an administrative
1517 law judge who shall commence a hearing within 30 days after the
1518 receipt of the formal written request by the division and enter
1519 a recommended order within 30 days after the hearing or within
1520 30 days after receipt of the hearing transcript, whichever is
1521 later. Each party shall be allowed 10 days in which to submit
1522 written exceptions to the recommended order. A final order shall
1523 be entered by the agency within 30 days after the entry of a
1524 recommended order. The provisions of this sub-subparagraph may
1525 be waived upon stipulation by all parties.

1526 (e) May immediately suspend payment of scholarship funds if
1527 it is determined that there is probable cause to believe that
1528 there is:

1529 1. An imminent threat to the health, safety, or welfare of
1530 the students;

1531 2. A previous pattern of failure to comply with this
1532 section; or

1533 3. Fraudulent activity on the part of the private school.
1534 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
1535 activity pursuant to this section, the department's Office of
1536 Inspector General is authorized to release personally
1537 identifiable records or reports of students to the following

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1538 persons or organizations:

1539 a. A court of competent jurisdiction in compliance with an
1540 order of that court or the attorney of record in accordance with
1541 a lawfully issued subpoena, consistent with the Family
1542 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

1543 b. A person or entity authorized by a court of competent
1544 jurisdiction in compliance with an order of that court or the
1545 attorney of record pursuant to a lawfully issued subpoena,
1546 consistent with the Family Educational Rights and Privacy Act,
1547 20 U.S.C. s. 1232g.

1548 c. Any person, entity, or authority issuing a subpoena for
1549 law enforcement purposes when the court or other issuing agency
1550 has ordered that the existence or the contents of the subpoena
1551 or the information furnished in response to the subpoena not be
1552 disclosed, consistent with the Family Educational Rights and
1553 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

1554
1555 The commissioner's order suspending payment pursuant to this
1556 paragraph may be appealed pursuant to the same procedures and
1557 timelines as the notice of proposed action set forth in
1558 subparagraph (d)2.

1559 (12) SCHOOL DISTRICT OBLIGATIONS.-

1560 (a) By January 1 of each year, a school district shall
1561 inform all households within the district receiving free or
1562 reduced-priced meals under the National School Lunch Act of
1563 their eligibility to apply for a scholarship program established
1564 under this chapter. The form of such notice shall be provided by
1565 the department, and the school district shall include the
1566 provided form in any normal correspondence with eligible

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1567 households. If an organization requests a special communication
1568 to be issued to households within the district receiving free or
1569 reduced-price meals under the National School Lunch Act, the
1570 organization shall reimburse the district for the cost of
1571 postage. Such notice is limited to once a year.

1572 (b) Upon the request of the department, a school district
1573 shall coordinate with the department to provide to a
1574 participating private school the statewide assessments
1575 administered under s. 1008.22 and any related materials for
1576 administering the assessments. For a student participating in a
1577 scholarship program established under this chapter whose parent
1578 requests that the student take the statewide assessments under
1579 s. 1008.22, the district in which the student attends a
1580 participating private school shall provide locations and times
1581 to take all statewide assessments. A school district is
1582 responsible for implementing test administrations at a
1583 participating private school, including:

- 1584 1. Providing training for private school staff on test
1585 security and assessment administration procedures;
- 1586 2. Distributing testing materials to a private school;
- 1587 3. Retrieving testing materials from a private school;
- 1588 4. Providing the required format for a private school to
1589 submit information to the district for test administration and
1590 enrollment purposes; and
- 1591 5. Providing any required assistance, monitoring, or
1592 investigation at a private school.

1593 (c) Each school district must publish information about a
1594 scholarship program established under this chapter on the
1595 district's website homepage. At a minimum, the published

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1596 information must include a website link to the scholarship
1597 programs published on the department's website as well as a
1598 telephone number and e-mail address that students and parents
1599 may use to contact relevant personnel in the school district to
1600 obtain information about the scholarship.

1601 (d) A school district, upon the request of a parent, must
1602 provide the parent of a student enrolled in a school in the
1603 school district the standard withdrawal form developed by the
1604 department. The school district must sign a completed form
1605 within 10 days after receipt. The school district must also
1606 publish the withdrawal form on its website in a downloadable
1607 format

1608 ~~(4) The inclusion of eligible private schools within~~
1609 ~~options available to Florida public school students does not~~
1610 ~~expand the regulatory authority of the state, its officers, or~~
1611 ~~any school district to impose any additional regulation of~~
1612 ~~private schools beyond those reasonably necessary to enforce~~
1613 ~~requirements expressly set forth in this section.~~

1614 ~~(13)(5)~~ RULEMAKING.—The State Board of Education shall
1615 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
1616 this section, including rules to establish a deadline for
1617 private school applications for participation and timelines for
1618 the department to conduct site visits.

1619 Section 7. Subsections (2) through (12) of section
1620 1002.394, Florida Statutes, are amended to read:

1621 1002.394 The Family Empowerment Scholarship Program.—

1622 (2) DEFINITIONS.—As used in this section, the term:

1623 (a) ~~“Approved provider” means a provider approved by the~~
1624 ~~Agency for Persons with Disabilities, a health care practitioner~~

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1625 as defined in s. 456.001, or a provider approved by the
1626 department pursuant to s. 1002.66.

1627 (b) ~~"Choice navigator" has the same meaning as in s.~~
1628 ~~1002.395(2).~~

1629 (c) ~~"Curriculum" means a complete course of study for a~~
1630 ~~particular content area or grade level, including any required~~
1631 ~~supplemental materials and associated online instruction.~~

1632 (d) "Department" means the Department of Education.

1633 (e) ~~"Disability" means, for a 3 or 4 year old child or for~~
1634 ~~a student in kindergarten to grade 12, autism spectrum disorder,~~
1635 ~~as defined in the Diagnostic and Statistical Manual of Mental~~
1636 ~~Disorders, Fifth Edition, published by the American Psychiatric~~
1637 ~~Association; cerebral palsy, as defined in s. 393.063; Down~~
1638 ~~syndrome, as defined in s. 393.063; an intellectual disability,~~
1639 ~~as defined in s. 393.063; a speech impairment; a language~~
1640 ~~impairment; an orthopedic impairment; any other health~~
1641 ~~impairment; an emotional or a behavioral disability; a specific~~
1642 ~~learning disability, including, but not limited to, dyslexia,~~
1643 ~~dyscalculia, or developmental aphasia; Phelan-McDermid syndrome,~~
1644 ~~as defined in s. 393.063; Prader-Willi syndrome, as defined in~~
1645 ~~s. 393.063; spina bifida, as defined in s. 393.063; being a~~
1646 ~~high-risk child, as defined in s. 393.063(22)(a); muscular~~
1647 ~~dystrophy; Williams syndrome; rare diseases which affect patient~~
1648 ~~populations of fewer than 200,000 individuals in the United~~
1649 ~~States, as defined by the National Organization for Rare~~
1650 ~~Disorders; anaphylaxis; a hearing impairment, including~~
1651 ~~deafness; a visual impairment, including blindness; traumatic~~
1652 ~~brain injury; hospital or homebound; or identification as dual~~
1653 ~~sensory impaired, as defined by rules of the State Board of~~

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1654 ~~Education and evidenced by reports from local school districts.~~
1655 ~~The term "hospital or homebound" includes a student who has a~~
1656 ~~medically diagnosed physical or psychiatric condition or~~
1657 ~~illness, as defined by the state board in rule, and who is~~
1658 ~~confined to the home or hospital for more than 6 months.~~

1659 ~~(f) "Eligible nonprofit scholarship funding organization"~~
1660 ~~or "organization" has the same meaning as in s. 1002.395(2).~~

1661 ~~(g) "Eligible postsecondary educational institution" means~~
1662 ~~a Florida College System institution; a state university; a~~
1663 ~~school district technical center; a school district adult~~
1664 ~~general education center; an independent college or university~~
1665 ~~that is eligible to participate in the William L. Boyd, IV,~~
1666 ~~Effective Access to Student Education Grant Program under s.~~
1667 ~~1009.89; or an accredited independent postsecondary educational~~
1668 ~~institution, as defined in s. 1005.02, which is licensed to~~
1669 ~~operate in this state under part III of chapter 1005 or is~~
1670 ~~approved to participate in a reciprocity agreement as defined in~~
1671 ~~s. 1000.35(2).~~

1672 ~~(h) "Eligible private school" has the same meaning as in s.~~
1673 ~~1002.395(2).~~

1674 ~~(i) "IEP" means an individual education plan, regardless of~~
1675 ~~whether the plan has been reviewed or revised within the last 12~~
1676 ~~months.~~

1677 ~~(j) "Inactive" means that no eligible expenditures have~~
1678 ~~been made from an account funded pursuant to paragraph (12)(b).~~

1679 ~~(k) "Job coach" means an individual employed to help people~~
1680 ~~with disabilities learn, accommodate to, and perform their work~~
1681 ~~duties.~~

1682 ~~(l) "Law enforcement officer" has the same meaning as~~

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1683 ~~provided in s. 943.10(1).~~

1684 ~~(m) "Parent" means a resident of this state who is a~~
1685 ~~parent, as defined in s. 1000.21.~~

1686 ~~(b)(n)~~ "Program" means the Family Empowerment Scholarship
1687 Program.

1688 (3) SCHOLARSHIP ELIGIBILITY.—

1689 (a)~~1.~~ A parent of a student may apply pursuant to s.
1690 1002.421 for and receive from the state a scholarship for the
1691 purposes specified in paragraph (4) (a) if the student:

1692 ~~1.a.~~ Is a resident of this state or the dependent child of
1693 an active duty member of the United States Armed Forces who has
1694 received permanent change of station orders to this state; and

1695 ~~2.b.~~ Is eligible to enroll in kindergarten through grade 12
1696 in a public school in this state or received a scholarship under
1697 the Hope Scholarship Program in the 2023-2024 school year.

1698 ~~2. Priority must be given in the following order:~~

1699 ~~a. A student whose household income level does not exceed~~
1700 ~~185 percent of the federal poverty level or who is in foster~~
1701 ~~care or out-of-home care.~~

1702 ~~b. A student whose household income level exceeds 185~~
1703 ~~percent of the federal poverty level, but does not exceed 400~~
1704 ~~percent of the federal poverty level.~~

1705 (b) A parent of a student with a disability may apply
1706 pursuant to s. 1002.421 for and receive from the state a
1707 scholarship for the purposes specified in paragraph (4) (b) if
1708 the student:

1709 1. Is a resident of this state or the dependent child of an
1710 active duty member of the United States Armed Forces who has
1711 received permanent change of station orders to this state or, at

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1712 the time of renewal, whose home of record or state of legal
1713 residence is Florida;

1714 2. Is 3 or 4 years of age during the year in which the
1715 student applies for program participation or is eligible to
1716 enroll in kindergarten through grade 12 in a public school in
1717 this state;

1718 3. Has a disability ~~as defined in subsection (2)~~; and

1719 4. Is the subject of an IEP written in accordance with
1720 rules of the State Board of Education or with the applicable
1721 rules of another state or has received a diagnosis of a
1722 disability from a physician who is licensed under chapter 458 or
1723 chapter 459, a psychologist who is licensed under chapter 490,
1724 or a physician who holds an active license issued by another
1725 state or territory of the United States, the District of
1726 Columbia, or the Commonwealth of Puerto Rico.

1727 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

1728 (a) Program funds awarded to a student determined eligible
1729 pursuant to paragraph (3) (a) may be used for:

1730 1. Tuition and fees at an eligible private school.

1731 2. Instructional materials, including digital materials,
1732 digital devices, and Internet resources.

1733 3. Curriculum ~~as defined in subsection (2)~~.

1734 4. Tuition and fees associated with full-time or part-time
1735 enrollment in an eligible postsecondary educational institution
1736 or a program offered by the postsecondary educational
1737 institution, unless the program is subject to s. 1009.25 or
1738 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 1009.25 and complies with all applicable requirements of the

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1741 department pursuant to chapter 1005; a private tutoring program
1742 authorized under s. 1002.43; a virtual program offered by a
1743 department-approved private online provider that meets the
1744 provider qualifications specified in s. 1002.45(2)(a); the
1745 Florida Virtual School as a private paying student; or an
1746 approved online course offered pursuant to s. 1003.499 or s.
1747 1004.0961.

1748 5. Fees for nationally standardized, norm-referenced
1749 achievement tests, Advanced Placement Examinations, industry
1750 certification examinations, assessments related to postsecondary
1751 education, or other assessments.

1752 6. Contracted services provided by a public school or
1753 school district, including classes. A student who receives
1754 contracted services under this subparagraph is not considered
1755 enrolled in a public school for eligibility purposes as
1756 specified in subsection (6) but rather attending a public school
1757 on a part-time basis as authorized under s. 1002.44.

1758 7. Tuition and fees for part-time tutoring services or fees
1759 for services provided by a choice navigator. Such services must
1760 be provided by a person who holds a valid Florida educator's
1761 certificate pursuant to s. 1012.56, a person who holds an
1762 adjunct teaching certificate pursuant to s. 1012.57, a person
1763 who has a bachelor's degree or a graduate degree in the subject
1764 area or related subject area in which instruction is given, a
1765 person who has demonstrated a mastery of subject area knowledge
1766 pursuant to s. 1012.56(5), or a person certified by a nationally
1767 or internationally recognized research-based training program as
1768 approved by the department. As used in this subparagraph, the
1769 term "part-time tutoring services" does not qualify as regular

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1770 school attendance as defined in s. 1003.01(16)(e).

1771 8. Membership dues and related activity fees for
1772 participation in Career and Technical Student Organizations.

1773 (b) Program funds awarded to a student with a disability
1774 determined eligible pursuant to paragraph (3)(b) may be used for
1775 the following purposes:

1776 1. Instructional materials, including digital devices,
1777 digital periphery devices, and assistive technology devices that
1778 allow a student to access instruction or instructional content
1779 and training on the use of and maintenance agreements for these
1780 devices.

1781 2. Curriculum ~~as defined in subsection (2).~~

1782 3. Specialized services by approved providers or by a
1783 hospital in this state which are selected by the parent. These
1784 specialized services may include, but are not limited to:

1785 a. Applied behavior analysis services as provided in ss.
1786 627.6686 and 641.31098.

1787 b. Services provided by speech-language pathologists as
1788 defined in s. 468.1125(8).

1789 c. Occupational therapy as defined in s. 468.203.

1790 d. Services provided by physical therapists as defined in
1791 s. 486.021(8).

1792 e. Services provided by listening and spoken language
1793 specialists and an appropriate acoustical environment for a
1794 child who has a hearing impairment, including deafness, and who
1795 has received an implant or assistive hearing device.

1796 4. Tuition and fees associated with full-time or part-time
1797 enrollment in a home education program that meets all of the
1798 following requirements:

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- 1799 a. Provides educational courses or activities.
- 1800 b. Has a publicly available description of courses and
- 1801 activities.
- 1802 c. Has a tuition and fee schedule.
- 1803 d. Makes the tuition and fees payable to a registered
- 1804 business entity.
- 1805 5. Tuition and fees associated with full-time or part-time
- 1806 enrollment in an eligible private school; an eligible
- 1807 postsecondary educational institution or a program offered by
- 1808 the postsecondary educational institution, unless the program is
- 1809 subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an
- 1810 approved preapprenticeship program as defined in s. 446.021(5)
- 1811 which is not subject to s. 1009.25 and complies with all
- 1812 applicable requirements of the department pursuant to chapter
- 1813 1005; a private tutoring program authorized under s. 1002.43; a
- 1814 virtual program offered by a department-approved private online
- 1815 provider that meets the provider qualifications specified in s.
- 1816 1002.45(2)(a); the Florida Virtual School as a private paying
- 1817 student; or an approved online course offered pursuant to s.
- 1818 1003.499 or s. 1004.0961.
- 1819 ~~6.5.~~ Fees for nationally standardized, norm-referenced
- 1820 achievement tests, Advanced Placement Examinations, industry
- 1821 certification examinations, assessments related to postsecondary
- 1822 education, or other assessments.
- 1823 ~~7.6.~~ Contributions to the Stanley G. Tate Florida Prepaid
- 1824 College Program pursuant to s. 1009.98 or the Florida College
- 1825 Savings Program pursuant to s. 1009.981 for the benefit of the
- 1826 eligible student.
- 1827 ~~8.7.~~ Contracted services provided by a public school or

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1828 school district, including classes. A student who receives
1829 services under a contract under this paragraph is not considered
1830 enrolled in a public school for eligibility purposes as
1831 specified in subsection (6) but rather attending a public school
1832 on a part-time basis as authorized under s. 1002.44.

