

**By** the Committee on Appropriations; and Senators Gaetz, Simon, Pizzo, Burgess, Osgood, and Rouson

576-01759-26

2026318c1

A bill to be entitled

An act relating to educational scholarship programs; creating s. 1011.687, F.S.; creating a categorical fund for implementing the Family Empowerment Scholarship Program; providing requirements for the use and disbursement of funds; defining the term "full-time equivalent student"; requiring the Department of Education to release funds if certain criteria are met; providing requirements for the release of each payment; providing requirements for excess funds; providing that the department has access to certain records; creating s. 1011.689, F.S.; creating the educational enrollment stabilization program to provide supplemental state funds to address changes in full-time equivalent student enrollment; requiring the department to use funds to ensure that a school district's funds are not lower than a specified calculation; providing for the calculation of the supplemental payment; requiring the department to ensure funding is available for certain scholarship programs; requiring the department to appropriate funds from the General Appropriations Act to keep the educational enrollment stabilization program at a minimum balance; amending s. 1002.40, F.S.; renaming the Hope Scholarship Program as the Hope Program; amending s. 1002.421, F.S.; defining terms; requiring an eligible nonprofit scholarship-funding organization to provide a parent with certain information on scholarship programs; requiring an eligible nonprofit

576-01759-26

2026318c1

scholarship-funding organization to create a single application for all educational scholarship programs; providing requirements for such application; prohibiting an eligible nonprofit scholarship-funding organization from charging a fee for the application; requiring an eligible nonprofit scholarship-funding organization to establish two application approval windows; providing an exception; providing deadlines for such application approval windows; requiring an eligible nonprofit scholarship-funding organization to review applications and award scholarships in a specified order of priority; requiring an eligible nonprofit scholarship-funding organization to award scholarships to newly eligible students on a first-come, first-served basis; requiring a parent to notify the eligible nonprofit scholarship-funding organization within a specified timeframe if a scholarship offer is accepted or declined; specifying fund distribution for the scholarship terms; prohibiting a parent from applying for multiple scholarships for an individual student at the same time; authorizing specified students to apply for a scholarship at any time but only receive payments prospectively; prohibiting an eligible nonprofit scholarship-funding organization from restricting or reserving scholarships for use at a particular school; requiring such organization to notify each parent of a scholarship applicant that participation in the program does not guarantee enrollment at a private

576-01759-26

2026318c1

59 school; providing that a parent who submitted an  
60 application by a specified date need not submit a new  
61 application; authorizing a parent to withdraw his or  
62 her application and reapply; prohibiting an eligible  
63 nonprofit scholarship-funding organization from  
64 requiring documentation beyond the requirements of the  
65 scholarship program; requiring an eligible nonprofit  
66 scholarship-funding organization to verify a student's  
67 eligibility upon receipt of an application; requiring  
68 an eligible nonprofit scholarship-funding organization  
69 to send a list of verified eligible students to the  
70 department by specified dates; requiring the  
71 department to assign each verified eligible student a  
72 Florida student identification number; requiring the  
73 organization to use such number for tracking and  
74 reporting scholarship data; requiring the department  
75 to cross-check each list of verified eligible students  
76 with certain other lists; requiring the department to  
77 send the cross-checked list to the applicable school  
78 district; requiring the department to require the  
79 organization to suspend payments for any period of  
80 time the student is found to be ineligible; requiring  
81 the department to notify an eligible nonprofit  
82 scholarship-funding organization of specified  
83 information; requiring the department to provide  
84 certain lists of students to certain parties;  
85 requiring an eligible nonprofit scholarship-funding  
86 organization to verify a student's continued  
87 eligibility before disbursing each payment; providing

576-01759-26

2026318c1

criteria for verifying continued eligibility;  
requiring parents of students receiving scholarship  
payments to verify specified information; providing  
criteria for verifying continued eligibility;  
requiring parents of students receiving scholarship  
payments to verify specified information; providing  
that the scholarship program award amounts are the  
amounts provided in the General Appropriations Act;  
providing parameters for the calculation of the  
scholarship amounts for certain students; requiring an  
eligible nonprofit scholarship-funding organization to  
establish and maintain a scholarship account for each  
student; providing requirements for such accounts;  
providing that accrued interest is in addition to and  
not part of a student's account; providing that  
program funds include awarded funds and accrued  
interest and are available only for authorized  
expenditures; requiring eligible nonprofit  
scholarship-funding organizations to make payments by  
funds transfer; providing requirements for such funds  
transfer; prohibiting a student's scholarship award  
from being reduced to cover certain fees; requiring  
that commodities or services related to the funds  
transfer system be procured by a specified method;  
providing an exception; prohibiting an eligible  
nonprofit scholarship-funding organization from  
transferring funds to an account that has a balance in  
excess of a specified amount; specifying certain  
qualifications for educational expenditures; providing

576-01759-26

2026318c1

that a parent who fails to comply with such qualifications forfeits the scholarship; authorizing certain students in a scholarship program to take specified tests and certain assessments; providing an exception; requiring a participating private school to administer or provide for students to take specified tests and assessments; requiring a participating private school to submit a certain written request to the department by a specified date; requiring a school district to administer tests and assessments at a participating private school; requiring an owner or operator or individual providing services to undergo a background screening; providing requirements for the submission of fingerprints; requiring the Department of Law Enforcement to retain such fingerprints in a specified manner; providing screening requirements for specified individuals; prohibiting such owner or operator from transferring ownership or management authority to a relative; defining the term "relative"; requiring an eligible nonprofit scholarship-funding organization to report the annual audit of background screening results to the Department of Education; providing that a participating private school may be sectarian or nonsectarian; revising information required to be provided to the department by a private school; deleting obsolete language; providing construction; requiring the department to publish and update information on its website relating to scholarship programs; requiring the department to

576-01759-26

2026318c1

investigate complaints; requiring the department to maintain and annually publish a list of tests that satisfy a specified requirement; requiring the department to develop a standard withdrawal form for parents withdrawing a student from public school; providing requirements for such form; requiring the department to produce a specified annual report; authorizing the department to suspend or revoke program participation or the use of program funds for specified entities; requiring the department to develop a uniform reimbursement process; requiring an organization, by a specified date, to approve, deny, or request more information relating to a reimbursement request; requiring the department to annually report to the state its accountability actions; deleting the definition of the term "owner or operator"; requiring a school district, by a specified date, to inform certain households of eligibility to apply for a scholarship program; requiring the school district to coordinate with the department to provide a participating private school with statewide assessments; requiring a school district to publish information about a scholarship program on its website; requiring a school district to provide a parent with the withdrawal form upon request; deleting obsolete language; amending s. 1002.394, F.S.; deleting obsolete language; providing a title for a scholarship granted to a student who meets specified eligibility requirements; providing that authorized

576-01759-26

2026318c1

uses of program funds include digital devices;  
providing that authorized uses of program funds  
include membership dues and activity fees for career  
and technical student organizations; providing that  
tuition and fees that meet certain requirements are  
eligible for program funds; revising conditions under  
which a student is no longer eligible for scholarship  
funding; requiring an eligible nonprofit scholarship-  
funding organization to notify a parent before closing  
a student's account; requiring an eligible nonprofit  
scholarship-funding organization to report certain  
information to the Department of Education regarding  
scholarship accounts closed under certain  
circumstances; requiring an eligible nonprofit  
scholarship-funding organization to notify a parent  
if, upon a student reaching a specified age, a balance  
exists in the student's account, the amount of the  
balance, and how the funds may be used; requiring an  
organization to annually report to the department the  
number of scholarship accounts closed under specified  
circumstances; requiring an organization to notify the  
department when a student withdraws from a scholarship  
program; deleting a provision allowing a public school  
student to receive a scholarship for transportation;  
revising the time frame for a school district to  
notify a parent of certain information; revising the  
percentage of funds that can be used for certain  
purposes; deleting obsolete language; amending s.  
1002.395, F.S.; deleting obsolete language; deleting

