

1                   A bill to be entitled  
 2           An act relating to virtual instruction; amending s.  
 3           1002.331, F.S.; providing that certain students are  
 4           excluded from specified calculations relating to a  
 5           high-performing charter school's facility capacity;  
 6           authorizing high-performing charter schools to provide  
 7           virtual courses to certain students; providing funding  
 8           requirements for such courses; amending s. 1002.395,  
 9           F.S.; revising the authorized uses of Florida Tax  
 10          Credit Scholarship funds; providing an effective date.

11  
 12   Be It Enacted by the Legislature of the State of Florida:

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 14           **Section 1. Paragraph (a) of subsection (2) of section**  
 15 **1002.331, Florida Statutes, is amended, and paragraph (f) is**  
 16 **added to that subsection, to read:**

17           1002.331 High-performing charter schools.—  
 18           (2) A high-performing charter school is authorized to:  
 19           (a) Increase its student enrollment once per school year  
 20           to more than the capacity identified in the charter, but student  
 21           enrollment may not exceed the capacity of the facility at the  
 22           time the enrollment increase will take effect. Students enrolled  
 23           in virtual courses may not be counted as enrolled students for  
 24           purposes of determining the facility's capacity. Facility  
 25           capacity for purposes of expansion shall include any

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

26 improvements to an existing facility or any new facility in  
27 which the students of the high-performing charter school will  
28 enroll.

29 (f) Provide virtual courses, approved pursuant to s.  
30 1003.499, to students in grades 9 through 12. Funding for  
31 virtual courses shall be as provided in s. 1002.45(6).

32  
33 A high-performing charter school shall notify its sponsor in  
34 writing by March 1 if it intends to increase enrollment or  
35 expand grade levels the following school year. The written  
36 notice shall specify the amount of the enrollment increase and  
37 the grade levels that will be added, as applicable. If a charter  
38 school notifies the sponsor of its intent to expand, the sponsor  
39 shall modify the charter within 90 days to include the new  
40 enrollment maximum and may not make any other changes. The  
41 sponsor may deny a request to increase the enrollment of a high-  
42 performing charter school if the commissioner has declassified  
43 the charter school as high-performing. If a high-performing  
44 charter school requests to consolidate multiple charters, the  
45 sponsor shall have 40 days after receipt of that request to  
46 provide an initial draft charter to the charter school. The  
47 sponsor and charter school shall have 50 days thereafter to  
48 negotiate and notice the charter contract for final approval by  
49 the sponsor.

50 **Section 2. Paragraph (b) of subsection (2) and paragraph**

51 **(d) of subsection (6) of section 1002.395, Florida Statutes, are**  
52 **amended to read:**

53 1002.395 Florida Tax Credit Scholarship Program.—

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

55 (b) "Choice navigator" means an individual who meets the  
56 requirements of sub-subparagraph (6) (d) 4.j. ~~(6) (d) 4.g.~~ and who  
57 provides consultations, at a mutually agreed upon location, on  
58 the selection of, application for, and enrollment in educational  
59 options addressing the academic needs of a student; curriculum  
60 selection; and advice on career and postsecondary education  
61 opportunities. However, nothing in this section authorizes a  
62 choice navigator to oversee or exercise control over the  
63 curricula or academic programs of a personalized education  
64 program.

65 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
66 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
67 organization:

68 (d)1. For the 2023-2024 school year, may fund no more than  
69 20,000 scholarships for students who are enrolled pursuant to  
70 paragraph (7) (b). The number of scholarships funded for such  
71 students may increase by 40,000 in each subsequent school year.  
72 This subparagraph is repealed July 1, 2027.

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

76 and thereafter must provide for a renewal timeline beginning  
77 February 1 of the prior school year and ending April 30 of the  
78 prior school year. A student's renewal is contingent upon an  
79 eligible private school providing confirmation of admission  
80 pursuant to subsection (8). The process must require that  
81 parents confirm that the scholarship is being renewed or  
82 declined by May 31.

83 3. Shall establish a process that allows a parent to apply  
84 for a new scholarship. The process must be in a manner that  
85 creates a written or electronic record of the application  
86 request and the date of receipt of the application request. The  
87 process must require that parents confirm that the scholarship  
88 is being accepted or declined by a date set by the organization.

89 4. Must establish and maintain separate scholarship  
90 accounts from eligible contributions for each eligible student.  
91 For each account, the organization must maintain a record of  
92 accrued interest retained in the student's account. The  
93 organization must verify that scholarship funds are used for:

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

96 b. Instructional materials, including digital materials  
97 and Internet resources.

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

99 d. Tuition and fees associated with full-time or part-time  
100 enrollment in a home education instructional program.+

101 e. Tuition and fees for courses from an eligible  
102 postsecondary educational institution or a program offered by  
103 the postsecondary educational institution, unless the program is  
104 subject to s. 1009.25 or reimbursed pursuant to s. 1009.30, ~~or~~  
105 an approved preapprenticeship program as defined in s.  
106 446.021(5) which is not subject to s. 1009.25 and complies with  
107 all applicable requirements of the Department of Education  
108 pursuant to chapter 1005. ~~†~~

109 f. Tuition and fees for a private tutoring program  
110 authorized under s. 1002.43. ~~†~~

111 g. Tuition and fees for asynchronous or synchronous  
112 courses from a virtual program offered by a department-approved  
113 private online provider that meets the provider qualifications  
114 specified in s. 1002.45(2)(a); the Florida Virtual School as a  
115 private paying student; or an approved online course offered  
116 pursuant to s. 1003.499 or s. 1004.0961.

117 ~~h.e.~~ Fees for nationally standardized, norm-referenced  
118 achievement tests, Advanced Placement Examinations, industry  
119 certification examinations, assessments related to postsecondary  
120 education, or other assessments.

121 ~~i.f.~~ Contracted services provided by a public school or  
122 school district, including classes. Such classes may include  
123 school district operated virtual courses and courses provided  
124 through a contract with an approved virtual instruction program  
125 provider under s. 1002.45. A student who receives contracted

126 services under this sub-subparagraph is not considered enrolled  
127 in a public school for eligibility purposes as specified in  
128 subsection (11) but rather attending a public school on a part-  
129 time basis as authorized under s. 1002.44.

130 ~~j.g.~~ Tuition and fees for part-time tutoring services or  
131 fees for services provided by a choice navigator. Such services  
132 must be provided by a person who holds a valid Florida  
133 educator's certificate pursuant to s. 1012.56, a person who  
134 holds an adjunct teaching certificate pursuant to s. 1012.57, a  
135 person who has a bachelor's degree or a graduate degree in the  
136 subject area in which instruction is given, a person who has  
137 demonstrated a mastery of subject area knowledge pursuant to s.  
138 1012.56(5), or a person certified by a nationally or  
139 internationally recognized research-based training program as  
140 approved by the Department of Education. As used in this  
141 paragraph, the term "part-time tutoring services" does not  
142 qualify as regular school attendance as defined in s.  
143 1003.01(16)(e).

144  
145 Information and documentation provided to the Department of  
146 Education and the Auditor General relating to the identity of a  
147 taxpayer that provides an eligible contribution under this  
148 section shall remain confidential at all times in accordance  
149 with s. 213.053.

150 **Section 3.** This act shall take effect July 1, 2025.