1833 ~~9.8.~~ Tuition and fees for part-time tutoring services or
1834 fees for services provided by a choice navigator. Such services
1835 must be provided by a person who holds a valid Florida
1836 educator's certificate pursuant to s. 1012.56, a person who
1837 holds an adjunct teaching certificate pursuant to s. 1012.57, a
1838 person who has a bachelor's degree or a graduate degree in the
1839 subject area or related subject area in which instruction is
1840 given, a person who has demonstrated a mastery of subject area
1841 knowledge pursuant to s. 1012.56(5), or a person certified by a
1842 nationally or internationally recognized research-based training
1843 program as approved by the department. As used in this
1844 subparagraph, the term "part-time tutoring services" does not
1845 qualify as regular school attendance as defined in s.
1846 1003.01(16)(e).

1847 ~~10.9.~~ Fees for specialized summer education programs.

1848 ~~11.10.~~ Fees for specialized after-school education
1849 programs.

1850 ~~12.11.~~ Transition services provided by job coaches.
1851 Transition services are a coordinated set of activities which
1852 are focused on improving the academic and functional achievement
1853 of a student with a disability to facilitate the student's
1854 movement from school to postschool activities and are based on
1855 the student's needs.

1856 ~~13.12.~~ Fees for an annual evaluation of educational

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1857 progress by a state-certified teacher under s. 1002.41(1)(f), if
1858 this option is chosen for a home education student.

1859 ~~14.13.~~ Tuition and fees associated with programs offered by
1860 Voluntary Prekindergarten Education Program providers approved
1861 pursuant to s. 1002.55, school readiness providers approved
1862 pursuant to s. 1002.88, and prekindergarten programs offered by
1863 an eligible private school.

1864 ~~15.14.~~ Fees for services provided at a center that is a
1865 member of the Professional Association of Therapeutic
1866 Horsemanship International.

1867 ~~16.15.~~ Fees for services provided by a therapist who is
1868 certified by the Certification Board for Music Therapists or
1869 credentialed by the Art Therapy Credentials Board, Inc.

1870 17. Membership dues and related activity fees for
1871 participation in Career and Technical Student Organizations.

1872 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of
1873 educational choice:

1874 (a)1. A scholarship funded to an eligible student pursuant
1875 to paragraph (3)(a) shall remain in force until:

1876 a. The organization determines that the student is not
1877 eligible for program renewal;

1878 b. The Commissioner of Education suspends or revokes
1879 program participation or use of funds;

1880 c. The student's parent has forfeited participation in the
1881 program for failure to comply with the scholarship program
1882 requirements ~~subsection (10)~~;

1883 d. The student, who uses the scholarship for tuition and
1884 fees pursuant to subparagraph (4)(a)1., enrolls in a public
1885 school. However, if a student enters a Department of Juvenile

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1886 Justice detention center for a period of no more than 21 days,
1887 the student is not considered to have returned to a public
1888 school on a full-time basis for that purpose; or

1889 e. The student graduates from high school or attains 21
1890 years of age, whichever occurs first.

1891 ~~2.a.~~ The student's scholarship account must be closed and
1892 any remaining funds shall revert to the state after:

1893 ~~a.(I)~~ Denial or revocation of program eligibility by the
1894 commissioner for fraud or abuse, including, but not limited to,
1895 the student or student's parent accepting any payment, refund,
1896 or rebate, in any manner, from a provider of any services
1897 received pursuant to paragraph (4) (a);

1898 ~~b.(II)~~ One fiscal year ~~Two consecutive fiscal years~~ in
1899 which an account has been inactive; ~~or~~

1900 ~~c.(III)~~ A student remains unenrolled in an eligible private
1901 school for 30 days while receiving a scholarship that requires
1902 full-time enrollment; or

1903 d. A student's scholarship no longer remains in force due
1904 to any of the reasons provided in subparagraph 1.

1905 3. An organization must notify the parent prior to closing
1906 a student's account regarding the reason the account will be
1907 closed and that the balance of funds will revert upon closure.

1908 4. An organization must annually report to the department
1909 the total number of scholarship accounts that were closed
1910 pursuant to this subparagraph and the amount of funds by account
1911 which reverted to the state

1912 ~~b. Reimbursements for program expenditures may continue~~
1913 ~~until the account balance is expended or remaining funds have~~
1914 ~~reverted to the state.~~

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1915 (b)1. A scholarship funded to an eligible student pursuant
1916 to paragraph (3)(b) shall remain in force until:

1917 a. The parent does not renew program eligibility;

1918 b. The organization determines that the student is not
1919 eligible for program renewal;

1920 c. The Commissioner of Education suspends or revokes
1921 program participation or use of funds;

1922 d. The student's parent has forfeited participation in the
1923 program for failure to comply with the scholarship requirements
1924 ~~subsection (10)~~;

1925 e. The student enrolls full time in a public school; or

1926 f. The student graduates from high school or attains 22
1927 years of age, whichever occurs first.

1928 2. Reimbursements for program expenditures may continue
1929 until the account balance is expended or the account is closed.

1930 3. A student's scholarship account must be closed and any
1931 remaining funds, including, but not limited to, contributions
1932 made to the Stanley G. Tate Florida Prepaid College Program or
1933 earnings from or contributions made to the Florida College
1934 Savings Program using program funds pursuant to subparagraph
1935 (4)(b)7. ~~(4)(b)6.~~, shall revert to the state after:

1936 a. Denial or revocation of program eligibility by the
1937 commissioner for fraud or abuse, including, but not limited to,
1938 the student or student's parent accepting any payment, refund,
1939 or rebate, in any manner, from a provider of any services
1940 received pursuant to subsection (4); or

1941 b. Any period of 3 consecutive years after high school
1942 completion or graduation during which the student has not been
1943 enrolled in an eligible postsecondary educational institution or

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1944 a program offered by the institution; ~~or~~

1945 ~~e. Two consecutive fiscal years in which an account has~~
1946 ~~been inactive.~~

1947 4. An organization must notify the parent prior to closing
1948 a student's account regarding the reason the account will be
1949 closed and that the balance of funds will revert upon closure.

1950 5. Upon a student reaching the age of 16, the organization
1951 must notify the parent if there is a balance in the student's
1952 account and provide the amount of the balance and information
1953 regarding how the funds may be used.

1954 6. An organization must report to the department the total
1955 number of scholarship accounts that were closed pursuant to this
1956 paragraph and the amount of funds by account that reverted to
1957 the state.

1958 (c) Upon reasonable notice to the organization and the
1959 school district, the student's parent may remove the student
1960 from the participating private school and place the student in a
1961 public school in accordance with this section.

1962 (d) Upon reasonable notice to the organization, the
1963 student's parent may move the student from one participating
1964 private school to another participating private school.

1965 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
1966 a Family Empowerment Scholarship while he or she is:

1967 (a) Enrolled full time in a public school, including, but
1968 not limited to, the Florida School for the Deaf and the Blind,
1969 the College-Preparatory Boarding Academy, the Florida School for
1970 Competitive Academics, the Florida Virtual School, the Florida
1971 Scholars Academy, a developmental research school authorized
1972 under s. 1002.32, or a charter school authorized under this

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1973 chapter. For purposes of this paragraph, a 3- or 4-year-old
1974 child who receives services funded through the Florida Education
1975 Finance Program is considered to be a student enrolled in a
1976 public school;

1977 (b) Enrolled in a school operating for the purpose of
1978 providing educational services to youth in a Department of
1979 Juvenile Justice commitment program;

1980 (c) Receiving any other educational scholarship pursuant to
1981 this chapter. ~~However, an eligible public school student~~
1982 ~~receiving a scholarship under s. 1002.411 may receive a~~
1983 ~~scholarship for transportation pursuant to subparagraph~~
1984 ~~(4)(a)2.;~~

1985 (d) Not having regular and direct contact with his or her
1986 private school teachers pursuant to s. 1002.421(1)(i), unless he
1987 or she is eligible pursuant to paragraph (3)(b) ~~and enrolled in~~
1988 ~~the participating private school's transition-to-work program~~
1989 ~~pursuant to subsection (16) or a home education program pursuant~~
1990 ~~to s. 1002.41;~~

1991 (e) Participating in a private tutoring program pursuant to
1992 s. 1002.43 unless he or she is determined eligible pursuant to
1993 paragraph (3)(b); or

1994 (f) Participating in virtual instruction pursuant to s.
1995 1002.455 that receives state funding pursuant to the student's
1996 participation.

1997 (7) SCHOOL DISTRICT OBLIGATIONS.—

1998 (a) ~~By January 1 of each year, a school district shall~~
1999 ~~inform all households within the district receiving free or~~
2000 ~~reduced-priced meals under the National School Lunch Act of~~
2001 ~~their eligibility to apply to the department for a Family~~

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2002 ~~Empowerment Scholarship. The form of such notice shall be~~
2003 ~~provided by the department, and the school district shall~~
2004 ~~include the provided form in any normal correspondence with~~
2005 ~~eligible households. Such notice is limited to once a year.~~

2006 ~~(b)~~1. The parent of a student with a disability who does
2007 not have an IEP in accordance with subparagraph (3)(b)4. or who
2008 seeks a reevaluation of an existing IEP may request an IEP
2009 meeting and evaluation from the school district in order to
2010 obtain or revise a matrix of services. The school district shall
2011 notify a parent who has made a request for an IEP that the
2012 district is required to complete the IEP and matrix of services
2013 within 30 days after receiving notice of the parent's request.
2014 The school district shall conduct a meeting and develop an IEP
2015 and a matrix of services within 30 days after receipt of the
2016 parent's request in accordance with State Board of Education
2017 rules. The district must accept the diagnosis and consider the
2018 service plan of the licensed professional providing the
2019 diagnosis pursuant to subparagraph (3)(b)4. The school district
2020 must complete a matrix that assigns the student to one of the
2021 levels of service as they existed before the 2000-2001 school
2022 year. For a nonpublic school student without an IEP, the school
2023 district is authorized to use evaluation reports and plans of
2024 care developed by the licensed professionals under subparagraph
2025 (4)(b)3. to complete the matrix of services.

2026 2.a. The school district must provide the student's parent
2027 and the department with the student's matrix level within 10
2028 calendar days after its completion.

2029 ~~b. The department shall notify the parent and the~~
2030 ~~organization of the amount of the funds awarded within 10 days~~

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2031 ~~after receiving the school district's notification of the~~
2032 ~~student's matrix level.~~

2033 b.e. A school district may change a matrix of services only
2034 if the change is a result of an IEP reevaluation or to correct a
2035 technical, typographical, or calculation error.

2036 (b)1.~~(e)1.~~ Within 10 days after an IEP meeting is held, a
2037 school district shall notify the parent of a student of all
2038 options available pursuant to this section and offer that
2039 student's parent an opportunity to enroll the student in another
2040 public school in the school district.

2041 2. The parent is not required to accept the offer of
2042 enrolling the student in another public school in lieu of
2043 requesting a scholarship. However, if the parent chooses the
2044 public school option, the student may continue attending the
2045 public school chosen by the parent until the student graduates
2046 from high school.

2047 3. The parent may choose another public school in the
2048 school district, and the school district shall provide
2049 transportation to the public school selected by the parent.

2050 4. The parent may choose, as an alternative, to enroll the
2051 student in and transport the student to a public school in an
2052 adjacent school district that has available space and has a
2053 program with the services agreed to in the student's IEP already
2054 in place, and that school district shall accept the student and
2055 report the student for purposes of the school district's funding
2056 pursuant to the Florida Education Finance Program.

2057 ~~(d) Upon the request of the department, a school district~~
2058 ~~shall coordinate with the department to provide to a~~
2059 ~~participating private school the statewide assessments~~

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2060 administered under ~~s. 1008.22~~ and any related materials for
2061 administering the assessments. For a student who participates in
2062 the Family Empowerment Scholarship Program whose parent requests
2063 that the student take the statewide assessments under ~~s.~~
2064 ~~1008.22~~, the district in which the student attends a
2065 participating private school shall provide locations and times
2066 to take all statewide assessments. A school district is
2067 responsible for implementing test administrations at a
2068 participating private school, including the:

- 2069 1. ~~Provision of training for private school staff on test~~
2070 ~~security and assessment administration procedures;~~
- 2071 2. ~~Distribution of testing materials to a private school;~~
- 2072 3. ~~Retrieval of testing materials from a private school;~~
- 2073 4. ~~Provision of the required format for a private school to~~
2074 ~~submit information to the district for test administration and~~
2075 ~~enrollment purposes; and~~
- 2076 5. ~~Provision of any required assistance, monitoring, or~~
2077 ~~investigation at a private school.~~

2078 (c) ~~Each school district must publish information about the~~
2079 ~~Family Empowerment Scholarship Program on the district's website~~
2080 ~~homepage. At a minimum, the published information must include a~~
2081 ~~website link to the Family Empowerment Scholarship Program~~
2082 ~~published on the Department of Education website as well as a~~
2083 ~~telephone number and e-mail that students and parents may use to~~
2084 ~~contact relevant personnel in the school district to obtain~~
2085 ~~information about the scholarship.~~

2086 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

2087 (a) The department shall:

- 2088 1. ~~Publish and update, as necessary, information on the~~

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2089 ~~department website about the Family Empowerment Scholarship~~
2090 ~~Program, including, but not limited to, student eligibility~~
2091 ~~criteria, parental responsibilities, and relevant data.~~

2092 ~~2. Report, as part of the determination of full-time~~
2093 ~~equivalent membership pursuant to s. 1011.62(1)(a), all~~
2094 ~~scholarship students funded through the Florida Education~~
2095 ~~Finance Program, and cross-check the list of scholarship~~
2096 ~~students submitted by the eligible nonprofit scholarship-funding~~
2097 ~~organization with the full-time equivalent student membership~~
2098 ~~survey data to avoid duplication.~~

2099 ~~3. Maintain and annually publish a list of nationally norm-~~
2100 ~~referenced tests identified for purposes of satisfying the~~
2101 ~~testing requirement in subparagraph (9)(c)1. The tests must meet~~
2102 ~~industry standards of quality in accordance with state board~~
2103 ~~rule.~~

2104 ~~4. Notify eligible nonprofit scholarship-funding~~
2105 ~~organizations of the deadlines for submitting the verified list~~
2106 ~~of eligible scholarship students.~~

2107 ~~(a)5. Deny or terminate program participation upon a~~
2108 ~~parent's failure to comply with the scholarship program~~
2109 ~~requirements subsection (10).~~

2110 ~~6. Notify the parent and the organization when a~~
2111 ~~scholarship account is closed and program funds revert to the~~
2112 ~~state.~~

2113 ~~7. Notify an eligible nonprofit scholarship-funding~~
2114 ~~organization of any of the organization's or other~~
2115 ~~organization's identified students who are receiving~~
2116 ~~scholarships under this chapter.~~

2117 ~~(b)8. Maintain on its website a list of approved providers~~

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2118 as required by s. 1002.66, eligible postsecondary educational
2119 institutions, eligible private schools, and eligible
2120 organizations and may identify or provide links to lists of
2121 other approved providers.

2122 ~~9. Require each organization to verify eligible~~
2123 ~~expenditures before the distribution of funds for any~~
2124 ~~expenditures made pursuant to subparagraphs (4) (b)1. and 2.~~
2125 ~~Review of expenditures made for services specified in~~
2126 ~~subparagraphs (4) (b)3. 15. may be completed after the purchase~~
2127 ~~is made.~~

2128 (c)10. Investigate any written complaint of a violation of
2129 this section by a parent, a student, a participating private
2130 school, a public school, a school district, an organization, a
2131 provider, or another appropriate party in accordance with the
2132 process established under s. 1002.421.

2133 (d)11. Require quarterly reports by an organization, which
2134 must include, at a minimum, the number of students participating
2135 in the program; the demographics of program participants; the
2136 disability category of program participants; the matrix level of
2137 services, if known; the program award amount per student; the
2138 total expenditures for the purposes specified in paragraph
2139 (4) (b); the types of providers of services to students; the
2140 number of scholarship applications received, the number of
2141 applications processed within 30 days after receipt, and the
2142 number of incomplete applications received; data related to
2143 reimbursement submissions, including the average number of days
2144 for a reimbursement to be reviewed and the average number of
2145 days for a reimbursement to be approved; any parent input and
2146 feedback collected regarding the program; and any other

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2147 information deemed necessary by the department.