576-01759-26

2026318c1

provisions related to scholarship priority; deleting a provision allowing a public school student to receive a scholarship for transportation; revising a provision requiring eligible nonprofit scholarship-funding organizations to verify that scholarship funds are used for specified purposes; requiring an eligible nonprofit scholarship-funding organization to report to the department the total number of scholarship accounts closed due to certain reasons; amending s. 1003.485, F.S.; conforming a cross-reference; amending s. 1008.25, F.S.; making a conforming change; amending s. 1010.305, F.S.; requiring the Auditor General to annually, rather than periodically, examine the records of eligible nonprofit scholarship-funding organizations; providing for appropriate adjustments to be made and excess funds to be deducted if criteria and procedures have not been followed by an eligible nonprofit scholarship-funding organization; amending s. 1011.61, F.S.; conforming a cross-reference; amending s. 1011.62, F.S.; deleting a requirement with respect to full-time equivalent student survey data; deleting obsolete language relating to the state-funded discretionary supplement; amending s. 11.45, F.S.; conforming a cross-reference; requiring the Auditor General to annually conduct an audit of specified records; amending ss. 212.099, 402.22, 1002.45, 1003.4935, and 1010.20, F.S.; conforming cross-references; providing legislative findings; requiring the Department of Education to provide a



576-01759-26

2026318c1

specified report regarding recommendations for implementing the educational scholarship programs; providing requirements for the recommendations; authorizing the department to make recommendations to specified entities; requiring certain contracts to be awarded through a competitive procurement process; requiring the department to include an outline of requirements for each program component; providing requirements for the outline; requiring the department to include recommendations for eligibility requirements of scholarship-funding organizations under specified circumstances; requiring the department to include a specified plan in its report; requiring the department to provide, by a specified date, the report to the Governor and the Legislature; providing for expiration; providing an effective date.

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

Section 1. Section 1011.687, Florida Statutes, is created to read:

1011.687 Educational scholarship programs; categorical fund.—

(1) There is created a categorical fund for implementing the Family Empowerment Scholarship Program pursuant to s. 1002.394. These funds shall be in the amount provided in the General Appropriations Act and any additional funds transferred from the educational enrollment stabilization program pursuant to s. 1011.689.

576-01759-26

2026318c1

262       (2) Educational scholarship funding categorical funds shall  
263 be used to award scholarships as required in s. 1002.394 and in  
264 accordance with s. 1002.421. Funds shall be disbursed from this  
265 fund based on the full-time equivalent scholarship students  
266 forecasted or reported as participating in the program.

267       (3) A "full-time equivalent student" for a student  
268 participating in a scholarship program under s. 1002.394 or s.  
269 1002.395 means a student who receives all 10 scholarship  
270 payments that are distributed on a monthly basis. A student who  
271 receives fewer than 10 payments shall generate a fraction of  
272 full-time equivalent student membership proportional to the  
273 number of payments received.

274       (4) For the purposes of calculating a scholarship award  
275 amount, a full-time equivalent student shall be based upon the  
276 student's county of residence and equal to the calculation  
277 provided under s. 1002.421(5) (a).

278       (5) Contingent upon verification that the organization is  
279 in compliance with this section and ss. 1002.421, 1002.394, and  
280 1002.395, the department shall release funds from the  
281 categorical fund on a quarterly basis to the organization. The  
282 funds shall be held by the organization for deposit into the  
283 students' accounts in accordance with the payment schedules and  
284 may not include any funding for scholarship awards for any time  
285 preceding a student's verified eligibility for or acceptance of  
286 a scholarship.

287       (a) The first quarter release payment to the organization  
288 shall be based upon the amount of full-time equivalent students  
289 forecasted as provided in the General Appropriations Act and in  
290 an amount sufficient to make scholarship payments through the

576-01759-26

2026318c1

third payment installment. The first quarter release payment must be released no later than July 30.

(b) The second quarter release payment to the organization shall be based upon the amount of full-time equivalent students cross-checked by the department pursuant to s. 1002.421(3) and in an amount sufficient to make scholarship payments through the fifth payment installment. The second quarter release payment must be released no later than November 1.

(c) The third quarter release payment to the organization shall be based upon the amount of full-time equivalent students cross-checked by the department pursuant to s. 1002.421(3) and in an amount sufficient to make scholarship payments through the eighth payment installment. The third quarter release payment must be released no later than January 1.

(d) The fourth quarter release payment to the organization shall be based upon the amount of full-time equivalent students cross-checked by the department pursuant to s. 1002.421(3) and in an amount sufficient to make scholarship payments through the tenth payment installment. The fourth quarter release payment must be released no later than April 1.

(6) If the funds released to the organization are in excess of the funds certified to the department by the organization as the amount distributed for student scholarships in accordance with scholarship program requirements, the organization must send back to the department any overpayment within 30 days of certification to the department. The department may not adjust the amount of any overpayment in the second, third, or fourth quarter payment release and must account for each payment back from the organization separately.

576-01759-26

2026318c1

320       (7) The department shall have access to the organization's  
321 data and records as necessary to conduct a reconciliation of  
322 releases and overpayments to the organization.

323       Section 2. Section 1011.689, Florida Statutes, is created  
324 to read:

325       1011.689 Educational enrollment stabilization program.—The  
326 educational enrollment stabilization program is created to  
327 provide supplemental state funds as needed to address changes in  
328 full-time equivalent student enrollment throughout the school  
329 year in both the Florida Education Finance Program and the  
330 educational scholarship programs created pursuant to chapter  
331 1002.

332       (1) SCHOOL DISTRICT STABILIZATION.—To maintain the  
333 stability of the operations of public schools, including charter  
334 schools, in each school district, the department:

335       (a) May use funds in either of the following ways:

336       1. To distribute to school districts if the state funds  
337 appropriated for the current operation of school districts in  
338 the Florida Education Finance Program are not sufficient to pay  
339 the state requirement in full pursuant to s. 1011.62(15).

340       2. To provide supplemental payments to school districts as  
341 needed. Any supplemental funds provided pursuant to this  
342 subparagraph may not be added to the district's total Florida  
343 Education Finance Program funds for any future calculation.

344       (b) Shall use funds as appropriated to provide a  
345 supplemental payment to school districts that have a decline in  
346 unweighted full-time equivalent students between the legislative  
347 calculation provided in the General Appropriations Act and the  
348 third calculation of the Florida Education Finance Program

576-01759-26

2026318c1

349 within the same year. The supplemental payment shall be computed  
350 by multiplying a percentage of the decline in the unweighted  
351 full-time equivalent students as determined by the Legislature  
352 by the base student allocation and by the comparable wage factor  
353 or the small district factor. The percentage used for districts  
354 that are fiscally constrained must be greater than the  
355 percentage used for non-fiscally constrained districts. The  
356 supplemental funds may not be added to the district's total  
357 Florida Education Finance Program funds for any future  
358 calculations.

359 (2) FAMILY EMPOWERMENT SCHOLARSHIP PROGRAM.—To maintain  
360 scholarship award amounts, the department may use funds as  
361 appropriated to ensure that funding is available if the number  
362 of full-time equivalent students enrolled in the scholarship  
363 program is greater than the amount appropriated in the General  
364 Appropriations Act in the educational scholarship categorical  
365 fund established under s. 1011.687.

366 (3) FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM.—If available  
367 funds in the Florida Tax Credit Scholarship Program are  
368 insufficient to cover eligible applicants who are personalized  
369 education program students, the department may use funds to  
370 award scholarships to such eligible applicants up to the number  
371 authorized in s. 1002.395.

372 (4) RELEASE OF FUNDS.—As part of the recalculation pursuant  
373 to s. 1011.65, the department may request the release of funds  
374 from the educational enrollment stabilization program subject to  
375 the notice, review, and objection procedures set forth in s.  
376 216.177.

377 (5) MINIMUM BALANCE.—The Legislature shall annually

576-01759-26

2026318c1

appropriate funds in the General Appropriations Act to the department for the educational enrollment stabilization program in an amount necessary to maintain a projected minimum balance of \$250 million at the beginning of the upcoming fiscal year. Notwithstanding s. 216.301 and pursuant to s. 216.351, the unexpended balance of funds appropriated pursuant to this subsection which is not disbursed by June 30 of the fiscal year in which the funds are appropriated may be carried forward for up to 10 years after the effective date of the original appropriation.