2148 ~~12. Notify eligible nonprofit scholarship funding~~
2149 ~~organizations that scholarships may not be awarded in a school~~
2150 ~~district in which the award will exceed 99 percent of the school~~
2151 ~~district's share of state funding through the Florida Education~~
2152 ~~Finance Program as calculated by the department.~~

2153 ~~13. Adjust payments to eligible nonprofit scholarship-~~
2154 ~~funding organizations and, when the Florida Education Finance~~
2155 ~~Program is recalculated, adjust the amount of state funds~~
2156 ~~allocated to school districts through the Florida Education~~
2157 ~~Finance Program based upon the results of the cross-check~~
2158 ~~completed pursuant to subparagraph 2.~~

2159 ~~(b) At the direction of the Commissioner of Education, the~~
2160 ~~department may:~~

2161 ~~1. Suspend or revoke program participation or use of~~
2162 ~~program funds by the student or participation or eligibility of~~
2163 ~~an organization, eligible postsecondary educational institution,~~
2164 ~~approved provider, or other party for a violation of this~~
2165 ~~section.~~

2166 ~~2. Determine the length of, and conditions for lifting, a~~
2167 ~~suspension or revocation specified in this paragraph.~~

2168 ~~3. Recover unexpended program funds or withhold payment of~~
2169 ~~an equal amount of program funds to recover program funds that~~
2170 ~~were not authorized for use.~~

2171
2172 ~~In determining whether to suspend or revoke participation or~~
2173 ~~lift a suspension or revocation in accordance with this~~
2174 ~~paragraph, the department may consider factors that include, but~~
2175 ~~are not limited to, acts or omissions that led to a previous~~

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2176 ~~suspension or revocation of participation in a state or federal~~
 2177 ~~program or an education scholarship program; failure to~~
 2178 ~~reimburse the organization for funds improperly received or~~
 2179 ~~retained; failure to reimburse government funds improperly~~
 2180 ~~received or retained; imposition of a prior criminal sanction~~
 2181 ~~related to the person or entity or its officers or employees;~~
 2182 ~~imposition of a civil fine or administrative fine, license~~
 2183 ~~revocation or suspension, or program eligibility suspension,~~
 2184 ~~termination, or revocation related to a person's or entity's~~
 2185 ~~management or operation; or other types of criminal proceedings~~
 2186 ~~in which the person or entity or its officers or employees were~~
 2187 ~~found guilty of, regardless of adjudication, or entered a plea~~
 2188 ~~of nolo contendere or guilty to, any offense involving fraud,~~
 2189 ~~deceit, dishonesty, or moral turpitude.~~

2190 (e) ~~(e)~~ The department shall Notify each school district of
 2191 the full-time equivalent student consensus estimate of students
 2192 participating in the program developed pursuant to s.
 2193 216.136(4) (a) .

2194 (f) ~~(d)~~ The department may Provide guidance to a
 2195 participating private school that submits a transition-to-work
 2196 program plan pursuant to subsection (15) ~~(16)~~ .

2197 ~~(9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. To be~~
 2198 ~~eligible to participate in the Family Empowerment Scholarship~~
 2199 ~~Program, a private school may be sectarian or nonsectarian and~~
 2200 ~~must:~~

2201 ~~(a) Comply with all requirements for private schools~~
 2202 ~~participating in state school choice scholarship programs~~
 2203 ~~pursuant to s. 1002.421.~~

2204 ~~(b) Provide to the organization all documentation required~~

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2205 ~~for a student's participation, including confirmation of the~~
2206 ~~student's admission to the private school, the private school's~~
2207 ~~and student's fee schedules, and any other information required~~
2208 ~~by the organization to process scholarship payment under~~
2209 ~~subparagraph (12) (a) 4. Such information must be provided by the~~
2210 ~~deadlines established by the organization and in accordance with~~
2211 ~~the requirements of this section. A student is not eligible to~~
2212 ~~receive a quarterly scholarship payment if the private school~~
2213 ~~fails to meet the deadline.~~

2214 ~~(c)1. Annually administer or make provision for students~~
2215 ~~participating in the program in grades 3 through 10 to take one~~
2216 ~~of the nationally norm-referenced tests that are identified by~~
2217 ~~the department pursuant to paragraph (8) (a) or to take the~~
2218 ~~statewide assessments pursuant to s. 1008.22. Students with~~
2219 ~~disabilities for whom the physician or psychologist who issued~~
2220 ~~the diagnosis or the IEP team determines that standardized~~
2221 ~~testing is not appropriate are exempt from this requirement. A~~
2222 ~~participating private school shall report a student's scores to~~
2223 ~~his or her parent. By August 15 of each year, a participating~~
2224 ~~private school must report the scores of all participating~~
2225 ~~students to a state university as described in s.~~
2226 ~~1002.395(9) (f).~~

2227 ~~2. Administer the statewide assessments pursuant to s.~~
2228 ~~1008.22 if the private school chooses to offer the statewide~~
2229 ~~assessments. A participating private school may choose to offer~~
2230 ~~and administer the statewide assessments to all students who~~
2231 ~~attend the private school in grades 3 through 10 and must submit~~
2232 ~~a request in writing to the department by March 1 of each year~~
2233 ~~in order to administer the statewide assessments in the~~

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2234 ~~subsequent school year.~~

2235 ~~(d) For a student determined eligible pursuant to paragraph~~
2236 ~~(3) (b), discuss the school's academic programs and policies,~~
2237 ~~specialized services, code of conduct, and attendance policies~~
2238 ~~before enrollment with the parent to determine which programs~~
2239 ~~and services may meet the student's individual needs.~~

2240
2241 ~~If a private school fails to meet the requirements of this~~
2242 ~~subsection or s. 1002.421, the commissioner may determine that~~
2243 ~~the private school is ineligible to participate in the~~
2244 ~~scholarship program.~~

2245 ~~(9) (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM~~
2246 ~~PARTICIPATION.—~~

2247 (a) A parent who applies for a scholarship under paragraph
2248 (3) (a) whose student will be enrolled full time in an eligible
2249 private school must:

2250 1. Select an eligible private school and apply for the
2251 admission of his or her student.

2252 ~~2. Request the scholarship by the date established by the~~
2253 ~~organization in a manner that creates a written or electronic~~
2254 ~~record of the request and the date of receipt of the request.~~

2255 ~~3.a. Beginning with new applications for the 2025-2026~~
2256 ~~school year and thereafter, notify the organization by December~~
2257 ~~15 that the scholarship is being accepted or declined.~~

2258 ~~b. Beginning with renewal applications for the 2025-2026~~
2259 ~~school year and thereafter, notify the organization by May 31~~
2260 ~~that the scholarship is being renewed or declined.~~

2261 2.4. Inform the applicable school district when the parent
2262 withdraws his or her student from a public school to attend an

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2263 eligible private school using the standard withdrawal form
2264 developed by the department pursuant to s. 1002.421.

2265 ~~3.5.~~ Require his or her student participating in the
2266 program to remain in attendance at the eligible private school
2267 throughout the school year unless excused by the school for
2268 illness or other good cause.

2269 ~~4.6.~~ Meet with the eligible private school's principal or
2270 the principal's designee to review the school's academic
2271 programs and policies, specialized services, code of student
2272 conduct, and attendance policies before enrollment.

2273 ~~7.~~ ~~Require his or her student participating in the program~~
2274 ~~to take the norm-referenced assessment offered by the eligible~~
2275 ~~private school. The parent may also choose to have the student~~
2276 ~~participate in the statewide assessments pursuant to paragraph~~
2277 ~~(7)(d). If the parent requests that the student participating in~~
2278 ~~the program take all statewide assessments required pursuant to~~
2279 ~~s. 1008.22, the parent is responsible for transporting the~~
2280 ~~student to the assessment site designated by the school~~
2281 ~~district.~~

2282 ~~8.~~ ~~Approve each payment before the scholarship funds may be~~
2283 ~~deposited by funds transfer pursuant to subparagraph (12)(a)3.~~
2284 ~~The parent may not designate any entity or individual associated~~
2285 ~~with the participating private school as the parent's attorney~~
2286 ~~in fact to approve a funds transfer. A participant who fails to~~
2287 ~~comply with this paragraph forfeits the scholarship.~~

2288 ~~9.~~ ~~Agree to have the organization commit scholarship funds~~
2289 ~~on behalf of his or her student for tuition and fees for which~~
2290 ~~the parent is responsible for payment at the eligible private~~
2291 ~~school before using scholarship account funds for additional~~

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2292 ~~authorized uses under paragraph (4) (a). A parent is responsible~~
2293 ~~for all eligible expenses in excess of the amount of the~~
2294 ~~scholarship.~~

2295 ~~10. Comply with the scholarship application and renewal~~
2296 ~~processes and requirements established by the organization.~~

2297 (b) A parent who applies for a scholarship under paragraph
2298 (3) (b) is exercising his or her parental option to determine the
2299 appropriate placement or the services that best meet the needs
2300 of his or her child and must:

2301 ~~1. Apply to an eligible nonprofit scholarship-funding~~
2302 ~~organization to participate in the program by a date set by the~~
2303 ~~organization. The request must be communicated directly to the~~
2304 ~~organization in a manner that creates a written or electronic~~
2305 ~~record of the request and the date of receipt of the request.~~

2306 ~~2.a. Beginning with new applications for the 2025-2026~~
2307 ~~school year and thereafter, notify the organization by December~~
2308 ~~15 that the scholarship is being accepted or declined.~~

2309 ~~b. Beginning with renewal applications for the 2025-2026~~
2310 ~~school year and thereafter, notify the organization by May 31~~
2311 ~~that the scholarship is being renewed or declined.~~

2312 ~~3.~~ sign an agreement with the organization and annually
2313 submit a sworn compliance statement to the organization to
2314 satisfy or maintain program eligibility, including eligibility
2315 to receive and spend program payments by:

2316 ~~1.a.~~ Affirming that the student is enrolled in a program
2317 that meets regular school attendance requirements as provided in
2318 s. 1003.01(16) (b), (c), or (d).

2319 ~~2.b.~~ Affirming that the program funds are used only for
2320 authorized purposes serving the student's educational needs, as

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2321 described in paragraph (4) (b); that any prepaid college plan or
2322 college savings plan funds contributed pursuant to subparagraph
2323 (4) (b) 7. ~~subparagraph (4) (b) 6.~~ will not be transferred to
2324 another beneficiary while the plan contains funds contributed
2325 pursuant to this section; and that they will not receive a
2326 payment, refund, or rebate of any funds provided under this
2327 section.

2328 3.e. Affirming that the parent is responsible for all
2329 eligible expenses in excess of the amount of the scholarship and
2330 for the education of his or her student by, as applicable:

2331 a.(I) Requiring the student to take an assessment in
2332 accordance with s. 1002.421(7) ~~paragraph (9) (e);~~

2333 b.(II) Providing an annual evaluation in accordance with s.
2334 1002.41(1) (f); or

2335 c.(III) Requiring the child to take any preassessments and
2336 postassessments selected by the provider if the child is 4 years
2337 of age and is enrolled in a program provided by an eligible
2338 Voluntary Prekindergarten Education Program provider. A student
2339 with disabilities for whom the physician or psychologist who
2340 issued the diagnosis or the IEP team determines that a
2341 preassessment and postassessment is not appropriate is exempt
2342 from this requirement. A participating provider shall report a
2343 student's scores to the parent.

2344 4.d. Affirming that the student remains in good standing
2345 with the provider or school if those options are selected by the
2346 parent.

2347 5.e. Enrolling his or her child in a program from a
2348 Voluntary Prekindergarten Education Program provider authorized
2349 under s. 1002.55, a school readiness provider authorized under

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2350 s. 1002.88, a prekindergarten program offered by an eligible
2351 private school, or an eligible private school if selected by the
2352 parent.

2353 6.f. Comply with the scholarship application and renewal
2354 processes and requirements established by the organization. A
2355 student whose participation in the program is not renewed may
2356 continue to spend scholarship funds that are in his or her
2357 account from prior years unless the account must be closed
2358 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
2359 the student's IEP, a student who was previously eligible for
2360 participation in the program shall remain eligible to apply for
2361 renewal. However, for a high-risk child to continue to
2362 participate in the program in the school year after he or she
2363 reaches 6 years of age, the child's application for renewal of
2364 program participation must contain documentation that the child
2365 has a disability ~~defined in paragraph (2)(e)~~ other than high-
2366 risk status.

2367 7.g. Procuring the services necessary to educate the
2368 student. If such services include enrollment in an eligible
2369 private school, the parent must meet with the private school's
2370 principal or the principal's designee to review the school's
2371 academic programs and policies, specialized services, code of
2372 student conduct, and attendance policies before his or her
2373 student is enrolled. ~~The parent must also approve each payment~~
2374 ~~to the eligible private school before the scholarship funds may~~
2375 ~~be deposited by funds transfer pursuant to subparagraph~~
2376 ~~(12)(a)4. The parent may not designate any entity or individual~~
2377 ~~associated with the eligible private school as the parent's~~
2378 ~~attorney in fact to approve a funds transfer.~~ When the student

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2379 receives a scholarship, the district school board is not
2380 obligated to provide the student with a free appropriate public
2381 education. For purposes of s. 1003.57 and the Individuals with
2382 Disabilities in Education Act, a participating student has only
2383 those rights that apply to all other unilaterally parentally
2384 placed students, except that, when requested by the parent,
2385 school district personnel must develop an IEP or matrix level of
2386 services.

2387 ~~(c) A parent may not apply for multiple scholarships under~~
2388 ~~this section and s. 1002.395 for an individual student at the~~
2389 ~~same time.~~

2390 ~~(d)~~ A participant who fails to comply with this subsection
2391 forfeits the scholarship.

2392 ~~(10)(11)~~ OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
2393 ORGANIZATIONS.—

2394 ~~(a)~~ An eligible nonprofit scholarship-funding organization
2395 awarding scholarships to eligible students pursuant to this
2396 section paragraph (3)(a) shall:

2397 ~~1. Establish a process for parents who are in compliance~~
2398 ~~with paragraph (10)(a) to renew their students' scholarships.~~
2399 ~~Renewal applications for the 2025-2026 school year and~~
2400 ~~thereafter must provide for a renewal timeline beginning~~
2401 ~~February 1 of the prior school year and ending April 30 of the~~
2402 ~~prior school year. A student's renewal is contingent upon an~~
2403 ~~eligible private school providing confirmation of student~~
2404 ~~admission pursuant to subsection (9). The process must require~~
2405 ~~that parents confirm that the scholarship is being renewed or~~
2406 ~~declined by May 31.~~

2407 ~~2. Establish a process that allows a parent to apply for a~~

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2408 ~~new scholarship. The process may begin no earlier than February~~
2409 ~~1 of the prior school year and must authorize submission of~~
2410 ~~applications until November 15. The process must be in a manner~~
2411 ~~that creates a written or electronic record of the application~~
2412 ~~request and the date of receipt of the application request.~~
2413 ~~Applications received after the deadline may be considered for~~
2414 ~~scholarship award in the subsequent fiscal year. The process~~
2415 ~~must require that parents confirm that the scholarship is being~~
2416 ~~accepted or declined by December 15.~~

2417 (a)3. ~~Verify the household income level of students seeking~~
2418 ~~priority eligibility and submit the verified list of students to~~
2419 ~~the department.~~

2420 ~~4. Award scholarships in priority order pursuant to~~
2421 ~~paragraph (3) (a).~~

2422 ~~5. Establish and maintain separate scholarship accounts for~~
2423 ~~each eligible student. For each account, the organization must~~
2424 ~~maintain a record of accrued interest that is retained in the~~
2425 ~~student's account and available only for authorized program~~
2426 ~~expenditures.~~

2427 ~~6. Permit eligible students to use program funds for the~~
2428 ~~purposes specified in paragraph (4) (a), as authorized in the~~
2429 ~~organization's purchasing handbook, by paying for the authorized~~
2430 ~~use directly, then submitting a reimbursement request to the~~
2431 ~~eligible nonprofit scholarship funding organization. However, an~~
2432 ~~eligible nonprofit scholarship funding organization may require~~
2433 ~~the use of an online platform for direct purchases of products~~
2434 ~~so long as such use does not limit a parent's choice of~~
2435 ~~curriculum or academic programs. If a parent purchases a product~~
2436 ~~identical to one offered by an organization's online platform~~

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2437 ~~for a lower price, the organization must reimburse the parent~~
2438 ~~the cost of the product.~~

2439 ~~7. In a timely manner, submit the verified list of students~~
2440 ~~and any information requested by the department relating to the~~
2441 ~~scholarship under this section.~~

2442 ~~8. Notify the department about any violation of this~~
2443 ~~section.~~

2444 ~~9. Document each student's eligibility for a fiscal year~~
2445 ~~before granting a scholarship for that fiscal year. A student is~~
2446 ~~ineligible for a scholarship if the student's account has been~~
2447 ~~inactive for 2 consecutive fiscal years.~~