Section 3. Section 1002.40, Florida Statutes, is amended to read:

1002.40 The Hope ~~Scholarship~~ Program.—

(1) PURPOSE.—The Hope ~~Scholarship~~ Program is established to provide the parent of a public school student who was subjected to an incident listed in subsection (3) an opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school.

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

(a) "Parent" means a resident of this state who is a parent, as defined in s. 1000.21, and whose student reported an incident in accordance with subsection (4).

(b) "Program" means the Hope ~~Scholarship~~ Program.

(c) "School" means any educational program or activity conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), including waiting at a school bus stop.

576-01759-26

2026318c1

407 (3) PROGRAM ELIGIBILITY.—A student enrolled in a Florida  
408 public school in kindergarten through grade 12 is eligible for  
409 the educational options described in subsection (4) if the  
410 student reported an incident in accordance with that subsection.  
411 For purposes of this section, the term “incident” means battery;  
412 harassment; hazing; bullying; kidnapping; physical attack;  
413 robbery; sexual offenses, harassment, assault, or battery;  
414 threat or intimidation; or fighting at school, as defined by the  
415 department in accordance with s. 1006.09(6).

416 (4) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—Upon  
417 receipt of a report of an incident, the school principal, or his  
418 or her designee, shall provide a copy of the report to the  
419 parent and investigate the incident to determine if the incident  
420 must be reported as required by s. 1006.09(6). Within 24 hours  
421 after receipt of the report, the principal or his or her  
422 designee shall provide a copy of the report to the parent of the  
423 alleged offender and to the superintendent. Upon conclusion of  
424 the investigation or within 15 days after the incident was  
425 reported, whichever occurs first, the school district shall  
426 notify the parent of the program, offer the parent an  
427 opportunity to enroll his or her student in another public  
428 school that has capacity, and notify the parent of their  
429 eligibility to apply for a scholarship to attend an eligible  
430 private school under ss. 1002.394 and 1002.395.

431 (5) RULES.—The State Board of Education shall adopt rules  
432 to administer this section.

433 Section 4. Section 1002.421, Florida Statutes, is amended  
434 to read:

435 1002.421 State school choice scholarship programs ~~program~~

576-01759-26

2026318c1

436 ~~accountability and oversight.~~—

437 (1) DEFINITIONS.—As used in this section, s. 1002.394, and  
438 s. 1002.395, the term:

439 (a) “Approved provider” means a provider approved by the  
440 Agency for Persons with Disabilities, a health care practitioner  
441 as defined in s. 456.001, or a provider approved by the  
442 department pursuant to s. 1002.66.

443 (b) “Choice navigator” means an individual who meets the  
444 requirements of s. 1002.395(6)(d)8. and who provides  
445 consultations, at a mutually agreed upon location, on the  
446 selection of, application for, and enrollment in educational  
447 options addressing the academic needs of a student; curriculum  
448 selection; and advice on career and postsecondary education  
449 opportunities. However, this section does not authorize a choice  
450 navigator to oversee or exercise control over the curricula or  
451 academic programs of a personalized education program.

452 (c) “Curriculum” means a complete course of study for a  
453 particular content area or grade level, including any required  
454 supplemental materials and associated online instruction.

455 (d) “Disability” means, for a 3- or 4-year-old child or for  
456 a student in kindergarten to grade 12, autism spectrum disorder  
457 as defined in the Diagnostic and Statistical Manual of Mental  
458 Disorders, Fifth Edition, published by the American Psychiatric  
459 Association; cerebral palsy as defined in s. 393.063; Down  
460 syndrome as defined in s. 393.063; an intellectual disability as  
461 defined in s. 393.063; a speech impairment; a language  
462 impairment; an orthopedic impairment; any other health  
463 impairment; an emotional or a behavioral disability; a specific  
464 learning disability, including, but not limited to, dyslexia,



576-01759-26

2026318c1

dyscalculia, or developmental aphasia; Phelan-McDermid syndrome as defined in s. 393.063; Prader-Willi syndrome as defined in s. 393.063; spina bifida as defined in s. 393.063; being a high-risk child as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; rare diseases that affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; a hearing impairment, including deafness; a visual impairment, including blindness; a traumatic brain injury; being hospital-bound or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital-bound or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

(e) "Eligible nonprofit scholarship-funding organization" or "organization" means a state university or an independent college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program; is located and chartered in this state; is not for profit; is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or is a charitable organization that:

1. Is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code;
2. Is a Florida entity formed under chapter 605, chapter 607, or chapter 617 and whose principal office is located in this state; and

576-01759-26

2026318c1

494       3. Complies with s. 1002.395(6) and (13).

495       (f) "Eligible postsecondary educational institution" means  
496 a Florida College System institution; a state university; a  
497 school district technical center; a school district adult  
498 general education center; an independent college or university  
499 that is eligible to participate in the William L. Boyd, IV,  
500 Effective Access to Student Education Grant Program under s.  
501 1009.89; or an accredited independent postsecondary educational  
502 institution as defined in s. 1005.02 which is licensed to  
503 operate in this state under part III of chapter 1005 or is  
504 approved to participate in a reciprocity agreement as defined in  
505 s. 1000.35(2).

506       (g) "Eligible private school" means a private school as  
507 defined in s. 1002.01 which is located in Florida and which  
508 offers an education to students in any grades K-12 and meets the  
509 requirements in this section.

510       (h) "Fraud" means an intentional deception, omission, or  
511 misrepresentation made by a person with knowledge that the  
512 deception, omission, or misrepresentation may result in an  
513 unauthorized benefit to that person or another person, or any  
514 aiding and abetting of the commission of such an act.

515       (i) "Household income" has the same meaning as the term  
516 "income" as defined in the Income Eligibility Guidelines for  
517 free and reduced price meals under the National School Lunch  
518 Program in 7 C.F.R. part 210 as published in the Federal  
519 Register by the United States Department of Agriculture.

520       (j) "IEP" means an individual education plan, regardless of  
521 whether the plan has been reviewed or revised within the last 12  
522 months.

576-01759-26

2026318c1

523       (k) "Inactive" means that no eligible expenditures have  
524 been made from an account.

525       (l) "Job coach" means an individual employed to help people  
526 with disabilities learn, accommodate to, and perform their work  
527 duties.

528       (m) "Law enforcement officer" has the same meaning as  
529 provided in s. 943.10(1).

530       (n) "Owner or operator" includes:

531       1. An owner, a president, an officer, or a director of an  
532 eligible nonprofit scholarship-funding organization or a person  
533 with equivalent decisionmaking authority over an eligible  
534 nonprofit scholarship-funding organization; or

535       2. An owner, an operator, a superintendent, or a principal  
536 of an eligible private school or a person with equivalent  
537 decisionmaking authority over an eligible private school.

538       (o) "Parent" means a resident of this state who is a parent  
539 as defined in s. 1000.21.

540       (p) "Personalized education program" has the same meaning  
541 as in s. 1002.01.

542       (q) "Personalized education student" means a student whose  
543 parent applies to an eligible nonprofit scholarship-funding  
544 organization for participation in a personalized education  
545 program.

546       (r) "Renewal student" means a student who was eligible to  
547 receive and received a payment for the last installment in the  
548 school year immediately preceding the school year for which the  
549 student is applying for a scholarship pursuant to this chapter.

550       (s) "Student learning plan" means a customized learning  
551 plan developed by a parent at least annually to guide

576-01759-26

2026318c1

552 instruction for his or her student and to identify the goods and  
553 services needed to address the academic needs of his or her  
554 student.

555 (2) SCHOLARSHIP APPLICATION PROCESS.—

556 (a) An eligible nonprofit scholarship-funding organization  
557 must provide the parent with information on each scholarship  
558 program established pursuant to this chapter which clearly  
559 outlines the eligibility requirements and authorized uses of  
560 funds for each program to enable the parent of a student to  
561 determine which program best fits the needs of each student.  
562 Specifically, for a student applying based on eligibility  
563 pursuant to s. 1002.394(3)(b) or s. 1002.395, except for  
564 students eligible pursuant to a personalized education program,  
565 a participating private school must discuss the school's  
566 academic programs and policies, specialized services, code of  
567 conduct, and attendance policies before enrollment with the  
568 parent to determine which programs and services may meet the  
569 student's individual needs. Each parent of a student with an  
570 individualized education plan, education plan, English language  
571 learner plan, or 504 plan must be informed specifically of what  
572 modifications, accommodations, and therapies included in the  
573 student's plan will be honored by the participating private  
574 school.

575 (b) The organization must create a single application for  
576 all educational scholarship programs established pursuant to  
577 this chapter in a manner that creates an electronic record of  
578 the application, which must include the date the application was  
579 submitted, the date the application was approved or denied, and  
580 the date the scholarship was accepted or declined. The

576-01759-26

2026318c1

organization may not charge a fee for the application.

(c) For the 2026-2027 school year and each school year thereafter, the organization must establish two application approval windows each school year during which a parent of an eligible student, including renewal students, may apply for and accept an educational scholarship program pursuant to this chapter, except for personalized education students, who may only apply during the fall application approval window.

1. The application approval window for the fall scholarship term must close no later than July 15. The fall scholarship term covers the period between August 15 and December 31 of each year. The fall application window may not begin any earlier than February 1 of the preceding school year. A parent initially applying for the fall term must affirmatively accept the scholarship between June 15 and July 15.

2. The application approval window for the spring scholarship term must close no later than November 15. The spring scholarship term covers the period between January 1 and May 31 of each year. A parent initially applying for the spring term must affirmatively accept the scholarship between October 15 and November 15.

3. A failure to accept the scholarship between the applicable approval window results in an automatic declination of the scholarship.

4. A parent of a student who is provided funds during the fall scholarship term does not need to reapply for the spring scholarship term.

(d) An organization must review applications and award scholarships using the following priorities:

576-01759-26

2026318c1

610       1. An application for a student who is eligible pursuant to  
611 s. 1002.394(3)(a) or s. 1002.395 and:

612       a. Whose household income level does not exceed 185 percent  
613 of the federal poverty level or who is in foster care or out-of-  
614 home care; and then

615       b. Whose household income level exceeds 185 percent of the  
616 federal poverty level but does not exceed 400 percent of the  
617 federal poverty level.

618       2. An application for a student who is eligible and  
619 received a scholarship during the previous school year.

620       3. An application for a student who was affected by the  
621 disapproval of an organization's participation by the department  
622 pursuant to s. 1002.395 during the previous school year.

623  
624 The organization must provide scholarships to newly eligible  
625 students on a first-come, first-served basis unless the student  
626 is seeking priority pursuant to this paragraph.

627       (e) A parent of a student who applies for and receives  
628 scholarship funds initially for the spring scholarship term may  
629 only receive 5 of the 10 payment installments for the school  
630 year.

631       (f) A parent may not apply for multiple scholarships under  
632 s. 1002.394 or s. 1002.395 for an individual student at the same  
633 time. However, the organization may switch a student between  
634 scholarships under s. 1002.394 or s. 1002.395 upon notification  
635 and approval by the department.

636       (g) Notwithstanding the application deadlines, a student in  
637 foster care or out-of-home care or who is a dependent child of a  
638 member of the United States Armed Forces or who reported an

576-01759-26

2026318c1

incident pursuant to s. 1002.40 may apply for a scholarship at any time. Additionally, the Commissioner of Education may extend an application window for any eligible group of students due to extenuating circumstances that affect one or more regions of this state. However, any student receiving a scholarship who applies outside the application deadlines may only receive payments prospectively.

(h) An organization may not restrict or reserve scholarships for use at a particular eligible private school or provide scholarships to a child of an owner or operator as defined in subparagraph (1)(n)1. Additionally, the organization must notify each parent of a scholarship applicant that participation in the scholarship program does not guarantee enrollment at an eligible private school.

(i) For the 2026-2027 school year, a parent who applies for a scholarship by April 30, 2026, does not need to submit a new application pursuant to the requirements of this section but must, by the time the organization is required to send its verified list to the department, provide the documentation required for eligibility. However, a parent may withdraw his or her application and reapply pursuant to the requirements of this section. This paragraph expires January 1, 2027.

An eligible nonprofit scholarship-funding organization may not further regulate, exercise control over, or require documentation beyond the requirements of the scholarship programs unless the regulation, control, or documentation is necessary for participation in the program.

(3) ENROLLMENT VERIFICATION.—Upon receipt of an

576-01759-26

2026318c1

668 application, the eligible nonprofit scholarship-funding  
669 organization must verify each student's eligibility. Each  
670 student, including renewal students, must apply for a  
671 scholarship each school year. An organization may not grant  
672 multiyear scholarships in one approval process.

673 (a) To verify eligibility, the organization must request  
674 all of the following information for each student, to be  
675 included in the student's file:

676 1. More than one form of proof of residency or proof that  
677 the student is the dependent of an active duty member of the  
678 United States Armed Forces who has received permanent change of  
679 station orders to this state.

680 2. A copy of the student's birth certificate or other  
681 documentation as specified in s. 1003.21(4), the name on which  
682 must be identical to the name provided on the student's  
683 application.

684 3. For a student who was enrolled in a public school prior  
685 to participation in the scholarship program as determined by the  
686 department, proof that the parent submitted the standard  
687 withdrawal form to the public school where the student was  
688 previously enrolled or, if the withdrawal occurred prior to the  
689 creation of the standard withdrawal form, another form of proof  
690 of withdrawal from the public school.

691 4. One of the following forms of documentation from the  
692 parent attesting that while the student receives scholarship  
693 payments, the student will be enrolled in and in compliance with  
694 the applicable attendance requirements under ss. 1003.01(16) and  
695 1003.21(1):

696 a. A copy of the notice of a parent's intent to establish



576-01759-26

2026318c1

and maintain a home education program pursuant to s. 1002.41;

b. A personalized education program and a copy of the student learning plan that has been reviewed and verified by the organization pursuant to s. 1002.395(7)(c); or

c. Documentation of admission or enrollment from a private school for the school year in which the student is applying.

5. If known, the student's Florida student identification number if one has been assigned.

(b) In addition, if the student:

1. Is a renewal student, the organization must:

a. Request for each student the assessment results necessary to verify compliance with subsection (7). The deadline for a parent to submit the results is July 15.

b. Receive documentation from the parent attesting that the student will continue to meet all eligibility requirements for the scholarship.

c. Verify that all documents required for eligibility have been received and are on file.

d. If the student lives out of state and is a dependent of an active duty member of the United States Armed Forces, receive documentation that the home of record or state of legal residence is Florida.

2. Is seeking priority eligibility based upon household income, the parent of the student must authorize the organization to access information needed for income eligibility determination and verification held by other state or federal agencies, including the Department of Revenue, the Department of Children and Families, the Department of Education, the Department of Commerce, and the Agency for Health Care

576-01759-26

2026318c1

Administration.

(c) An organization must send to the department a list of eligible students and any information necessary for the department to conduct the following cross-check reviews by:

1. August 1 for the fall scholarship term.
2. October 1 for the fall scholarship mid-term.
3. December 1 for the spring scholarship term.
4. March 1 for the spring scholarship mid-term.

For the spring scholarship term, the organization must submit students initially applying for the scholarship during the spring term, as well as all students who received a scholarship payment within the fall term. Additionally, the organization must update each list with any eligible student who applies outside of the application deadlines pursuant to paragraph (2) (g).

(d) The department must verify each student's Florida student identification number or, if a student has not been assigned a Florida student identification number, assign each eligible student a Florida student identification number. Once a student is assigned a Florida student identification number, the organization must use that number for the reporting and tracking of all scholarship data.

(e) The department must cross-check each list of eligible students submitted by the organization with the most recent student attendance records maintained by the school districts pursuant to s. 1003.23 to resolve student reporting duplication.