2448 ~~10. Notify each parent that participation in the~~
2449 ~~scholarship program does not guarantee enrollment.~~

2450 ~~11. Commit scholarship funds on behalf of the student for~~
2451 ~~tuition and fees for which the parent is responsible for payment~~
2452 ~~at the participating private school before using scholarship~~
2453 ~~account funds for additional authorized uses under paragraph~~
2454 ~~(4)(a).~~

2455 ~~(b) For students An eligible nonprofit scholarship funding~~
2456 ~~organization awarding scholarships to eligible students pursuant~~
2457 ~~to paragraph (3)(b) shall:~~

2458 ~~1. Establish a process for parents who are in compliance~~
2459 ~~with paragraph (10)(b) to renew their students' scholarships.~~
2460 ~~Renewal applications for the 2025-2026 school year and~~
2461 ~~thereafter must provide for a renewal timeline beginning~~
2462 ~~February 1 of the prior school year and ending April 30 of the~~
2463 ~~prior school year. A student's renewal is contingent upon an~~
2464 ~~eligible private school providing confirmation of student~~
2465 ~~admission pursuant to subsection (9), if applicable. The process~~

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2466 ~~must require that parents confirm that the scholarship is being~~
2467 ~~renewed or declined by May 31.~~

2468 ~~2. Establish a process that allows a parent to apply for a~~
2469 ~~new scholarship. The process may begin no earlier than February~~
2470 ~~1 of the prior school year and must authorize the submission of~~
2471 ~~applications until November 15. The process must be in a manner~~
2472 ~~that creates a written or electronic record of the application~~
2473 ~~request and the date of receipt of the application request.~~
2474 ~~Applications received after the deadline may be considered for~~
2475 ~~scholarship award in the subsequent fiscal year. The process~~
2476 ~~must require that parents confirm that the scholarship is being~~
2477 ~~accepted or declined by December 15.~~

2478 ~~3. Review applications and award scholarships using the~~
2479 ~~following priorities:~~

- 2480 ~~a. Renewing students from the previous school year.~~
2481 ~~b. An eligible student who meets the criteria for an~~
2482 ~~initial award pursuant to paragraph (3) (b) on a first-come,~~
2483 ~~first-served basis.~~

2484 ~~4. Establish and maintain separate accounts for each~~
2485 ~~eligible student. For each account, the organization must~~
2486 ~~maintain a record of accrued interest that is retained in the~~
2487 ~~student's account and available only for authorized program~~
2488 ~~expenditures.~~

2489 ~~5. Verify qualifying educational expenditures pursuant to~~
2490 ~~the requirements of paragraph (4) (b).~~

2491 ~~6. Return any remaining program funds to the department~~
2492 ~~pursuant to paragraph (6) (b).~~

2493 1.7. Notify the parent about the availability of, and the
2494 requirements associated with requesting, an initial IEP or IEP

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reevaluation every 3 years for each student participating in the program.

~~2.8.~~ Notify the parent of available state and local services, including, but not limited to, services under chapter 413.

~~9.~~ ~~In a timely manner, submit to the department the verified list of eligible scholarship students and any information requested by the department relating to the scholarship under this section.~~

~~(c)10.~~ Notify the department of any violation of this section.

~~11.~~ ~~Document each scholarship student's eligibility for a fiscal year before granting a scholarship for that fiscal year pursuant to paragraph (3) (b). A student is ineligible for a scholarship if the student's account has been inactive for 2 consecutive fiscal years.~~

~~(d)(e)~~ ~~An eligible nonprofit scholarship funding organization may, from eligible contributions received pursuant to s. 1002.395(6)(1)1.,~~ Use an amount, from eligible contributions received pursuant to s. 1002.395(6)(1)1., not to exceed 2.5 percent of the total amount of all scholarships funded under this section for administrative expenses associated with performing functions under this section. An organization that, for the prior fiscal year, has complied with the expenditure requirements of s. 1002.395(6)(i)3. ~~s. 1002.395(6)(1)3.~~ may use an amount not to exceed 3 percent. Such administrative expense amount is considered within the 3-percent limit on the total amount an organization may use to administer scholarships under this chapter.

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2524 ~~(d) An eligible nonprofit scholarship funding organization~~
2525 ~~shall establish a process to collect input and feedback from~~
2526 ~~parents, private schools, and providers before implementing~~
2527 ~~substantial modifications or enhancements to the reimbursement~~
2528 ~~process.~~

2529 (11)~~(12)~~ SCHOLARSHIP FUNDING AND PAYMENT.—

2530 ~~(a)1. The calculated scholarship amount for a participating~~
2531 ~~student determined eligible pursuant to paragraph (3)(a) shall~~
2532 ~~be based upon the grade level and school district in which the~~
2533 ~~student was assigned as 100 percent of the funds per unweighted~~
2534 ~~full-time equivalent in the Florida Education Finance Program~~
2535 ~~for a student in the basic program established pursuant to s.~~
2536 ~~1011.62(1)(c)1., plus a per-full-time equivalent share of funds~~
2537 ~~for the categorical programs established in s. 1011.62(5),~~
2538 ~~(7)(a), and (16), as funded in the General Appropriations Act.~~

2539 ~~2.a. For renewing scholarship students, the organization~~
2540 ~~must verify the student's continued eligibility to participate~~
2541 ~~in the scholarship program at least 30 days before each payment.~~
2542 ~~Upon receiving the verified list of eligible scholarship~~
2543 ~~students, the department shall release, from state funds only,~~
2544 ~~the amount calculated pursuant to subparagraph 1. to the~~
2545 ~~organization for deposit into the student's account in quarterly~~
2546 ~~payments no later than August 1, November 1, February 1, and~~
2547 ~~April 1 of each school year in which the scholarship is in~~
2548 ~~force.~~

2549 ~~b. For new scholarship students, the organization must~~
2550 ~~verify the student's eligibility to participate in the~~
2551 ~~scholarship program at least 30 days before each payment. Upon~~
2552 ~~receiving the verified list of eligible scholarship students,~~

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

2564 ~~e. The department is authorized to release the state funds~~
2565 ~~contingent upon verification that the organization will comply~~
2566 ~~with s. 1002.395(6)(1) based upon the organization's submitted~~
2567 ~~verified list of eligible scholarship students pursuant to s.~~
2568 ~~1002.395.~~

2569 ~~3. The initial payment shall be made after the~~
2570 ~~organization's verification of admission acceptance, and~~
2571 ~~subsequent payments shall be made upon verification of continued~~
2572 ~~enrollment and attendance at the participating private school.~~
2573 ~~Payments for tuition and fees for full-time enrollment shall be~~
2574 ~~made within 7 business days after approval by the parent~~
2575 ~~pursuant to paragraph (10)(a) and the private school pursuant to~~
2576 ~~paragraph (9)(b). Payment must be by funds transfer or any other~~
2577 ~~means of payment that the department deems to be commercially~~
2578 ~~viable or cost-effective. An organization shall ensure that the~~
2579 ~~parent has approved a funds transfer before any scholarship~~
2580 ~~funds are deposited.~~

2581 ~~4. An organization may not transfer any funds to an account~~

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2582 of a student determined eligible pursuant to paragraph (3) (a)
2583 which has a balance in excess of \$24,000.

2584 ~~(b)1.~~ For the 2024-2025 school year, the maximum number of
2585 scholarships funded under paragraph (3) (b) shall be 72,615.
2586 Beginning in the 2025-2026 school year, the maximum number of
2587 scholarships funded under paragraph (3) (b) shall annually
2588 increase by 5 percent of the state's total exceptional student
2589 education full-time equivalent student membership, not including
2590 gifted students. The maximum number of scholarships funded shall
2591 increase by 1 percent of the state's total exceptional student
2592 education full-time equivalent student membership, not including
2593 gifted students, in the school year following any school year in
2594 which the number of scholarships funded exceeds 95 percent of
2595 the number of available scholarships for that school year. An
2596 eligible student who meets any of the following requirements
2597 shall be excluded from the maximum number of students if the
2598 student:

2599 (a)a. Received specialized instructional services under the
2600 Voluntary Prekindergarten Education Program pursuant to s.
2601 1002.66 during the previous school year and the student has a
2602 current IEP developed by the district school board in accordance
2603 with rules of the State Board of Education;

2604 (b)b. Is a dependent child of a law enforcement officer or
2605 a member of the United States Armed Forces, a foster child, or
2606 an adopted child; or

2607 (c)e. Spent the prior school year in attendance at a
2608 Florida public school or the Florida School for the Deaf and the
2609 Blind. For purposes of this subparagraph, the term "prior school
2610 year in attendance" means that the student was enrolled and

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2611 reported by:

2612 1.~~(I)~~ A school district for funding during either the
2613 preceding October or February full-time equivalent student
2614 membership surveys in kindergarten through grade 12, which
2615 includes time spent in a Department of Juvenile Justice
2616 commitment program if funded under the Florida Education Finance
2617 Program;

2618 2.~~(II)~~ The Florida School for the Deaf and the Blind during
2619 the preceding October or February full-time equivalent student
2620 membership surveys in kindergarten through grade 12;

2621 3.~~(III)~~ A school district for funding during the preceding
2622 October or February full-time equivalent student membership
2623 surveys, was at least 4 years of age when enrolled and reported,
2624 and was eligible for services under s. 1003.21(1)(e); or

2625 4.~~(IV)~~ Received a John M. McKay Scholarship for Students
2626 with Disabilities in the 2021-2022 school year.

2627 ~~2. For a student who has a Level I to Level III matrix of~~
2628 ~~services or a diagnosis by a physician or psychologist, the~~
2629 ~~calculated scholarship amount for a student participating in the~~
2630 ~~program must be based upon the grade level and school district~~
2631 ~~in which the student would have been enrolled as the total funds~~
2632 ~~per unweighted full-time equivalent in the Florida Education~~
2633 ~~Finance Program for a student in the basic exceptional student~~
2634 ~~education program pursuant to s. 1011.62(1)(c) and (d), plus a~~
2635 ~~per full-time equivalent share of funds for the categorical~~
2636 ~~programs established in s. 1011.62(5), (7)(a), (8), and (16), as~~
2637 ~~funded in the General Appropriations Act. For the categorical~~
2638 ~~program established in s. 1011.62(8), the funds must be~~
2639 ~~allocated based on the school district's average exceptional~~

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2640 ~~student education guaranteed allocation funds per exceptional~~
2641 ~~student education full-time equivalent student.~~

2642 ~~3. For a student with a Level IV or Level V matrix of~~
2643 ~~services, the calculated scholarship amount must be based upon~~
2644 ~~the school district to which the student would have been~~
2645 ~~assigned as the total funds per full-time equivalent for the~~
2646 ~~Level IV or Level V exceptional student education program~~
2647 ~~pursuant to s. 1011.62(1)(c)2.a. or b., plus a per full time~~
2648 ~~equivalent share of funds for the categorical programs~~
2649 ~~established in s. 1011.62(5), (7)(a), and (16), as funded in the~~
2650 ~~General Appropriations Act.~~

2651 ~~4. For a student who received a Gardiner Scholarship~~
2652 ~~pursuant to former s. 1002.385 in the 2020-2021 school year, the~~
2653 ~~amount shall be the greater of the amount calculated pursuant to~~
2654 ~~subparagraph 2. or the amount the student received for the 2020-~~
2655 ~~2021 school year.~~

2656 ~~5. For a student who received a John M. McKay Scholarship~~
2657 ~~pursuant to former s. 1002.39 in the 2020-2021 school year, the~~
2658 ~~amount shall be the greater of the amount calculated pursuant to~~
2659 ~~subparagraph 2. or the amount the student received for the 2020-~~
2660 ~~2021 school year.~~

2661 ~~6. The organization must verify the student's eligibility~~
2662 ~~to participate in the scholarship program at least 30 days~~
2663 ~~before each payment.~~

2664 ~~7.a. For renewing scholarship students, upon receiving the~~
2665 ~~verified list of eligible scholarship students, the department~~
2666 ~~shall release, from state funds only, the amount calculated~~
2667 ~~pursuant to subparagraph 1. to the organization for deposit into~~
2668 ~~the student's account in quarterly payments no later than August~~

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2669 ~~1, November 1, February 1, and April 1 of each school year in~~
2670 ~~which the scholarship is in force.~~

2671 ~~b. For new scholarship students, upon receiving the~~
2672 ~~verified list of eligible scholarship students, the department~~
2673 ~~shall release, from state funds only, the amount calculated~~
2674 ~~pursuant to subparagraph 1. to the organization for deposit into~~
2675 ~~the student's account in quarterly payments no later than~~
2676 ~~September 1, November 1, February 1, and April 1 of each school~~
2677 ~~year in which the scholarship is in force.~~

2678 ~~8. If a scholarship student is attending an eligible~~
2679 ~~private school full time, the initial payment shall be made~~
2680 ~~after the organization's verification of admission acceptance,~~
2681 ~~and subsequent payments shall be made upon verification of~~
2682 ~~continued enrollment and attendance at the eligible private~~
2683 ~~school. Payments for tuition and fees for full-time enrollment~~
2684 ~~shall be made within 7 business days after approval by the~~
2685 ~~parent pursuant to paragraph (10) (b) and the private school~~
2686 ~~pursuant to paragraph (9) (b).~~

2687 ~~9. Accrued interest in the student's account is in addition~~
2688 ~~to, and not part of, the awarded funds. Program funds include~~
2689 ~~both the awarded funds and accrued interest.~~

2690 ~~10. The organization may develop a system for payment of~~
2691 ~~benefits by funds transfer, including, but not limited to, debit~~
2692 ~~cards, electronic payment cards, or any other means of payment~~
2693 ~~which the department deems to be commercially viable or cost-~~
2694 ~~effective. A student's scholarship award may not be reduced for~~
2695 ~~debit card or electronic payment fees. Commodities or services~~
2696 ~~related to the development of such a system must be procured by~~
2697 ~~competitive solicitation unless they are purchased from a state~~

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2698 ~~term contract pursuant to s. 287.056.~~

2699 ~~11. An organization may not transfer any funds to an~~
2700 ~~account of a student determined to be eligible pursuant to~~
2701 ~~paragraph (3) (b) which has a balance in excess of \$50,000.~~

2702 ~~12. Moneys received pursuant to this section do not~~
2703 ~~constitute taxable income to the qualified student or the parent~~
2704 ~~of the qualified student.~~

2705 ~~(c) An organization may not submit a new scholarship~~
2706 ~~student for funding after February 1.~~

2707 ~~(d) Within 30 days after the release of state funds~~
2708 ~~pursuant to paragraphs (a) and (b), the eligible scholarship-~~
2709 ~~funding organization shall certify to the department the amount~~
2710 ~~of funds distributed for student scholarships. If the amount of~~
2711 ~~funds released by the department is more than the amount~~
2712 ~~distributed by the organization, the department is authorized to~~
2713 ~~adjust the amount of the overpayment in the subsequent quarterly~~
2714 ~~payment release.~~

2715 Section 8. Subsections (2), (3), (4), and (6) through (11),
2716 and paragraph (e) of subsection (15) of section 1002.395,
2717 Florida Statutes, are amended to read:

2718 1002.395 Florida Tax Credit Scholarship Program.—

2719 (2) DEFINITIONS.—As used in this section, the term:

2720 (a) "Annual tax credit amount" means, for any state fiscal
2721 year, the sum of the amount of tax credits approved under
2722 paragraph (5) (b), including tax credits to be taken under s.
2723 220.1875 or s. 624.51055, which are approved for a taxpayer
2724 whose taxable year begins on or after January 1 of the calendar
2725 year preceding the start of the applicable state fiscal year.

2726 ~~(b) "Choice navigator" means an individual who meets the~~

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2727 ~~requirements of sub-subparagraph (6) (d) 4.g. and who provides~~
2728 ~~consultations, at a mutually agreed upon location, on the~~
2729 ~~selection of, application for, and enrollment in educational~~
2730 ~~options addressing the academic needs of a student; curriculum~~
2731 ~~selection; and advice on career and postsecondary education~~
2732 ~~opportunities. However, nothing in this section authorizes a~~
2733 ~~choice navigator to oversee or exercise control over the~~
2734 ~~curricula or academic programs of a personalized education~~
2735 ~~program.~~

2736 (b)~~(e)~~ "Department" means the Department of Revenue.

2737 (c)~~(d)~~ "Direct certification list" means the certified list
2738 of children who qualify for the food assistance program, the
2739 Temporary Assistance to Needy Families Program, or the Food
2740 Distribution Program on Indian Reservations provided to the
2741 Department of Education by the Department of Children and
2742 Families.

2743 (d)~~(e)~~ "Division" means the Division of Alcoholic Beverages
2744 and Tobacco of the Department of Business and Professional
2745 Regulation.

2746 (e)~~(f)~~ "Eligible contribution" means a monetary
2747 contribution from a taxpayer, subject to the restrictions
2748 provided in this section, to an eligible nonprofit scholarship-
2749 funding organization pursuant to this section and ss. 212.099,
2750 212.1831, and 212.1832. The taxpayer making the contribution may
2751 not designate a specific child as the beneficiary of the
2752 contribution.

2753 (f)~~(g)~~ "Eligible nonprofit scholarship-funding
2754 organization" means a state university; or an independent
2755 college or university that is eligible to participate in the

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2756 William L. Boyd, IV, Effective Access to Student Education Grant
 2757 Program, located and chartered in this state, is not for profit,
 2758 and is accredited by the Commission on Colleges of the Southern
 2759 Association of Colleges and Schools; or is a charitable
 2760 organization that:

2761 1. Is exempt from federal income tax pursuant to s.
 2762 501(c)(3) of the Internal Revenue Code;

2763 2. Is a Florida entity formed under chapter 605, chapter
 2764 607, or chapter 617 and whose principal office is located in the
 2765 state; and

2766 3. Complies with subsections (6) and (13) ~~(15)~~.

2767 ~~(h) "Eligible postsecondary educational institution" means~~
 2768 ~~a Florida College System institution; a state university; a~~
 2769 ~~school district technical center; a school district adult~~
 2770 ~~general education center; an independent college or university~~
 2771 ~~eligible to participate in the William L. Boyd, IV, Effective~~
 2772 ~~Access to Student Education Grant Program under s. 1009.89; or~~
 2773 ~~an accredited independent postsecondary educational institution,~~
 2774 ~~as defined in s. 1005.02, which is licensed to operate in this~~
 2775 ~~state under part III of chapter 1005 or is approved to~~
 2776 ~~participate in a reciprocity agreement as defined in s.~~
 2777 ~~1000.35(2).~~

2778 ~~(i) "Eligible private school" means a private school, as~~
 2779 ~~defined in s. 1002.01, located in Florida which offers an~~
 2780 ~~education to students in any grades K-12 and that meets the~~
 2781 ~~requirements in subsection (8).~~

2782 ~~(j) "Household income" has the same meaning as the term~~
 2783 ~~"income" as defined in the Income Eligibility Guidelines for~~
 2784 ~~free and reduced price meals under the National School Lunch~~

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2785 ~~Program in 7 C.F.R. part 210 as published in the Federal~~
2786 ~~Register by the United States Department of Agriculture.~~

2787 ~~(k) "Owner or operator" includes:~~

2788 ~~1. An owner, president, officer, or director of an eligible~~
2789 ~~nonprofit scholarship funding organization or a person with~~
2790 ~~equivalent decisionmaking authority over an eligible nonprofit~~
2791 ~~scholarship funding organization.~~

2792 ~~2. An owner, operator, superintendent, or principal of an~~
2793 ~~eligible private school or a person with equivalent~~
2794 ~~decisionmaking authority over an eligible private school.~~

2795 ~~(l) "Personalized education program" has the same meaning~~
2796 ~~as in s. 1002.01.~~

2797 ~~(m) "Personalized education student" means a student whose~~
2798 ~~parent applies to an eligible nonprofit scholarship funding~~
2799 ~~organization for participation in a personalized education~~
2800 ~~program.~~

2801 ~~(n) "Student learning plan" means a customized learning~~
2802 ~~plan developed by a parent, at least annually, to guide~~
2803 ~~instruction for his or her student and to identify the goods and~~
2804 ~~services needed to address the academic needs of his or her~~
2805 ~~student.~~

2806 ~~(g)~~(e) "Tax credit cap amount" means the maximum annual tax
2807 credit amount that the department may approve for a state fiscal
2808 year.

2809 ~~(h)~~(p) "Unweighted FTE funding amount" means the statewide
2810 average total funds per unweighted full-time equivalent funding
2811 amount that is incorporated by reference in the General
2812 Appropriations Act, or any subsequent special appropriations
2813 act, for the applicable state fiscal year.

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

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2843 child who receives services funded through the Florida Education
2844 Finance Program is considered a student enrolled full time in a
2845 public school;

2846 (b) Enrolled in a school operating for the purpose of
2847 providing educational services to youth in a Department of
2848 Juvenile Justice commitment program;

2849 (c) Receiving any other educational scholarship pursuant to
2850 this chapter. ~~However, an eligible public school student~~
2851 ~~receiving a scholarship under s. 1002.411 may receive a~~
2852 ~~scholarship for transportation pursuant to subparagraph~~
2853 ~~(6)(d)4.;~~

2854 (d) Not having regular and direct contact with his or her
2855 private school teachers pursuant to s. 1002.421(1)(i) unless he
2856 or she is enrolled in a personalized education program;

2857 (e) Participating in a home education program as defined in
2858 s. 1002.01(1);

2859 (f) Participating in a private tutoring program pursuant to
2860 s. 1002.43 unless he or she is enrolled in a personalized
2861 education program; or

2862 (g) Participating in virtual instruction pursuant to s.
2863 1002.455 that receives state funding pursuant to the student's
2864 participation.

2865 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
2866 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
2867 organization:

2868 (a) Must comply with the antidiscrimination provisions of
2869 42 U.S.C. s. 2000d.

2870 ~~(b) Must comply with the following background check~~
2871 ~~requirements:~~

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2872 ~~1. All owners and operators as defined in subparagraph~~
2873 ~~(2)(k)1. are, before employment or engagement to provide~~
2874 ~~services, subject to level 2 background screening as provided~~
2875 ~~under chapter 435. The fingerprints for the background screening~~
2876 ~~must be electronically submitted to the Department of Law~~
2877 ~~Enforcement and can be taken by an authorized law enforcement~~
2878 ~~agency or by an employee of the eligible nonprofit scholarship-~~
2879 ~~funding organization or a private company who is trained to take~~
2880 ~~fingerprints. However, the complete set of fingerprints of an~~
2881 ~~owner or operator may not be taken by the owner or operator. The~~
2882 ~~results of the state and national criminal history check shall~~
2883 ~~be provided to the Department of Education for screening under~~
2884 ~~chapter 435. The cost of the background screening may be borne~~
2885 ~~by the eligible nonprofit scholarship funding organization or~~
2886 ~~the owner or operator.~~

2887 ~~2. Every 5 years following employment or engagement to~~
2888 ~~provide services or association with an eligible nonprofit~~
2889 ~~scholarship funding organization, each owner or operator must~~
2890 ~~meet level 2 screening standards as described in s. 435.04, at~~
2891 ~~which time the nonprofit scholarship funding organization shall~~
2892 ~~request the Department of Law Enforcement to forward the~~
2893 ~~fingerprints to the Federal Bureau of Investigation for level 2~~
2894 ~~screening. If the fingerprints of an owner or operator are not~~
2895 ~~retained by the Department of Law Enforcement under subparagraph~~
2896 ~~3., the owner or operator must electronically file a complete~~
2897 ~~set of fingerprints with the Department of Law Enforcement. Upon~~
2898 ~~submission of fingerprints for this purpose, the eligible~~
2899 ~~nonprofit scholarship funding organization shall request that~~
2900 ~~the Department of Law Enforcement forward the fingerprints to~~

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2901 ~~the Federal Bureau of Investigation for level 2 screening, and~~
2902 ~~the fingerprints shall be retained by the Department of Law~~
2903 ~~Enforcement under subparagraph 3.~~

2904 ~~3. Fingerprints submitted to the Department of Law~~
2905 ~~Enforcement as required by this paragraph must be retained by~~
2906 ~~the Department of Law Enforcement in a manner approved by rule~~
2907 ~~and entered in the statewide automated biometric identification~~
2908 ~~system authorized by s. 943.05(2)(b). The fingerprints must~~
2909 ~~thereafter be available for all purposes and uses authorized for~~
2910 ~~arrest fingerprints entered in the statewide automated biometric~~
2911 ~~identification system pursuant to s. 943.051.~~

2912 ~~4. The Department of Law Enforcement shall search all~~
2913 ~~arrest fingerprints received under s. 943.051 against the~~
2914 ~~fingerprints retained in the statewide automated biometric~~
2915 ~~identification system under subparagraph 3. Any arrest record~~
2916 ~~that is identified with an owner's or operator's fingerprints~~
2917 ~~must be reported to the Department of Education. The Department~~
2918 ~~of Education shall participate in this search process by paying~~
2919 ~~an annual fee to the Department of Law Enforcement and by~~
2920 ~~informing the Department of Law Enforcement of any change in the~~
2921 ~~employment, engagement, or association status of the owners or~~
2922 ~~operators whose fingerprints are retained under subparagraph 3.~~
2923 ~~The Department of Law Enforcement shall adopt a rule setting the~~
2924 ~~amount of the annual fee to be imposed upon the Department of~~
2925 ~~Education for performing these services and establishing the~~
2926 ~~procedures for the retention of owner and operator fingerprints~~
2927 ~~and the dissemination of search results. The fee may be borne by~~
2928 ~~the owner or operator of the nonprofit scholarship funding~~
2929 ~~organization.~~

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2930 ~~5. A nonprofit scholarship funding organization whose owner~~
2931 ~~or operator fails the level 2 background screening is not~~
2932 ~~eligible to provide scholarships under this section.~~

2933 ~~6. A nonprofit scholarship funding organization whose owner~~
2934 ~~or operator in the last 7 years has filed for personal~~
2935 ~~bankruptcy or corporate bankruptcy in a corporation of which he~~
2936 ~~or she owned more than 20 percent shall not be eligible to~~
2937 ~~provide scholarships under this section.~~

2938 ~~7. In addition to the offenses listed in s. 435.04, a~~
2939 ~~person required to undergo background screening pursuant to this~~
2940 ~~part or authorizing statutes must not have an arrest awaiting~~
2941 ~~final disposition for, must not have been found guilty of, or~~
2942 ~~entered a plea of nolo contendere to, regardless of~~
2943 ~~adjudication, and must not have been adjudicated delinquent, and~~
2944 ~~the record must not have been sealed or expunged for, any of the~~
2945 ~~following offenses or any similar offense of another~~
2946 ~~jurisdiction:~~

2947 ~~a. Any authorizing statutes, if the offense was a felony.~~

2948 ~~b. This chapter, if the offense was a felony.~~

2949 ~~e. Section 409.920, relating to Medicaid provider fraud.~~

2950 ~~d. Section 409.9201, relating to Medicaid fraud.~~

2951 ~~e. Section 741.28, relating to domestic violence.~~

2952 ~~f. Section 817.034, relating to fraudulent acts through~~
2953 ~~mail, wire, radio, electromagnetic, photoelectronic, or~~
2954 ~~photooptical systems.~~

2955 ~~g. Section 817.234, relating to false and fraudulent~~
2956 ~~insurance claims.~~

2957 ~~h. Section 817.505, relating to patient brokering.~~

2958 ~~i. Section 817.568, relating to criminal use of personal~~

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2959 ~~identification information.~~

2960 ~~j. Section 817.60, relating to obtaining a credit card~~
2961 ~~through fraudulent means.~~

2962 ~~k. Section 817.61, relating to fraudulent use of credit~~
2963 ~~cards, if the offense was a felony.~~

2964 ~~l. Section 831.01, relating to forgery.~~

2965 ~~m. Section 831.02, relating to uttering forged instruments.~~

2966 ~~n. Section 831.07, relating to forging bank bills, checks,~~
2967 ~~drafts, or promissory notes.~~

2968 ~~o. Section 831.09, relating to uttering forged bank bills,~~
2969 ~~checks, drafts, or promissory notes.~~

2970 ~~p. Section 831.30, relating to fraud in obtaining medicinal~~
2971 ~~drugs.~~

2972 ~~q. Section 831.31, relating to the sale, manufacture,~~
2973 ~~delivery, or possession with the intent to sell, manufacture, or~~
2974 ~~deliver any counterfeit controlled substance, if the offense was~~
2975 ~~a felony.~~

2976 ~~(b)(e)~~ Must not have an owner or operator, ~~as defined in~~
2977 ~~subparagraph (2)(k)1.,~~ who owns or operates an eligible private
2978 school that is participating in the scholarship program.

2979 ~~(c)(d)1.~~ For the 2023-2024 school year, may fund no more
2980 than 20,000 scholarships for students who are enrolled pursuant
2981 to subsection (7) ~~paragraph (7)(b)~~. The number of scholarships
2982 funded for such students may increase by 40,000 in each
2983 subsequent school year. This paragraph ~~subparagraph~~ is repealed
2984 July 1, 2027.

2985 ~~2. Shall establish a process for parents who are in~~
2986 ~~compliance with paragraph (7)(a) to renew their students'~~
2987 ~~scholarships. Renewal applications for the 2025-2026 school year~~

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2988 ~~and thereafter must provide for a renewal timeline beginning~~
2989 ~~February 1 of the prior school year and ending April 30 of the~~
2990 ~~prior school year. A student's renewal is contingent upon an~~
2991 ~~eligible private school providing confirmation of admission~~
2992 ~~pursuant to subsection (8). The process must require that~~
2993 ~~parents confirm that the scholarship is being renewed or~~
2994 ~~declined by May 31.~~

2995 ~~3. Shall establish a process that allows a parent to apply~~
2996 ~~for a new scholarship. The process must be in a manner that~~
2997 ~~creates a written or electronic record of the application~~
2998 ~~request and the date of receipt of the application request. The~~
2999 ~~process must require that parents confirm that the scholarship~~
3000 ~~is being accepted or declined by a date set by the organization.~~

3001 ~~4. Must establish and maintain separate scholarship~~
3002 ~~accounts from eligible contributions for each eligible student.~~
3003 ~~For each account, the organization must maintain a record of~~
3004 ~~accrued interest retained in the student's account. The~~
3005 ~~organization~~

3006 (d) Must verify that scholarship funds are used for:

3007 ~~1.a.~~ Tuition and fees for full-time or part-time enrollment
3008 in an eligible private school.

3009 ~~2.b.~~ Instructional materials, including digital materials,
3010 digital devices, and Internet resources.

3011 ~~3.e.~~ Curriculum as defined in s. 1002.394(2).

3012 ~~4.d.~~ Tuition and fees associated with full-time or part-
3013 time enrollment in a home education instructional program that
3014 meets all of the following requirements:

3015 a. Provides educational courses or activities.

3016 b. Has a publicly available description of courses and

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3017 activities.

3018 c. Has a tuition and fee schedule.

3019 d. Makes the tuition and fees payable to a registered
3020 business entity.

3021 5. Tuition and fees associated with full-time or part-time
3022 enrollment in, an eligible postsecondary educational institution
3023 or a program offered by the postsecondary educational
3024 institution, unless the program is subject to s. 1009.25 or
3025 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
3026 program as defined in s. 446.021(5) which is not subject to s.
3027 1009.25 and complies with all applicable requirements of the
3028 Department of Education pursuant to chapter 1005; a private
3029 tutoring program authorized under s. 1002.43; a virtual program
3030 offered by a department-approved private online provider that
3031 meets the provider qualifications specified in s. 1002.45(2)(a);
3032 the Florida Virtual School as a private paying student; or an
3033 approved online course offered pursuant to s. 1003.499 or s.
3034 1004.0961.

3035 6.e. Fees for nationally standardized, norm-referenced
3036 achievement tests, Advanced Placement Examinations, industry
3037 certification examinations, assessments related to postsecondary
3038 education, or other assessments.

3039 7.f. Contracted services provided by a public school or
3040 school district, including classes. A student who receives
3041 contracted services under this subparagraph ~~sub-subparagraph~~ is
3042 not considered enrolled in a public school for eligibility
3043 purposes as specified in subsection (9) ~~(11)~~ but rather
3044 attending a public school on a part-time basis as authorized
3045 under s. 1002.44.

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3046 ~~8.g.~~ Tuition and fees for part-time tutoring services or
3047 fees for services provided by a choice navigator. Such services
3048 must be provided by a person who holds a valid Florida
3049 educator's certificate pursuant to s. 1012.56, a person who
3050 holds an adjunct teaching certificate pursuant to s. 1012.57, a
3051 person who has a bachelor's degree or a graduate degree in the
3052 subject area in which instruction is given, a person who has
3053 demonstrated a mastery of subject area knowledge pursuant to s.
3054 1012.56(5), or a person certified by a nationally or
3055 internationally recognized research-based training program as
3056 approved by the Department of Education. As used in this
3057 paragraph, the term "part-time tutoring services" does not
3058 qualify as regular school attendance as defined in s.
3059 1003.01(16)(e).