1. As part of each cross-check process, the department must send a list of the eligible students submitted by the

576-01759-26

2026318c1

organization to the applicable school district. The school district must cross-check each student by identification number with its most recent student attendance records and send the results, including any duplicates, to the department. Pursuant to s. 1002.44, a student receiving a scholarship under this chapter who attends a public school on a part-time basis through contracted services provided by the public school or school district may not be reported by the school district for funding purposes under the Florida Education Finance Program, and, therefore, such students are not considered duplicates.

2. For any student reported as a duplicate by a school district, the department must determine whether the student is prohibited from receiving a scholarship award pursuant to s. 1002.394(6) or s. 1002.395(4). As part of the department's determination process, the department must require the organization to suspend payments to the student's account and the use of funds in the student's account related to any period of time the student is ineligible.

3. The department, after making its determination, shall notify the district if there is any student reported by the district as a duplicate whom the district should not report for funding in the student membership survey pursuant to s. 1011.62. For the students the district does report, the district shall receive the full funding generated in accordance with the Florida Education Finance Program, regardless of whether the student received a scholarship payment, subject to the audit required under s. 1010.305.

(f) The department, after the list of eligible students has been cross-checked and each student has been assigned a Florida

576-01759-26

2026318c1

784 student identification number, shall send the list of verified  
785 eligible students to the organization, which may then fund  
786 students only based upon the department's list of verified  
787 eligible students. The department must notify an organization of  
788 any of the organization's identified students who were submitted  
789 for a scholarship from another organization and which  
790 organization the student shall receive funding from.

791 (g) After each cross-check, the department must provide the  
792 list of verified eligible students submitted to the organization  
793 and any information on duplicate students requested to the chair  
794 of the Senate Appropriations Committee, the chair of the House  
795 Budget Committee, and the Office of Policy and Budget within the  
796 Executive Office of the Governor.

797 (4) PREPAYMENT VERIFICATION.—Prior to the disbursement of  
798 each scholarship payment, the organization must verify the  
799 student's continued eligibility based upon the requirements of  
800 the applicable student's scholarship program.

801 (a) For scholarship programs that require private school  
802 enrollment, the organization must verify that the student is  
803 enrolled in and in attendance at a participating eligible  
804 private school.

805 (b) Prior to the receipt of each scholarship payment, a  
806 parent of the student must attest that the student is not  
807 enrolled full-time in a public school and is enrolled in  
808 attendance at, unless excused for illness or other good cause  
809 one of the following:

- 810 1. A home education program;
- 811 2. A personalized education program; or
- 812 3. A private school.

576-01759-26

2026318c1

813       (c) The parent of a student whose scholarship funds are  
814 required under paragraph (6)(b) to be committed for tuition and  
815 fees at a participating private school may authorize the private  
816 school to provide the attestation required under paragraph (b)  
817 on behalf of the parent by attesting that the student is  
818 enrolled in and in attendance at the private school. The private  
819 school and the organization must maintain records of the  
820 parental authorization, and such authorization must be renewed  
821 each school year. An improper attestation may be investigated as  
822 fraud pursuant to subparagraph (10)(a)6., and the private school  
823 may be liable to the state for payments made in violation of  
824 this subsection and, if found liable, must reimburse the state  
825 for funds improperly paid to the private school.

826       (d) The organization may not make any payment into a  
827 student's account prior to a parent's acceptance of a  
828 scholarship award, upon notification that the student is  
829 enrolled in a public school unless the organization can verify  
830 the student's eligibility, or for any period of time prior to a  
831 student's eligibility is verified by the department. An  
832 organization is liable to the state for payments made in  
833 violation of this subsection and must reimburse the state for  
834 funds that were improperly awarded which cannot be recovered.

835       (5) SCHOLARSHIP AWARD AMOUNTS AND PAYMENT SCHEDULE.—

836       (a) Beginning in the 2026-2027 school year, the calculated  
837 scholarship program award amounts shall be the amounts provided  
838 in the General Appropriations Act which are based upon the  
839 amounts by basic program and program for exceptional students  
840 under the Florida Education Finance Program. These amounts shall  
841 be adjusted annually based upon the value of the percentage

576-01759-26

2026318c1

change increase in per student funding at the state level for  
public school districts as provided in the General  
Appropriations Act.

1. The calculated scholarship amount for a student  
determined eligible pursuant to s. 1002.394(3) (a) or s. 1002.395  
shall be based upon the student's current grade level and county  
of residence.

2. The calculated scholarship amount for a student  
determined eligible pursuant to s. 1002.394(3) (b) must be based  
upon the student's current grade level, exceptional student  
program, and county of residence.

a. The calculated scholarship amount for a student who  
received a Gardiner Scholarship pursuant to former s. 1002.385  
in the 2020-2021 school year shall be the greater of the amount  
calculated pursuant to this subsection or the amount the student  
received for the 2020-2021 school year.

b. The calculated scholarship amount for a student who  
received a John M. McKay Scholarship pursuant to former s.  
1002.39 in the 2020-2021 school year shall be the greater of the  
amount calculated pursuant to this subsection or the amount the  
student received for the 2020-2021 school year.

(b) Beginning with the 2026-2027 school year, the  
scholarship award shall be divided into 10 equal installments  
and made in accordance with the prepayment verification process.

1. For a renewal student receiving a scholarship award  
pursuant to s. 1002.394(3) (a) or s. 1002.395, and whose funds  
are applied to tuition at an eligible private school that has  
agreed to attest to the student's attendance pursuant to  
paragraph (4) (c), the organization may make the first payment no

576-01759-26

2026318c1

earlier than August 15 and the second payment no earlier than September 15.

2. For all other students receiving scholarship awards, the organization may make the first payment no earlier than September 15. The first payment pursuant to this subparagraph is for two installments.

3. Each subsequent payment must be made no later than October 15, November 15, December 15, January 15, February 15, March 15, April 15, and May 15 of each school year in which the scholarship is in force.

(6) SCHOLARSHIP ACCOUNTS.—The organization must establish and maintain a separate scholarship account for each student enrolled in a scholarship program. For each account, the organization must maintain a record of accrued interest which is retained in the student's account. Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest and are available only for authorized program expenditures.

(a) Payment of the scholarship by the organization shall be by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any means of payment the department deems commercially viable or cost-effective. A student's scholarship award may not be reduced to cover debit card or electronic payment fees. Commodities or services related to the development of such transfer system must be procured by competitive solicitation unless purchased from a state term contract pursuant to s. 287.056.

(b) For students eligible pursuant to s. 1002.394(3)(a) or

576-01759-26

2026318c1

s. 1002.395, except for those students enrolled in a  
personalized education program:

1. The organization must commit scholarship funds on behalf of the student for tuition and fees that the parent must pay at a participating private school before scholarship account funds may be used for additional authorized uses under s. 1002.394(4)(a) or s. 1002.395(4)(d). A parent is responsible for all eligible expenses in excess of the scholarship amount. An organization shall ensure that the parent has approved a funds transfer before any scholarship funds are deposited. The parent may not designate any entity or individual associated with a participating private school as the parent's attorney in fact to approve a funds transfer.

2. After funds have been committed pursuant to subparagraph 1., funds may be used as authorized in s. 1002.394(4)(a) and as authorized in the organization's purchasing handbook by paying for the authorized use directly and then submitting a reimbursement request to the organization. An organization may require the use of an online platform for direct purchases of products if such use does not limit a parent's choice of curriculum or academic programs. If a parent purchases a product identical to one offered by an organization's online platform for a lower price, the organization must reimburse the parent the cost of the product.

3. The initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at a participating private school. Payments for tuition and fees for full-time enrollment shall be



576-01759-26

2026318c1

made within 7 business days after approval by the parent and the private school.

4. If a student unenrolls from a participating private school within 10 business days after enrolling in the private school, the private school must return a proportional share of the student's scholarship payment to the organization.

5. An organization may not transfer any funds to an account of a student which has a balance in excess of \$24,000.

(c) For students eligible pursuant to s. 1002.394(3)(b):

1. The organization must verify qualifying educational expenditures pursuant to the requirements of s. 1002.394(4)(b). The organization must verify any expenditures made pursuant to s. 1002.394(4)(b)1. and 2. before the distribution of funds. Review of expenditures made for services specified in s. 1002.394(4)(b)3.-16. may be completed after the purchase is made.