3060 9. Membership dues and related activity fees for
3061 participation in Career and Technical Student Organizations.

3062 (e) For students determined eligible pursuant to subsection
3063 (7) paragraph (7)(b), must:

3064 ~~1. Establish a process for parents who are in compliance~~
3065 ~~with subparagraph (7)(b)1. to apply for a new scholarship. New~~
3066 ~~scholarship applications for the 2025-2026 school year and~~
3067 ~~thereafter must provide for an application timeline beginning~~
3068 ~~February 1 of the prior school year and ending April 30 of the~~
3069 ~~prior school year. The process must require that parents confirm~~
3070 ~~that the scholarship is being accepted or declined by May 31.~~

3071 ~~2. Establish a process for parents who are in compliance~~
3072 ~~with paragraph (7)(b) to renew their students' scholarships.~~
3073 ~~Renewal scholarship applications for the 2025-2026 school year~~
3074 ~~and thereafter must provide for a renewal timeline beginning~~

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3075 ~~February 1 of the prior school year and ending April 30 of the~~
3076 ~~prior school year. The process must require that parents confirm~~
3077 ~~that the scholarship is being renewed or declined by May 31.~~

3078 1.3. Maintain a signed agreement from the parent which
3079 constitutes compliance with the attendance requirements under
3080 ss. 1003.01(16) and 1003.21(1).

3081 2.4. Receive eligible student test scores and, beginning
3082 with the 2027-2028 school year, by August 15, annually report
3083 test scores for students pursuant to subsection (7) ~~paragraph~~
3084 ~~(7)(b)~~ to a state university pursuant to paragraph (8)(d)
3085 ~~(9)(f)~~.

3086 3.5. Provide parents with information, guidance, and
3087 support to create and annually update a student learning plan
3088 for their student. The organization must maintain the plan and
3089 allow parents to electronically submit, access, and revise the
3090 plan continuously.

3091 4.6. Upon submission by the parent of an annual student
3092 learning plan, fund a scholarship for a student determined
3093 eligible.

3094 ~~(f) Must give first priority to eligible renewal students~~
3095 ~~who received a scholarship from an eligible nonprofit~~
3096 ~~scholarship-funding organization during the previous school~~
3097 ~~year.~~ The eligible nonprofit scholarship-funding organization
3098 must fully apply and exhaust all funds available under this
3099 section for renewal scholarship awards before awarding any
3100 initial scholarships.

3101 ~~(g) Must provide a new scholarship to an eligible student~~
3102 ~~on a first-come, first-served basis unless the student is~~
3103 ~~seeking priority eligibility pursuant to subsection (3).~~

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3104 (g)~~(h)~~ Must refer any student eligible for a scholarship
3105 pursuant to this section who did not receive a renewal or
3106 initial scholarship based solely on the lack of available funds
3107 under this section to another eligible nonprofit scholarship-
3108 funding organization that may have funds available.

3109 ~~(i) May not restrict or reserve scholarships for use at a~~
3110 ~~particular eligible private school or provide scholarships to a~~
3111 ~~child of an owner or operator as defined in subparagraph~~
3112 ~~(2)(k)1.~~

3113 ~~(j) Must allow a student in foster care or out-of-home care~~
3114 ~~or a dependent child of a parent who is a member of the United~~
3115 ~~States Armed Forces to apply for a scholarship at any time.~~

3116 (h)~~(k)~~ Must allow an eligible student to attend any
3117 eligible private school and must allow a parent to transfer a
3118 scholarship during a school year to any other eligible private
3119 school of the parent's choice.

3120 (i)1.~~(1)1.~~ May use eligible contributions received pursuant
3121 to this section and ss. 212.099, 212.1831, and 212.1832 during
3122 the state fiscal year in which such contributions are collected
3123 for administrative expenses if the organization has operated as
3124 an eligible nonprofit scholarship-funding organization for at
3125 least the preceding 3 fiscal years and did not have any findings
3126 of material weakness or material noncompliance in its most
3127 recent audit under paragraph (k) ~~(e)~~ or is in good standing in
3128 each state in which it administers a scholarship program and the
3129 audited financial statements for the preceding 3 fiscal years
3130 are free of material misstatements and going concern issues.
3131 Administrative expenses from eligible contributions may not
3132 exceed 3 percent of the total amount of all scholarships and

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

3147 2. Must expend for annual or partial-year scholarships 100
3148 percent of any eligible contributions from the prior fiscal
3149 year.

3150 3. Must expend for annual or partial-year scholarships an
3151 amount equal to or greater than 75 percent of all net eligible
3152 contributions, ~~as defined in subsection (2)~~, remaining after
3153 administrative expenses during the state fiscal year in which
3154 such eligible contributions are collected. No more than 25
3155 percent of such net eligible contributions may be carried
3156 forward to the following state fiscal year. All amounts carried
3157 forward, for audit purposes, must be specifically identified for
3158 particular students, by student name and the name of the school
3159 to which the student is admitted, subject to the requirements of
3160 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the
3161 applicable rules and regulations issued pursuant thereto. Any

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3162 amounts carried forward shall be expended for annual or partial-
3163 year scholarships in the following state fiscal year. Eligible
3164 contributions remaining on June 30 of each year that are in
3165 excess of the 25 percent that may be carried forward shall be
3166 used to provide scholarships to eligible students or transferred
3167 to other eligible nonprofit scholarship-funding organizations to
3168 provide scholarships for eligible students. All transferred
3169 funds must be deposited by each eligible nonprofit scholarship-
3170 funding organization receiving such funds into its scholarship
3171 account. All transferred amounts received by any eligible
3172 nonprofit scholarship-funding organization must be separately
3173 disclosed in the annual financial audit required under paragraph
3174 (k) ~~(o)~~.

3175 ~~4. Must, before granting a scholarship for an academic~~
3176 ~~year, document each scholarship student's eligibility for that~~
3177 ~~academic year. A scholarship-funding organization may not grant~~
3178 ~~multiyear scholarships in one approval process.~~

3179 ~~(m) Must maintain separate accounts for scholarship funds~~
3180 ~~and operating funds.~~

3181 (j) ~~(n)~~ With the prior approval of the Department of
3182 Education, may transfer funds to another eligible nonprofit
3183 scholarship-funding organization if additional funds are
3184 required to meet scholarship demand at the receiving nonprofit
3185 scholarship-funding organization. A transfer is limited to the
3186 greater of \$500,000 or 20 percent of the total contributions
3187 received by the nonprofit scholarship-funding organization
3188 making the transfer. All transferred funds must be deposited by
3189 the receiving nonprofit scholarship-funding organization into
3190 its scholarship accounts. All transferred amounts received by

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3191 any nonprofit scholarship-funding organization must be
3192 separately disclosed in the annual financial and compliance
3193 audit required in this section.

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

3213 ~~(p) Must prepare and submit quarterly reports to the~~
3214 ~~Department of Education pursuant to paragraph (9)(i). In~~
3215 ~~addition, an eligible nonprofit scholarship-funding organization~~
3216 ~~must submit in a timely manner the verified list of eligible~~
3217 ~~scholarship students and any information requested by the~~
3218 ~~Department of Education relating to the scholarship program.~~

3219 (l) 1.a.~~(g) 1.a.~~ Must participate in the joint development of

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3220 agreed-upon procedures during the 2009-2010 state fiscal year.
3221 The agreed-upon procedures must uniformly apply to all private
3222 schools and must determine, at a minimum, whether the private
3223 school has been verified as eligible by the Department of
3224 Education under s. 1002.421; has an adequate accounting system,
3225 system of financial controls, and process for deposit and
3226 classification of scholarship funds; and has properly expended
3227 scholarship funds for education-related expenses. During the
3228 development of the procedures, the participating scholarship-
3229 funding organizations shall specify guidelines governing the
3230 materiality of exceptions that may be found during the
3231 accountant's performance of the procedures. The procedures and
3232 guidelines shall be provided to private schools and the
3233 Commissioner of Education by March 15, 2011.

3234 b. Must participate in a joint review of the agreed-upon
3235 procedures and guidelines developed under sub-subparagraph a.,
3236 by February of each biennium, if the scholarship-funding
3237 organization provided more than \$250,000 in scholarship funds
3238 under this chapter during the state fiscal year preceding the
3239 biennial review. If the procedures and guidelines are revised,
3240 the revisions must be provided to private schools and the
3241 Commissioner of Education by March 15 of the year in which the
3242 revisions were completed. The revised agreed-upon procedures and
3243 guidelines shall take effect the subsequent school year.

3244 c. Must monitor the compliance of a participating private
3245 school with s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~ if the
3246 scholarship-funding organization provided the majority of the
3247 scholarship funding to the school. For each participating
3248 private school subject to s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~,

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3249 the appropriate scholarship-funding organization shall annually
3250 notify the Commissioner of Education by October 30 of:

3251 (I) A private school's failure to submit a report required
3252 under s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~; or

3253 (II) Any material exceptions set forth in the report
3254 required under s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~.

3255 2. Must seek input from the accrediting associations that
3256 are members of the Florida Association of Academic Nonpublic
3257 Schools and the Department of Education when jointly developing
3258 the agreed-upon procedures and guidelines under sub-subparagraph
3259 1.a. and conducting a review of those procedures and guidelines
3260 under sub-subparagraph 1.b.

3261 (m) ~~(r)~~ Must maintain the surety bond or letter of credit
3262 required by subsection (13) ~~(15)~~. The amount of the surety bond
3263 or letter of credit may be adjusted quarterly to equal the
3264 actual amount of undisbursed funds based upon submission by the
3265 organization of a statement from a certified public accountant
3266 verifying the amount of undisbursed funds. The requirements of
3267 this paragraph are waived if the cost of acquiring a surety bond
3268 or letter of credit exceeds the average 10-year cost of
3269 acquiring a surety bond or letter of credit by 200 percent. The
3270 requirements of this paragraph are waived for a state
3271 university; or an independent college or university which is
3272 eligible to participate in the William L. Boyd, IV, Effective
3273 Access to Student Education Grant Program, located and chartered
3274 in this state, is not for profit, and is accredited by the
3275 Commission on Colleges of the Southern Association of Colleges
3276 and Schools.

3277 (n) ~~(s)~~ Must provide to the Auditor General any information

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3278 or documentation requested in connection with an operational
3279 audit of a scholarship-funding organization conducted pursuant
3280 to s. 11.45.

3281 (o)~~1.(t)~~1. Must develop a purchasing handbook that includes
3282 policies for authorized uses of scholarship funds under
3283 paragraph (d) and s. 1002.394(4)(a). The handbook must include,
3284 at a minimum, a routinely updated list of prohibited items and
3285 services, and items or services that require preauthorization or
3286 additional documentation. By August 1, 2024, and by each July 1
3287 thereafter, the purchasing handbook must be provided to the
3288 Commissioner of Education and published on the eligible
3289 nonprofit scholarship-funding organization's website. Any
3290 revisions must be provided to the commissioner and published on
3291 the organization's website within 30 days after such revisions.

3292 2. The organization shall assist the Florida Center for
3293 Students with Unique Abilities established under s. 1004.6495
3294 with the development of purchasing guidelines, which must
3295 include a routinely updated list of prohibited items and
3296 services, and items or services for which preauthorization or
3297 additional documentation is required, for authorized uses of
3298 scholarship funds under s. 1002.394(4)(b) and publish the
3299 guidelines on the organization's website.

3300 3. If the organization fails to submit the purchasing
3301 handbook required by subparagraph 1., the Department of
3302 Education may assess a financial penalty, not to exceed \$10,000,
3303 as prescribed by State Board of Education rule. This
3304 subparagraph expires July 1, 2026.

3305 (p)~~(u)~~ May permit eligible students to use program funds
3306 for the purposes specified in paragraph (d), as authorized in

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

3317 ~~(v) Must notify each parent that participation in the~~
3318 ~~scholarship program does not guarantee enrollment.~~

3319 ~~(w) Shall commit scholarship funds on behalf of the student~~
3320 ~~for tuition and fees for which the parent is responsible for~~
3321 ~~payment at the participating private school before using~~
3322 ~~scholarship account funds for additional authorized uses under~~
3323 ~~paragraph (d).~~

3324 (q) ~~(x)~~ ~~Beginning September 30, 2023,~~ Must submit to the
3325 department quarterly reports that provide the estimated and
3326 actual amounts of the net eligible contributions, ~~as defined in~~
3327 ~~subsection (2),~~ and all funds carried forward from the prior
3328 state fiscal year.

3329 (r) ~~(y)~~ Must establish a process to collect input and
3330 feedback from parents, private schools, and providers before
3331 implementing substantial modifications or enhancements to the
3332 reimbursement process.

3333

3334 Information and documentation provided to the Department of
3335 Education and the Auditor General relating to the identity of a

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3336 taxpayer that provides an eligible contribution under this
3337 section shall remain confidential at all times in accordance
3338 with s. 213.053.

3339 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
3340 PARTICIPATION.—

3341 ~~(a) A parent who applies for a scholarship whose student~~
3342 ~~will be enrolled full time in an eligible private school must:~~

3343 ~~1. Select an eligible private school and apply for the~~
3344 ~~admission of his or her child.~~

3345 ~~2. Request the scholarship by the date established by the~~
3346 ~~organization in a manner that creates a written or electronic~~
3347 ~~record of the request and the date of receipt of the request.~~

3348 ~~3.a. Beginning with new applications for the 2025-2026~~
3349 ~~school year and thereafter, notify the organization by a date~~
3350 ~~set by the organization that the scholarship is being accepted~~
3351 ~~or declined.~~

3352 ~~b. Beginning with renewal applications for the 2025-2026~~
3353 ~~school year and thereafter, notify the organization by May 31~~
3354 ~~that the scholarship is being renewed or declined.~~

3355 ~~4. Inform the applicable school district when the parent~~
3356 ~~withdraws his or her student from a public school to attend an~~
3357 ~~eligible private school.~~

3358 ~~5. Require his or her student participating in the program~~
3359 ~~to remain in attendance at the eligible private school~~
3360 ~~throughout the school year unless excused by the school for~~
3361 ~~illness or other good cause and comply with the private school's~~
3362 ~~published policies.~~

3363 ~~6. Meet with the eligible private school's principal or the~~
3364 ~~principal's designee to review the school's academic programs~~

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3365 and policies, specialized services, code of student conduct, and
3366 attendance policies before enrollment.

3367 7. ~~Require his or her student participating in the program~~
3368 ~~to take the norm-referenced assessment offered by the~~
3369 ~~participating private school. The parent may also choose to have~~
3370 ~~the student participate in the statewide assessments pursuant to~~
3371 ~~s. 1008.22. If the parent requests that the student~~
3372 ~~participating in the program take statewide assessments pursuant~~
3373 ~~to s. 1008.22 and the participating private school has not~~
3374 ~~chosen to offer and administer the statewide assessments, the~~
3375 ~~parent is responsible for transporting the student to the~~
3376 ~~assessment site designated by the school district.~~

3377 8. ~~Approve each payment before the scholarship funds may be~~
3378 ~~deposited by funds transfer. The parent may not designate any~~
3379 ~~entity or individual associated with the participating private~~
3380 ~~school as the parent's attorney in fact to approve a funds~~
3381 ~~transfer. A participant who fails to comply with this paragraph~~
3382 ~~forfeits the scholarship.~~

3383 9. ~~Authorize the nonprofit scholarship-funding organization~~
3384 ~~to access information needed for income eligibility~~
3385 ~~determination and verification held by other state or federal~~
3386 ~~agencies, including the Department of Revenue, the Department of~~
3387 ~~Children and Families, the Department of Education, the~~
3388 ~~Department of Commerce, and the Agency for Health Care~~
3389 ~~Administration, for students seeking priority eligibility.~~

3390 10. ~~Agree to have the organization commit scholarship funds~~
3391 ~~on behalf of his or her student for tuition and fees for which~~
3392 ~~the parent is responsible for payment at the participating~~
3393 ~~private school before using scholarship account funds for~~

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3394 ~~additional authorized uses under paragraph (6) (d). A parent is~~
3395 ~~responsible for all eligible expenses in excess of the amount of~~
3396 ~~the scholarship.~~

3397 ~~11. Comply with the scholarship application and renewal~~
3398 ~~processes and requirements established by the organization.~~

3399 ~~(b)~~ A parent whose student is participating in the
3400 personalized education program and will not be enrolled full
3401 time in a public or private school must:

3402 ~~1. Apply to an eligible nonprofit scholarship funding~~
3403 ~~organization to participate in the program as a personalized~~
3404 ~~education student by a date set by the organization. The request~~
3405 ~~must be communicated directly to the organization in a manner~~
3406 ~~that creates a written or electronic record of the request and~~
3407 ~~the date of receipt of the request. Beginning with new and~~
3408 ~~renewal applications for the 2025-2026 school year and~~
3409 ~~thereafter, a parent must notify the organization by May 31 that~~
3410 ~~the scholarship is being accepted, renewed, or declined.~~

3411 ~~2.~~ sign an agreement with the organization and annually
3412 submit a sworn compliance statement to the organization to
3413 satisfy or maintain program eligibility, including eligibility
3414 to receive and spend program payments, by:

3415 ~~(a)~~a. Affirming that the program funds are used only for
3416 authorized purposes serving the student's educational needs, as
3417 described in paragraph (6) (d), and that they will not receive a
3418 payment, refund, or rebate of any funds provided under this
3419 section.