2. The organization must develop a process, for implementation beginning in the 2026-2027 school year, that provides the commitment of scholarship funds on behalf of the student for tuition and fees that a parent must pay at the Florida Virtual School as a private-pay student before scholarship account funds may be used for additional authorized uses under s. 1002.394(4)(b) or s. 1002.395(6)(d).

3. An organization may not transfer any funds to an account of a student which has a balance in excess of \$50,000.

(d) A parent of a student attending a public school on a part-time basis through contracted services provided by a public school or school district pursuant to s. 1002.44 must notify the public school or school district in writing at the time of

576-01759-26

2026318c1

958 application or at any subsequent time if the student is  
959 receiving a scholarship. For such contracted services, the  
960 public school may require the parent to pay for the contracted  
961 services as authorized in ss. 1002.395(4) (a) 6.,  
962 1002.395(4) (b) 8., and 1002.395(6) (d) 4.f.

963 (e) A parent of a 3- or 4-year-old child receiving a  
964 scholarship pursuant to s. 1002.394(3)(b) and receiving services  
965 at a public school or school district must notify the public  
966 school or school district in writing at the time of application  
967 or at any subsequent time if the student is receiving a  
968 scholarship.

969 (f) The parent of a student who fails to comply with this  
970 subsection forfeits the scholarship. An organization must notify  
971 the parent when a scholarship account is closed and when program  
972 funds revert to the state or organization, as applicable.

973 (7) TESTING REQUIREMENTS.—A student participating in a  
974 scholarship program in grades 3 through 10 may take the  
975 nationally norm-referenced tests that are identified by the  
976 department or take the statewide assessments pursuant to s.  
977 1008.22. Students with disabilities for whom standardized  
978 testing is not appropriate and who are granted an extraordinary  
979 exemption from the administration of the assessment pursuant to  
980 s. 1008.212 are exempt from this requirement.

981 (a) A participating private school must annually administer  
982 or make provision for students participating in the program in  
983 grades 3 through 10 to take one of the nationally norm-  
984 referenced tests or cooperate with a student whose parent  
985 chooses to participate in the statewide assessments pursuant to  
986 s. 1008.22. A parent must require his or her student

576-01759-26

2026318c1

participating in the program to take the norm-referenced tests offered by the participating private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22.

(b)1. If the participating private school chooses to offer and administer the statewide assessments pursuant to s. 1008.22 to all students who attend the private school in grades 3 through 10, it must submit a request in writing to the department by March 1 of each year in order to administer the statewide assessments in the subsequent school year. In turn, upon the request of the department, a school district shall coordinate with the department to provide to a participating private school the statewide assessments and any related materials for administering the assessments.

2. A school district is responsible for administering tests at a participating private school, including:

a. Providing training for private school staff on test security and assessment administration procedures;

b. Distributing testing materials to a private school;

c. Retrieving testing materials from a private school;

d. Providing the required format for a private school to submit information to the district for test administration and enrollment purposes; and

e. Providing any required assistance, monitoring, or investigation related to administering tests and assessments at a private school.

3. A participating private school shall report a student's scores to his or her parent. By August 15 of each year, a participating private school must report the scores of all

576-01759-26

2026318c1

participating students to a state university as described in s.  
1002.395(9)(b)3.

4. If a parent requests that the student participating in the program take statewide assessments pursuant to s. 1008.22 and the participating private school has not chosen to offer and administer the statewide assessments, the district in which the participating private school is located must provide locations and times for the student to take the assessments. The parent is responsible for transporting the student to the assessment site designated by the school district.

5. For students determined eligible pursuant to s. 1002.395(7)(b), an organization must receive eligible student test scores, and beginning with the 2027-2028 school year, by August 15, annually report test scores for such students to a state university pursuant to s. 1002.395(9)(b)3.

(8) BACKGROUND SCREENING REQUIREMENTS.—

(a) Each owner or operator or an individual providing services under s. 1002.394(4)(b)4. or s. 1002.395(6)(d)4. through an organization's online platform for direct purchase pursuant to subparagraph (6)(b)2., prior to employment or engagement to provide services, must undergo a background screening and meet the screening standards in s. 1012.315. All fingerprints submitted to the Department of Law Enforcement as required by this section must be retained in the Care Provider Background Screening Clearinghouse as provided in s. 435.12. The cost of the background screening may be borne by the owner or operator or service provider.

1. Employees, contracted personnel, owners, and operators must be rescreened as required by s. 435.12.

576-01759-26

2026318c1

1045       2. Employees, contracted personnel, owners, and operators  
1046 who apply for employment are governed by the laws and rules in  
1047 effect at the time of the application for employment, provided  
1048 that the person is continually employed by the same school or  
1049 provider. An owner or operator who fails the level 2 background  
1050 screening is not eligible to participate in a scholarship  
1051 program under this chapter.

1052       3. Service providers who have been screened under licensure  
1053 requirements in chapter 402, or who are exempt from licensure,  
1054 are not required to be rescreened under this section. The  
1055 Department of Education and the Department of Children and  
1056 Families must implement a process to electronically share  
1057 background screening results for such service providers.

1058       4. In addition to the offenses listed in s. 435.04, a  
1059 person required to undergo background screening pursuant to this  
1060 section or authorizing statutes may not have an arrest awaiting  
1061 final disposition for, must not have been found guilty of, or  
1062 entered a plea of nolo contendere to, regardless of  
1063 adjudication, and must not have been adjudicated delinquent for,  
1064 and the record must not have been sealed or expunged for, any of  
1065 the following offenses or any similar offense of another  
1066 jurisdiction:

- 1067       a. Any authorizing statutes, if the offense was a felony.  
1068       b. This chapter, if the offense was a felony.  
1069       c. Section 409.920, relating to Medicaid provider fraud.  
1070       d. Section 409.9201, relating to Medicaid fraud.  
1071       e. Section 741.28, relating to domestic violence.  
1072       f. Section 817.034, relating to fraudulent acts through  
1073 mail, wire, radio, electromagnetic, photoelectronic, or

576-01759-26

2026318c1

1074 photooptical systems.

1075 g. Section 817.234, relating to false and fraudulent  
1076 insurance claims.

1077 h. Section 817.505, relating to patient brokering.

1078 i. Section 817.568, relating to criminal use of personal  
1079 identification information.

1080 j. Section 817.60, relating to obtaining a credit card  
1081 through fraudulent means.

1082 k. Section 817.61, relating to fraudulent use of credit  
1083 cards, if the offense was a felony.

1084 l. Section 831.01, relating to forgery.

1085 m. Section 831.02, relating to uttering forged instruments.

1086 n. Section 831.07, relating to forging bank bills, checks,  
1087 drafts, or promissory notes.

1088 o. Section 831.09, relating to uttering forged bank bills,  
1089 checks, drafts, or promissory notes.

1090 p. Section 831.30, relating to fraud in obtaining medicinal  
1091 drugs.

1092 q. Section 831.31, relating to the sale, manufacture,  
1093 delivery, or possession with the intent to sell, manufacture, or  
1094 deliver any counterfeit controlled substance, if the offense was  
1095 a felony.

1096 5. At least 30 calendar days before a transfer of ownership  
1097 of a private school, the owner or operator shall notify the  
1098 parent of each scholarship student.

1099 6. The owner or operator of a private school that has been  
1100 deemed ineligible to participate in a scholarship program  
1101 pursuant to this chapter may not transfer ownership or  
1102 management authority of the school to a relative in order to

576-01759-26

2026318c1

1103 participate in a scholarship program as the same school or a new  
1104 school. For purposes of this subparagraph, the term "relative"  
1105 means father, mother, son, daughter, grandfather, grandmother,  
1106 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
1107 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
1108 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
1109 stepdaughter, stepbrother, stepsister, half brother, or half  
1110 sister.

1111 (b) An organization must report the annual audit of  
1112 background screening results required under this subsection to  
1113 the department.

1114 (9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
1115 school participating in an educational scholarship program  
1116 established pursuant to this chapter may be sectarian or  
1117 nonsectarian and must be a private school as defined in s.  
1118 1002.01 in this state, be registered, and be in compliance with  
1119 all requirements of this section in addition to private school  
1120 requirements outlined in s. 1002.42, specific requirements  
1121 identified within respective scholarship program laws, and other  
1122 provisions of Florida law that apply to private schools.  
1123 Additionally, a private school participating in an educational  
1124 scholarship program pursuant to this chapter, ~~and~~ must:

1125 (a) Comply with the antidiscrimination provisions of 42  
1126 U.S.C. s. 2000d.

1127 (b) Notify the department of its intent to participate in a  
1128 scholarship program.

1129 (c) Notify the department of any change in the school's  
1130 name, school director, mailing address, or physical location  
1131 within 15 days after the change.

576-01759-26

2026318c1

(d) Provide to the department or ~~scholarship funding~~ organization all documentation required for a student's participation or required by the organization to process a scholarship payment, including the private school's and student's individual fee schedule, and attendance verification as required by the department or ~~scholarship funding~~ organization, prior to scholarship payment. Such information must be provided by the deadlines established by the organization and in accordance with the requirements of this section and ss. 1002.394 and 1002.395. A student is not eligible to receive a scholarship payment if the private school fails to meet the deadlines.

(e) Annually complete and submit to the department a notarized scholarship compliance statement certifying that all school employees and contracted personnel with direct student contact have undergone background screening and have met the screening standards as provided in s. 1012.315.

(f) Demonstrate fiscal soundness and accountability by:

1. Being in operation for at least 3 school years or obtaining a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter and filing the surety bond or letter of credit with the department.

2. Requiring the parent of each scholarship student to personally restrictively endorse the scholarship warrant to the school or to approve a funds transfer before any funds are deposited for a student. The school may not act as attorney in fact for the parent of a scholarship student under the authority of a power of attorney executed by such parent, or under any other authority, to endorse a scholarship warrant or approve a



576-01759-26

2026318c1

1161 funds transfer on behalf of such parent.

1162 (g) Meet applicable state and local health, safety, and  
1163 welfare laws, codes, and rules, including:

1164 1. Firesafety.

1165 2. Building safety.

1166 (h) Employ or contract with teachers who hold baccalaureate  
1167 or higher degrees, have at least 3 years of teaching experience  
1168 in public or private schools, or have special skills, knowledge,  
1169 or expertise that qualifies them to provide instruction in  
1170 subjects taught.

1171 (i) Maintain a physical location in the state at which each  
1172 student has regular and direct contact with teachers. Regular  
1173 and direct contact with teachers may be satisfied for students  
1174 enrolled pursuant to s. 1002.394(4)(b) or in a personalized  
1175 education program if students have regular and direct contact  
1176 with teachers at the physical location at least 2 school days  
1177 per week and the student learning plan addresses the remaining  
1178 instructional time.

1179 (j) Publish on the school's website, or provide in a  
1180 written format, information for parents regarding the school,  
1181 including, but not limited to, programs, services, the  
1182 qualifications of classroom teachers, and a statement that a  
1183 parentally placed private school student with a disability does  
1184 not have an individual right to receive some or all of the  
1185 special education and related services that the student would  
1186 receive if enrolled in a public school under the Individuals  
1187 with Disabilities Education Act (IDEA), as amended.

1188 (k) At a minimum, provide the parent of each scholarship  
1189 student with a written explanation of the student's progress on

576-01759-26

2026318c1

1190 a quarterly basis.

1191 (l) Cooperate with a student whose parent chooses to  
1192 participate in the statewide assessments pursuant to s. 1008.22.

1193 (m) Require each employee and contracted personnel with  
1194 direct student contact, upon employment or engagement to provide  
1195 services, to undergo background screening under s. 1012.315 and  
1196 deny employment to or terminate an employee if he or she fails  
1197 to meet the screening standards under s. 1012.315. For purposes  
1198 of this paragraph:

1199 1. An "employee or contracted personnel with direct student  
1200 contact" means any employee or contracted personnel who has  
1201 unsupervised access to a scholarship student for whom the  
1202 private school is responsible.

1203 2. The costs of fingerprinting and the background check  
1204 shall not be borne by the state.

1205 3. Continued employment of an employee or contracted  
1206 personnel after notification that he or she has failed the  
1207 background screening under this paragraph shall cause a private  
1208 school to be ineligible for participation in a scholarship  
1209 program.

1210 4. An employee or contracted personnel holding a valid  
1211 Florida teaching certificate who has been fingerprinted pursuant  
1212 to s. 1012.32 is not required to comply with the provisions of  
1213 this paragraph.

1214 5. All fingerprints submitted to the Department of Law  
1215 Enforcement as required by this section must be retained in the  
1216 Care Provider Background Screening Clearinghouse as provided in  
1217 s. 435.12.

1218 ~~6. Employees, contracted personnel, owners, and operators~~

576-01759-26

2026318c1

1219 ~~must be rescreened as required by s. 435.12.~~

1220 ~~7. Persons who apply for employment are governed by the~~  
1221 ~~laws and rules in effect at the time of application for~~  
1222 ~~employment, provided that the person is continually employed by~~  
1223 ~~the same school.~~

1224 (n) Adopt policies establishing standards of ethical  
1225 conduct for educational support employees, instructional  
1226 personnel, and school administrators. The policies must require  
1227 all educational support employees, instructional personnel, and  
1228 school administrators, as defined in s. 1012.01, to complete  
1229 training on the standards; establish the duty of educational  
1230 support employees, instructional personnel, and school  
1231 administrators to report, and procedures for reporting, alleged  
1232 misconduct by other educational support employees, instructional  
1233 personnel, and school administrators which affects the health,  
1234 safety, or welfare of a student; and include an explanation of  
1235 the liability protections provided under ss. 39.203 and 768.095.  
1236 A private school, or any of its employees, may not enter into a  
1237 confidentiality agreement regarding terminated or dismissed  
1238 educational support employees, instructional personnel, or  
1239 school administrators, or employees, personnel, or  
1240 administrators who resign in lieu of termination, based in whole  
1241 or in part on misconduct that affects the health, safety, or  
1242 welfare of a student, and may not provide the employees,  
1243 personnel, or administrators with employment references or  
1244 discuss the employees', personnel's, or administrators'  
1245 performance with prospective employers in another educational  
1246 setting, without disclosing the employees', personnel's, or  
1247 administrators' misconduct. Any part of an agreement or contract

576-01759-26

2026318c1

1248 that has the purpose or effect of concealing misconduct by  
1249 educational support employees, instructional personnel, or  
1250 school administrators which affects the health, safety, or  
1251 welfare of a student is void, is contrary to public policy, and  
1252 may not be enforced.

1253 (o) Before employing a person in any position that requires  
1254 direct contact with students, conduct employment history checks  
1255 of previous employers, screen the person through use of the  
1256 screening tools described in s. 1001.10(5), and document the  
1257 findings. If unable to contact a previous employer, the private  
1258 school must document efforts to contact the employer. The  
1259 private school may not employ a person whose educator  
1260 certificate is revoked, who is barred from reapplying for an  
1261 educator certificate, or who is on the disqualification list  
1262 maintained by the department pursuant to s. 1001.10(4)(b).

1263 ~~(p) Require each owner or operator of the private school,~~  
1264 ~~prior to employment or engagement to provide services, to~~  
1265 ~~undergo background screening as provided in s. 1012.315. For~~  
1266 ~~purposes of this paragraph, the term "owner or operator" means~~  
1267 ~~an owner, an operator, a superintendent, or a principal of, or a~~  
1268 ~~person with equivalent decisionmaking authority over, a private~~  
1269 ~~school participating in a scholarship program established~~  
1270 ~~pursuant to this chapter. The fingerprints for the background~~  
1271 ~~screening must be electronically submitted to the Department of~~  
1272 ~~Law Enforcement and may be taken by an authorized law~~  
1273 ~~enforcement agency or a private company who is trained to take~~  
1274 ~~fingerprints. However, the complete set of fingerprints of an~~  
1275 ~~owner or operator may not be taken by the owner or operator. The~~  
1276 ~~cost of the background screening may be borne by the owner or~~

576-01759-26

2026318c1

operator.