3420 ~~(b)~~b. Affirming that the parent is responsible for all
3421 eligible expenses in excess of the amount of the scholarship and
3422 for the education of his or her student.

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3423 (c)~~e.~~ Submitting a student learning plan to the
3424 organization and revising the plan at least annually before
3425 program renewal.

3426 (d)~~d.~~ Requiring his or her student to take a nationally
3427 norm-referenced test identified by the Department of Education,
3428 or a statewide assessment under s. 1008.22, and provide
3429 assessment results to the organization before the student's
3430 program renewal.

3431 ~~e. Complying with the scholarship application and renewal
3432 processes and requirements established by the organization. A
3433 student whose participation in the program is not renewed may
3434 continue to spend scholarship funds that are in his or her
3435 account from prior years unless the account must be closed
3436 pursuant to s. 1002.394(5)(a)2.~~

3437 (e)~~f.~~ Procuring the services necessary to educate the
3438 student. When the student receives a scholarship, the district
3439 school board is not obligated to provide the student with a free
3440 appropriate public education.

3441
3442 For purposes of this subsection ~~paragraph~~, full-time enrollment
3443 does not include enrollment at a private school that addresses
3444 regular and direct contact with teachers through the student
3445 learning plan in accordance with s. 1002.421(1)(i).

3446 ~~(e) A parent may not apply for multiple scholarships under
3447 this section and s. 1002.394 for an individual student at the
3448 same time.~~

3449
3450 ~~An eligible nonprofit scholarship-funding organization may not
3451 further regulate, exercise control over, or require~~

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3452 ~~documentation beyond the requirements of this subsection unless~~
3453 ~~the regulation, control, or documentation is necessary for~~
3454 ~~participation in the program.~~

3455 ~~(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. An eligible~~
3456 ~~private school may be sectarian or nonsectarian and must:~~

3457 ~~(a) Comply with all requirements for private schools~~
3458 ~~participating in state school choice scholarship programs~~
3459 ~~pursuant to s. 1002.421.~~

3460 ~~(b) Provide to the organization all documentation required~~
3461 ~~for a student's participation, including confirmation of the~~
3462 ~~student's admission to the private school, the private school's~~
3463 ~~and student's fee schedules, and any other information required~~
3464 ~~by the organization to process scholarship payment pursuant to~~
3465 ~~paragraph (11)(c). Such information must be provided by the~~
3466 ~~deadlines established by the organization and in accordance with~~
3467 ~~the requirements of this section. A student is not eligible to~~
3468 ~~receive a quarterly scholarship payment if the private school~~
3469 ~~fails to meet the deadline.~~

3470 ~~(c)1. Annually administer or make provision for students~~
3471 ~~participating in the scholarship program in grades 3 through 10~~
3472 ~~to take one of the nationally norm-referenced tests identified~~
3473 ~~by the department or the statewide assessments pursuant to s.~~
3474 ~~1008.22. Students with disabilities for whom standardized~~
3475 ~~testing is not appropriate are exempt from this requirement. A~~
3476 ~~participating private school must report a student's scores to~~
3477 ~~the parent. A participating private school must annually report~~
3478 ~~by August 15 the scores of all participating students to a state~~
3479 ~~university described in paragraph (9)(f).~~

3480 ~~2. Administer the statewide assessments pursuant to s.~~

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3481 ~~1008.22 if a participating private school chooses to offer the~~
3482 ~~statewide assessments. A participating private school may choose~~
3483 ~~to offer and administer the statewide assessments to all~~
3484 ~~students who attend the participating private school in grades 3~~
3485 ~~through 10 and must submit a request in writing to the~~
3486 ~~Department of Education by March 1 of each year in order to~~
3487 ~~administer the statewide assessments in the subsequent school~~
3488 ~~year.~~

3489
3490 ~~If a participating private school fails to meet the requirements~~
3491 ~~of this subsection or s. 1002.421, the commissioner may~~
3492 ~~determine that the participating private school is ineligible to~~
3493 ~~participate in the scholarship program.~~

3494 ~~(9)~~ DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
3495 Education shall:

3496 (a) Annually submit to the department and division, by
3497 March 15, a list of eligible nonprofit scholarship-funding
3498 organizations that meet the requirements of paragraph (2) (f)
3499 ~~(2) (g)~~.

3500 (b) Annually verify the eligibility of nonprofit
3501 scholarship-funding organizations that meet the requirements of
3502 paragraph (2) (f) ~~(2) (g)~~.

3503 (c) Annually verify the eligibility of expenditures as
3504 provided in paragraph (6) (d) using the audit required by
3505 paragraph (6) (k) ~~(6) (o)~~.

3506 ~~(d) Notify eligible nonprofit scholarship-funding~~
3507 ~~organizations of the deadlines for submitting the verified list~~
3508 ~~of eligible scholarship students; cross-check the verified list~~
3509 ~~with the public school enrollment lists to avoid duplication;~~

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3510 ~~and, when the Florida Education Finance Program is recalculated,~~
3511 ~~adjust the amount of state funds allocated to school districts~~
3512 ~~through the Florida Education Finance Program based upon the~~
3513 ~~results of the cross-check.~~

3514 ~~(e) Maintain and annually publish a list of nationally~~
3515 ~~norm-referenced tests identified for purposes of satisfying the~~
3516 ~~testing requirement in subparagraph (8)(c)1. The tests must meet~~
3517 ~~industry standards of quality in accordance with State Board of~~
3518 ~~Education rule.~~

3519 ~~(f)~~ Issue a project grant award to a state university, to
3520 which participating private schools and eligible nonprofit
3521 scholarship-funding organizations must report the scores of
3522 participating students on the nationally norm-referenced tests
3523 or the statewide assessments administered in grades 3 through
3524 10. The project term is 2 years, and the amount of the project
3525 is up to \$250,000 per year. The project grant award must be
3526 reissued in 2-year intervals in accordance with this paragraph.

3527 1. The state university must annually report to the
3528 Department of Education on the student performance of
3529 participating students and, beginning with the 2027-2028 school
3530 year, on the performance of personalized education students:

3531 a. On a statewide basis. The report shall also include, to
3532 the extent possible, a comparison of scholarship students'
3533 performance to the statewide student performance of public
3534 school students with socioeconomic backgrounds similar to those
3535 of students participating in the scholarship program. To
3536 minimize costs and reduce time required for the state
3537 university's analysis and evaluation, the Department of
3538 Education shall coordinate with the state university to provide

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3539 data to the state university in order to conduct analyses of
3540 matched students from public school assessment data and
3541 calculate control group student performance using an agreed-upon
3542 methodology with the state university; and

3543 b. On an individual school basis for students enrolled full
3544 time in a private school. The annual report must include student
3545 performance for each participating private school in which
3546 enrolled students in the private school participated in a
3547 scholarship program under this section ~~or s. 1002.394(12)(a)~~ in
3548 the prior school year. The report shall be according to each
3549 participating private school, and for participating students, in
3550 which there are at least 30 participating students who have
3551 scores for tests administered. If the state university
3552 determines that the 30-participating-student cell size may be
3553 reduced without disclosing personally identifiable information,
3554 as described in 34 C.F.R. s. 99.12, of a participating student,
3555 the state university may reduce the participating-student cell
3556 size, but the cell size must not be reduced to less than 10
3557 participating students. The department shall provide each
3558 participating private school's prior school year's student
3559 enrollment information to the state university no later than
3560 June 15 of each year, or as requested by the state university.

3561 2. The sharing and reporting of student performance data
3562 under this paragraph must be in accordance with requirements of
3563 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
3564 Educational Rights and Privacy Act, and the applicable rules and
3565 regulations issued pursuant thereto, and shall be for the sole
3566 purpose of creating the annual report required by subparagraph
3567 1. All parties must preserve the confidentiality of such

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3568 information as required by law. The annual report must not
3569 disaggregate data to a level that will identify individual
3570 participating schools, except as required under sub-subparagraph
3571 1.b., or disclose the academic level of individual students.

3572 3. The annual report required by subparagraph 1. shall be
3573 published by the Department of Education on its website.

3574 ~~(g) Notify an eligible nonprofit scholarship-funding~~
3575 ~~organization of any of the organization's identified students~~
3576 ~~who are receiving educational scholarships pursuant to this~~
3577 ~~chapter.~~

3578 ~~(h) Notify an eligible nonprofit scholarship-funding~~
3579 ~~organization of any of the organization's identified students~~
3580 ~~who are receiving tax credit scholarships from other eligible~~
3581 ~~nonprofit scholarship-funding organizations.~~

3582 ~~(i) Require quarterly reports by an eligible nonprofit~~
3583 ~~scholarship-funding organization regarding the number of~~
3584 ~~students participating in the program; the private schools at~~
3585 ~~which the students are enrolled; the number of scholarship~~
3586 ~~applications received, the number of applications processed~~
3587 ~~within 30 days after receipt, and the number of incomplete~~
3588 ~~applications received; data related to reimbursement~~
3589 ~~submissions, including the average number of days for a~~
3590 ~~reimbursement to be reviewed and the average number of days for~~
3591 ~~a reimbursement to be approved; any parent input and feedback~~
3592 ~~collected regarding the program; and any other information~~
3593 ~~deemed necessary by the Department of Education.~~

3594 (e) ~~(j)~~ Provide a process to match the direct certification
3595 list with the scholarship application data submitted by any
3596 nonprofit scholarship-funding organization eligible to receive

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3597 the 3-percent administrative allowance under paragraph (6) (i)
3598 ~~(6) (1)~~.

3599 (f) (k) Notify each school district of the full-time
3600 equivalent student consensus estimate of scholarship students
3601 developed pursuant to s. 216.136(4) (a).

3602 ~~(10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.~~

3603 ~~(a) Upon the request of any eligible nonprofit scholarship-~~
3604 ~~funding organization, a school district shall inform all~~
3605 ~~households within the district receiving free or reduced priced~~
3606 ~~meals under the National School Lunch Act of their eligibility~~
3607 ~~to apply for a tax credit scholarship. The form of such notice~~
3608 ~~shall be provided by the eligible nonprofit scholarship funding~~
3609 ~~organization, and the district shall include the provided form,~~
3610 ~~if requested by the organization, in any normal correspondence~~
3611 ~~with eligible households. If an eligible nonprofit scholarship-~~
3612 ~~funding organization requests a special communication to be~~
3613 ~~issued to households within the district receiving free or~~
3614 ~~reduced price meals under the National School Lunch Act, the~~
3615 ~~organization shall reimburse the district for the cost of~~
3616 ~~postage. Such notice is limited to once a year.~~

3617 ~~(b) Upon the request of the Department of Education, a~~
3618 ~~school district shall coordinate with the department to provide~~
3619 ~~to a participating private school the statewide assessments~~
3620 ~~administered under s. 1008.22 and any related materials for~~
3621 ~~administering the assessments. A school district is responsible~~
3622 ~~for implementing test administrations at a participating private~~
3623 ~~school, including the:~~

3624 ~~1. Provision of training for participating private school~~
3625 ~~staff on test security and assessment administration procedures;~~

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3626 ~~2. Distribution of testing materials to a participating~~
3627 ~~private school;~~

3628 ~~3. Retrieval of testing materials from a participating~~
3629 ~~private school;~~

3630 ~~4. Provision of the required format for a participating~~
3631 ~~private school to submit information to the district for test~~
3632 ~~administration and enrollment purposes; and~~

3633 ~~5. Provision of any required assistance, monitoring, or~~
3634 ~~investigation at a participating private school.~~

3635 ~~(9)-(11)~~ SCHOLARSHIP AMOUNT AND PAYMENT.—

3636 (a) The scholarship amount provided to any student for any
3637 single school year by an eligible nonprofit scholarship-funding
3638 organization from eligible contributions shall be for total
3639 costs authorized under paragraph (6) (c) ~~(6) (d)~~, not to exceed
3640 annual limits, ~~which shall be determined as follows:~~

3641 ~~1. For a student who received a scholarship in the 2018-~~
3642 ~~2019 school year, who remains eligible, and who is enrolled in~~
3643 ~~an eligible private school, the amount shall be the greater~~
3644 ~~amount calculated pursuant to subparagraph 2. or a percentage of~~
3645 ~~the unweighted FTE funding amount for the 2018-2019 state fiscal~~
3646 ~~year and thereafter as follows:~~

3647 ~~a. Eighty-eight percent for a student enrolled in~~
3648 ~~kindergarten through grade 5.~~

3649 ~~b. Ninety-two percent for a student enrolled in grade 6~~
3650 ~~through grade 8.~~

3651 ~~c. Ninety-six percent for a student enrolled in grade 9~~
3652 ~~through grade 12.~~

3653 ~~2. For students initially eligible in the 2019-2020 school~~
3654 ~~year or thereafter, the calculated amount for a student to~~

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3655 ~~attend an eligible private school shall be calculated in~~
3656 ~~accordance with s. 1002.394(12) (a).~~

3657 ~~(b) Payment of the scholarship by the eligible nonprofit~~
3658 ~~scholarship-funding organization shall be by funds transfer,~~
3659 ~~including, but not limited to, debit cards, electronic payment~~
3660 ~~cards, or any other means of payment that the department deems~~
3661 ~~to be commercially viable or cost-effective. An eligible~~
3662 ~~nonprofit scholarship-funding organization shall ensure that the~~
3663 ~~parent has approved a funds transfer before any scholarship~~
3664 ~~funds are deposited.~~

3665 ~~(c) If a scholarship student is attending an eligible~~
3666 ~~private school full time, the initial payment shall be made~~
3667 ~~after the organization's verification of admission acceptance,~~
3668 ~~and subsequent payments shall be made upon verification of~~
3669 ~~continued enrollment and attendance at the eligible private~~
3670 ~~school. Payments shall be made within 7 business days after~~
3671 ~~approval by the parent pursuant to paragraph (7) (a) and the~~
3672 ~~private school pursuant to paragraph (8) (b).~~

3673 ~~(d) Payment of the scholarship shall be made by the~~
3674 ~~eligible nonprofit scholarship-funding organization no less~~
3675 ~~frequently than on a quarterly basis.~~

3676 ~~(e) An eligible nonprofit scholarship-funding organization~~
3677 ~~may not transfer any funds to an account of a student determined~~
3678 ~~eligible under this section which has a balance in excess of~~
3679 ~~\$24,000.~~

3680 (b)(f) A scholarship awarded to an eligible student shall
3681 remain in force until:

3682 1. The organization determines that the student is not
3683 eligible for program renewal;

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- 3684 2. The Commissioner of Education suspends or revokes
3685 program participation or use of funds;
- 3686 3. The student's parent has forfeited participation in the
3687 program for failure to comply with subsection (7);
- 3688 4. The student who uses the scholarship for full-time
3689 tuition and fees at an eligible private school ~~pursuant to~~
3690 ~~paragraph (7)(a)~~ enrolls full time in a public school. However,
3691 if a student enters a Department of Juvenile Justice detention
3692 center for a period of no more than 21 days, the student is not
3693 considered to have returned to a public school on a full-time
3694 basis for that purpose; or
- 3695 5. The student graduates from high school or attains 21
3696 years of age, whichever occurs first.
- 3697 ~~(g) Reimbursements for program expenditures may continue~~
3698 ~~until the account balance is expended or remaining funds have~~
3699 ~~reverted to the state.~~
- 3700 (c)(h) A student's scholarship account must be closed and
3701 any remaining funds shall revert to the state after:
- 3702 1. Denial or revocation of program eligibility by the
3703 commissioner for fraud or abuse, including, but not limited to,
3704 the student or student's parent accepting any payment, refund,
3705 or rebate, in any manner, from a provider of any services
3706 received pursuant to paragraph (6)(d);
- 3707 2. One fiscal year ~~Two consecutive fiscal years~~ in which an
3708 account has been inactive; ~~or~~
- 3709 3. The student remains unenrolled in an eligible private
3710 school for 30 days while receiving a scholarship that requires
3711 full-time enrollment;
- 3712 4. A student's scholarship no longer remains in force due

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3713 to any of the reasons provided in paragraph (b).

3714
3715 An organization must report to the Department of Education the
3716 total number of scholarship accounts that were closed pursuant
3717 to this paragraph and the amount of funds by account that
3718 reverted to the state.

3719 (d)-(i) Moneys received pursuant to this section do not
3720 constitute taxable income to the qualified student or the parent
3721 of the qualified student.

3722 (13)-(15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
3723 APPLICATION.—In order to participate in the scholarship program
3724 created under this section, a charitable organization that seeks
3725 to be a nonprofit scholarship-funding organization must submit
3726 an application for initial approval or renewal to the Office of
3727 Independent Education and Parental Choice. Charitable
3728 organizations may apply at any time to participate in the
3729 program.

3730 (e) If the State Board of Education disapproves the renewal
3731 of a nonprofit scholarship-funding organization, the
3732 organization must notify the affected eligible students and
3733 parents of the decision within 15 days after disapproval. An
3734 eligible student affected by the disapproval of an
3735 organization's participation remains eligible under this section
3736 until the end of the school year in which the organization was
3737 disapproved. The student must apply and be accepted by another
3738 eligible nonprofit scholarship-funding organization for the
3739 upcoming school year. The student shall be given priority in
3740 accordance with s. 1002.421(2)(d)3. ~~paragraph (6)(g).~~

3741 Section 9. Paragraph (b) of subsection (2) and paragraph

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3742 (1) of subsection (4) of section 1003.485, Florida Statutes, are
3743 amended to read:

3744 1003.485 The New Worlds Reading Initiative.—

3745 (2) NEW WORLDS READING INITIATIVE; PURPOSE.—The purpose of
3746 the New Worlds Reading Initiative established under the
3747 department is to instill a love of reading by providing high-
3748 quality, free books to students in prekindergarten through grade
3749 5 who are reading below grade level and to improve the literacy
3750 skills of students in prekindergarten through grade 12. The New
3751 Worlds Reading Initiative shall consist of:

3752 ~~(b) The New Worlds Scholarship Program under s. 1002.411.~~

3753 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
3754 shall:

3755 (1) Expend eligible contributions received only for the
3756 purchase and delivery of books and to implement the requirements
3757 of this section, as well as for administrative expenses not to
3758 exceed 2 percent of total eligible contributions.

3759 Notwithstanding s. 1002.395(6)(i)3. ~~s. 1002.395(6)(i)3.~~, the
3760 administrator may carry forward up to 25 percent of eligible
3761 contributions made before January 1 of each state fiscal year
3762 and 100 percent of eligible contributions made on or after
3763 January 1 of each state fiscal year to the following state
3764 fiscal year for purposes authorized by this subsection. Any
3765 eligible contributions in excess of the allowable carry forward
3766 not used to provide additional books throughout the year to
3767 eligible students shall revert to the state treasury.

3768 Section 10. Paragraph (d) of subsection (5) of section
3769 1008.25, Florida Statutes, is amended to read:

3770 1008.25 Public school student progression; student support;

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3771 coordinated screening and progress monitoring; reporting
3772 requirements.—

3773 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

3774 (d) The parent of any student who exhibits a substantial
3775 deficiency in reading, as described in paragraph (a), must be
3776 immediately notified in writing of the following:

3777 1. That his or her child has been identified as having a
3778 substantial deficiency in reading, including a description and
3779 explanation, in terms understandable to the parent, of the exact
3780 nature of the student's difficulty in learning and lack of
3781 achievement in reading.

3782 2. A description of the current services that are provided
3783 to the child.

3784 3. A description of the proposed intensive interventions
3785 and supports that will be provided to the child that are
3786 designed to remediate the identified area of reading deficiency.

3787 4. The student progression requirements under paragraph
3788 (2) (h) and that if the child's reading deficiency is not
3789 remediated by the end of grade 3, the child must be retained
3790 unless he or she is exempt from mandatory retention for good
3791 cause.

3792 5. Strategies, including multisensory strategies and
3793 programming, through a read-at-home plan the parent can use in
3794 helping his or her child succeed in reading. The read-at-home
3795 plan must provide access to the resources identified in
3796 paragraph (e).

3797 6. That the statewide, standardized English Language Arts
3798 assessment is not the sole determiner of promotion and that
3799 additional evaluations, portfolio reviews, and assessments are

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3800 available to the child to assist parents and the school district
3801 in knowing when a child is reading at or above grade level and
3802 ready for grade promotion.

3803 7. The district's specific criteria and policies for a
3804 portfolio as provided in subparagraph (7)(b)4. and the evidence
3805 required for a student to demonstrate mastery of Florida's
3806 academic standards for English Language Arts. A school must
3807 immediately begin collecting evidence for a portfolio when a
3808 student in grade 3 is identified as being at risk of retention
3809 or upon the request of the parent, whichever occurs first.

3810 8. The district's specific criteria and policies for
3811 midyear promotion. Midyear promotion means promotion of a
3812 retained student at any time during the year of retention once
3813 the student has demonstrated ability to read at grade level.

3814 9. Information about the student's eligibility for the New
3815 Worlds Reading Initiative under s. 1003.485 ~~and the New Worlds~~
3816 ~~Scholarship Accounts under s. 1002.411~~ and information on parent
3817 training modules and other reading engagement resources
3818 available through the initiative.

3819
3820 After initial notification, the school shall apprise the parent
3821 at least monthly of the student's progress in response to the
3822 intensive interventions and supports. Such communications must
3823 be in writing and must explain any additional interventions or
3824 supports that will be implemented to accelerate the student's
3825 progress if the interventions and supports already being
3826 implemented have not resulted in improvement. Upon the request
3827 of the parent, the teacher or school administrator shall meet to
3828 discuss the student's progress. The parent may request more

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3829 frequent notification of the student's progress, more frequent
3830 interventions or supports, and earlier implementation of the
3831 additional interventions or supports described in the initial
3832 notification.

3833 Section 11. Section 1010.305, Florida Statutes, is amended
3834 to read:

3835 1010.305 Audit of student enrollment.—

3836 (1) The Auditor General shall periodically examine the
3837 records of school districts, eligible nonprofit scholarship-
3838 funding organizations as defined in s. 1002.421, and other
3839 agencies as appropriate, to determine compliance with law and
3840 State Board of Education rules relating to the classification,
3841 assignment, and verification of full-time equivalent student
3842 enrollment and student transportation reported under the Florida
3843 Education Finance Program.

3844 (2) If it is determined that the approved criteria and
3845 procedures for the placement of students and the conduct of
3846 programs have not been followed by the district or eligible
3847 nonprofit scholarship-funding organization, appropriate
3848 adjustments in the full-time equivalent student count for that
3849 district or eligible nonprofit scholarship-funding organization
3850 must be made, and any excess funds must be deducted from
3851 subsequent allocations of state funds to that district or
3852 eligible nonprofit scholarship-funding organization. As provided
3853 for by rule, if errors in a specific program of a district or
3854 eligible nonprofit scholarship-funding organization recur in
3855 consecutive years due to lack of corrective action by the
3856 district or eligible nonprofit scholarship-funding organization,
3857 adjustments may be made based upon statistical estimates of

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3858 error projected to the overall district or scholarship program.

3859 Section 12. Subsection (5) of section 1011.61, Florida
3860 Statutes, is amended to read:

3861 1011.61 Definitions.—Notwithstanding the provisions of s.
3862 1000.21, the following terms are defined as follows for the
3863 purposes of the Florida Education Finance Program:

3864 (5) The "Florida Education Finance Program" includes all
3865 programs and costs as provided in ss. 1003.03, 1011.62, 1011.68,
3866 ~~and 1011.685,~~ and 1011.687.

3867 Section 13. Paragraph (a) of subsection (15) and
3868 subsections (16) and (18) of section 1011.62, Florida Statutes,
3869 are amended to read:

3870 1011.62 Funds for operation of schools.—If the annual
3871 allocation from the Florida Education Finance Program to each
3872 district for operation of schools is not determined in the
3873 annual appropriations act or the substantive bill implementing
3874 the annual appropriations act, it shall be determined as
3875 follows:

3876 (15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
3877 CURRENT OPERATION.—The total annual state allocation to each
3878 district for current operation for the Florida Education Finance
3879 Program shall be distributed periodically in the manner
3880 prescribed in the General Appropriations Act.

3881 (a) If the funds appropriated for current operation of the
3882 Florida Education Finance Program, ~~including funds appropriated~~
3883 ~~pursuant to subsection (18),~~ are not sufficient to pay the state
3884 requirement in full, the department shall prorate the available
3885 state funds to each district in the following manner:

3886 1. Determine the percentage of proration by dividing the

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3887 sum of the total amount for current operation, as provided in
3888 this paragraph for all districts collectively, and the total
3889 district required local effort into the sum of the state funds
3890 available for current operation and the total district required
3891 local effort.

3892 2. Multiply the percentage so determined by the sum of the
3893 total amount for current operation as provided in this paragraph
3894 and the required local effort for each individual district.

3895 3. From the product of such multiplication, subtract the
3896 required local effort of each district; and the remainder shall
3897 be the amount of state funds allocated to the district for
3898 current operation. However, no calculation subsequent to the
3899 appropriation shall result in negative state funds for any
3900 district.

3901 ~~(16) STATE FUNDED DISCRETIONARY SUPPLEMENT.~~

3902 ~~(a) The state-funded discretionary supplement is created to~~
3903 ~~fund the nonvoted discretionary millage for operations pursuant~~
3904 ~~to s. 1011.71(1) and (3) for students awarded a Family~~
3905 ~~Empowerment Scholarship in accordance with s. 1002.394. To~~
3906 ~~calculate the state-funded discretionary supplement for~~
3907 ~~inclusion in the amount of the scholarship funding:~~

3908 ~~1. For fiscal year 2023-2024, multiply the maximum~~
3909 ~~allowable nonvoted discretionary millage for operations pursuant~~
3910 ~~to s. 1011.71(1) and (3) by the value of 96 percent of the~~
3911 ~~current year's taxable value for school purposes for the school~~
3912 ~~district where the student is reported for purposes of the~~
3913 ~~Florida Education Finance Program as appropriated in the General~~
3914 ~~Appropriations Act; divide the result by the school district's~~
3915 ~~total unweighted full-time equivalent membership as appropriated~~

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3916 ~~in the General Appropriations Act; and multiply the result by~~
3917 ~~the total unweighted full-time equivalent membership associated~~
3918 ~~with the number of Family Empowerment Scholarship students~~
3919 ~~included in the school district's total unweighted full-time~~
3920 ~~equivalent membership. A base amount as specified in the General~~
3921 ~~Appropriations Act shall be added to this amount for purposes of~~
3922 ~~calculating the total amount of the supplement.~~

3923 ~~2. Beginning in fiscal year 2024-2025 and thereafter,~~
3924 ~~multiply the maximum allowable nonvoted discretionary millage~~
3925 ~~for operations pursuant to s. 1011.71(1) and (3) by the value of~~
3926 ~~96 percent of the current year's taxable value for school~~
3927 ~~purposes for the school district where the student is reported~~
3928 ~~for purposes of the Florida Education Finance Program as~~
3929 ~~appropriated in the General Appropriations Act; divide the~~
3930 ~~result by the school district's total unweighted full-time~~
3931 ~~equivalent membership as appropriated in the General~~
3932 ~~Appropriations Act; and multiply the result by the total~~
3933 ~~unweighted full-time equivalent membership associated with the~~
3934 ~~number of Family Empowerment Scholarship students. The prior~~
3935 ~~year's base amount shall be adjusted based on changes in the~~
3936 ~~eligible number of unweighted full-time equivalent membership~~
3937 ~~associated with the number of Family Empowerment Scholarship~~
3938 ~~students.~~

3939 ~~(b) The state-funded discretionary supplement shall be~~
3940 ~~recalculated during the fiscal year pursuant to paragraph~~
3941 ~~(1)(a). If the recalculated amount is greater than the amount~~
3942 ~~provided in the General Appropriations Act, the allocation shall~~
3943 ~~be prorated to the level provided to support the appropriation,~~
3944 ~~based on each school district's proportionate share of the total~~

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3945 allocation.

3946 ~~(18) EDUCATIONAL ENROLLMENT STABILIZATION PROGRAM.~~

3947 ~~(a) The educational enrollment stabilization program is~~
3948 ~~created to provide supplemental state funds as needed to~~
3949 ~~maintain the stability of the operations of public schools in~~
3950 ~~each school district and to protect districts, including charter~~
3951 ~~schools, from financial instability as a result of changes in~~
3952 ~~full-time equivalent student enrollment throughout the school~~
3953 ~~year.~~

3954 ~~(b) The Legislature shall annually appropriate funds in the~~
3955 ~~General Appropriations Act to the Department of Education for~~
3956 ~~this program in an amount necessary to maintain a projected~~
3957 ~~minimum balance of \$250 million at the beginning of the upcoming~~
3958 ~~fiscal year. The Department of Education shall use funds as~~
3959 ~~appropriated to ensure that based on each recalculation of the~~
3960 ~~Florida Education Finance Program pursuant to paragraph (1)(a),~~
3961 ~~a school district's funds per unweighted full-time equivalent~~
3962 ~~student are not less than the greater of either the school~~
3963 ~~district's funds per unweighted full-time equivalent student as~~
3964 ~~appropriated in the General Appropriations Act or the school~~
3965 ~~district's funds per unweighted full-time equivalent student as~~
3966 ~~recalculated based upon the receipt of the certified taxable~~
3967 ~~value for school purposes pursuant to s. 1011.62(4).~~

3968 ~~(c) Notwithstanding s. 216.301 and pursuant to s. 216.351,~~
3969 ~~the unexpended balance of funds appropriated pursuant to this~~
3970 ~~subsection which is not disbursed by June 30 of the fiscal year~~
3971 ~~in which the funds are appropriated may be carried forward for~~
3972 ~~up to 10 years after the effective date of the original~~
3973 ~~appropriation.~~

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3974 Section 14. Paragraph (1) of subsection (2) of section
3975 11.45, Florida Statutes, is amended to read:

3976 11.45 Definitions; duties; authorities; reports; rules.—

3977 (2) DUTIES.—The Auditor General shall:

3978 (1) At least once every 3 years, conduct operational audits
3979 of the accounts and records of eligible nonprofit scholarship-
3980 funding organizations receiving eligible contributions under s.
3981 1002.395, including any contracts for services with related
3982 entities, to determine compliance with the provisions of that
3983 section. Such audits shall include, but not be limited to, a
3984 determination of the eligible nonprofit scholarship-funding
3985 organization's compliance with s. 1002.395(6)(i) ~~s.~~
3986 ~~1002.395(6)(1)~~. The Auditor General shall provide its report on
3987 the results of the audits to the Governor, the President of the
3988 Senate, the Speaker of the House of Representatives, the Chief
3989 Financial Officer, and the Legislative Auditing Committee,
3990 within 30 days of completion of the audit.

3991
3992 The Auditor General shall perform his or her duties
3993 independently but under the general policies established by the
3994 Legislative Auditing Committee. This subsection does not limit
3995 the Auditor General's discretionary authority to conduct other
3996 audits or engagements of governmental entities as authorized in
3997 subsection (3).

3998 Section 15. Paragraph (c) of subsection (7) of section
3999 212.099, Florida Statutes, is amended to read:

4000 212.099 Credit for contributions to eligible nonprofit
4001 scholarship-funding organizations.—

4002 (7)

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4003 (c) The organization may, subject to the limitations of s.
4004 1002.395(6)(i)1. ~~s. 1002.395(6)(1)1.~~, use eligible contributions
4005 received during the state fiscal year in which such
4006 contributions are collected for administrative expenses.

4007 Section 16. Paragraph (b) of subsection (6) of section
4008 1002.45, Florida Statutes, is amended to read:

4009 1002.45 Virtual instruction programs.—

4010 (6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
4011 FUNDING.—

4012 (b) Students enrolled in a virtual instruction program
4013 shall be funded in the Florida Education Finance Program as
4014 provided in the General Appropriations Act. The calculation to
4015 determine the amount of funds for each student through the
4016 Florida Education Finance Program shall include the sum of the
4017 basic amount for current operations established in s.

4018 1011.62(1)(s) and all categorical programs except for the
4019 categorical programs established in ss. 1011.62(7) and ~~(12)~~,
4020 ~~and (16)~~, 1011.68, and 1011.685. Students residing outside of
4021 the school district reporting the full-time equivalent virtual
4022 student shall be funded from state funds only.

4023 Section 17. This act shall take effect July 1, 2025.