~~1. In addition to the offenses listed in s. 435.04, a person required to undergo background screening pursuant to this part or authorizing statutes may not have an arrest awaiting final disposition for, must not have been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, and must not have been adjudicated delinquent for, and the record must not have been sealed or expunged for, any of the following offenses or any similar offense of another jurisdiction:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

576-01759-26

2026318c1

1306       ~~n. Section 831.07, relating to forging bank bills, checks,~~  
1307 ~~drafts, or promissory notes.~~

1308       ~~e. Section 831.09, relating to uttering forged bank bills,~~  
1309 ~~checks, drafts, or promissory notes.~~

1310       ~~p. Section 831.30, relating to fraud in obtaining medicinal~~  
1311 ~~drugs.~~

1312       ~~q. Section 831.31, relating to the sale, manufacture,~~  
1313 ~~delivery, or possession with the intent to sell, manufacture, or~~  
1314 ~~deliver any counterfeit controlled substance, if the offense was~~  
1315 ~~a felony.~~

1316       ~~2. At least 30 calendar days before a transfer of ownership~~  
1317 ~~of a private school, the owner or operator shall notify the~~  
1318 ~~parent of each scholarship student.~~

1319       ~~3. The owner or operator of a private school that has been~~  
1320 ~~deemed ineligible to participate in a scholarship program~~  
1321 ~~pursuant to this chapter may not transfer ownership or~~  
1322 ~~management authority of the school to a relative in order to~~  
1323 ~~participate in a scholarship program as the same school or a new~~  
1324 ~~school. For purposes of this subparagraph, the term "relative"~~  
1325 ~~means father, mother, son, daughter, grandfather, grandmother,~~  
1326 ~~brother, sister, uncle, aunt, cousin, nephew, niece, husband,~~  
1327 ~~wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,~~  
1328 ~~brother-in-law, sister-in-law, stepfather, stepmother, stepson,~~  
1329 ~~stepdaughter, stepbrother, stepsister, half brother, or half~~  
1330 ~~sister.~~

1331       ~~(p)(q)~~ Provide a report from an independent certified  
1332 public accountant who performs the agreed-upon procedures  
1333 developed pursuant to s. 1002.395(6)(l) ~~s. 1002.395(6)(q)~~ if the  
1334 private school receives more than \$250,000 in funds from

576-01759-26

2026318c1

1335 scholarships awarded under this chapter in a state fiscal year.  
1336 A private school subject to this subsection must annually submit  
1337 the report by September 15 to the scholarship-funding  
1338 organization that awarded the majority of the school's  
1339 scholarship funds. The agreed-upon procedures must be conducted  
1340 in accordance with attestation standards established by the  
1341 American Institute of Certified Public Accountants.

1342 (q)~~(r)~~ Prohibit education support employees, instructional  
1343 personnel, and school administrators from employment in any  
1344 position that requires direct contact with students if the  
1345 personnel or administrators are ineligible for such employment  
1346 pursuant to this section or s. 1012.315, or have been terminated  
1347 or have resigned in lieu of termination for sexual misconduct  
1348 with a student. If the prohibited conduct occurs subsequent to  
1349 employment, the private school must report the person and the  
1350 disqualifying circumstances to the department for inclusion on  
1351 the disqualification list maintained pursuant to s.  
1352 1001.10(4)(b).

1353 (r)~~(s)~~ Not be owned or operated by a person or an entity  
1354 domiciled in, owned by, or in any way controlled by a foreign  
1355 country of concern or foreign principal as defined in s.  
1356 288.860. A violation of this paragraph constitutes an imminent  
1357 threat to the health, safety, and welfare of the school's  
1358 students and to the public, sufficient to justify immediate  
1359 suspension of payment of scholarship funds under paragraph  
1360 (11)(e) ~~paragraph (3)(e)~~, as well as denial, suspension, or  
1361 revocation of a school's participation in a scholarship program  
1362 under paragraph (11)(b) ~~paragraph (3)(b)~~.

1363 (s) The inclusion of eligible private schools within

576-01759-26

2026318c1

options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond that reasonably necessary to enforce requirements expressly set forth in this section.

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection or subsection (8), and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or subsection (8) or has consecutive years of material exceptions listed in the report required under paragraph (p) ~~(q)~~, the commissioner may determine that the private school is ineligible to participate in a scholarship program.

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

(a) The Department of Education shall:

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

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

3. Publish and update, as necessary, information on the department website about the educational scholarship programs established under this chapter, including, but not limited to, student eligibility criteria, parental responsibilities, and



576-01759-26

2026318c1

relevant data. The information must include a list of approved providers as required by s. 1002.66, eligible postsecondary educational institutions, eligible private schools, and eligible organizations and may identify or provide links to lists of other approved providers.

4. Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. If the department has reasonable cause to believe that a violation of this section or any rule adopted by the State Board of Education has occurred, it shall conduct an inquiry or make a referral to the appropriate agency for an investigation. A department inquiry is not subject to the requirements of chapter 120.

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

6. Investigate fraudulent activity on behalf of organizations, participating eligible private schools, or scholarship recipients to determine possible fraud or overpayment. If, by the department's own inquiries or as a result of a complaint, the commissioner has reason to believe that an organization, a private school, or a recipient has engaged in, or is engaging in, a fraudulent act, he or she shall investigate and determine whether any fraud or overpayment has occurred. During the investigation, the department may examine all records and make inquiry of all persons who may have

576-01759-26

2026318c1

1422 knowledge as to any irregularity incidental to the disbursement  
1423 of state funds or other items or benefit authorizations to  
1424 scholarship recipients. Based on the results of the  
1425 investigation, the department may, in its discretion, refer the  
1426 investigation to the Department of Financial Services for  
1427 criminal investigation. Any suspected criminal violation  
1428 identified by the department must be referred to the Department  
1429 of Financial Services for criminal investigation. A person who  
1430 commits an act of fraud is subject to the penalties provided in  
1431 s. 414.39(5).

1432 ~~7.4.~~ Require an annual, notarized, sworn compliance  
1433 statement from participating private schools certifying  
1434 compliance with state laws, and retain such records.

1435 ~~8.5.~~ Coordinate with the entities conducting the health  
1436 inspection for a private school to obtain copies of the  
1437 inspection reports.

1438 ~~9.6.~~ Conduct site visits to private schools entering a  
1439 scholarship program for the first time. Beginning with the 2019-  
1440 2020 school year, a private school is not eligible to receive  
1441 scholarship payments until a satisfactory site visit has been  
1442 conducted and the school is in compliance with all other  
1443 requirements of this section.

1444 ~~10.7.~~ Coordinate with the State Fire Marshal to obtain  
1445 access to fire inspection reports for private schools. The  
1446 authority conducting the fire safety inspection shall certify to  
1447 the State Fire Marshal that the annual inspection has been  
1448 completed and that the school is in full compliance. The  
1449 certification shall be made electronically or by such other  
1450 means as directed by the State Fire Marshal.

576-01759-26

2026318c1

1451       ~~11.8-~~ Upon the request of a participating private school  
1452 authorized to administer statewide assessments, provide at no  
1453 cost to the school the statewide assessments administered under  
1454 s. 1008.22 and any related materials for administering the  
1455 assessments. Students at a private school may be assessed using  
1456 the statewide assessments if the addition of those students and  
1457 the school does not cause the state to exceed its contractual  
1458 caps for the number of students tested and the number of testing  
1459 sites. The state shall provide the same materials and support to  
1460 a private school that it provides to a public school. A private  
1461 school that chooses to administer statewide assessments under s.  
1462 1008.22 shall follow the requirements set forth in ss. 1008.22  
1463 and 1008.24, rules adopted by the State Board of Education to  
1464 implement those sections, and district-level testing policies  
1465 established by the district school board.

1466       12. Maintain and annually publish a list of nationally  
1467 norm-referenced tests identified for purposes of satisfying the  
1468 testing requirements in subsection (7). The tests must meet  
1469 industry standards of quality in accordance with state board  
1470 rule.

1471       13. Develop a standard withdrawal form for parents who are  
1472 withdrawing their students from public school to enroll in a  
1473 scholarship program under this chapter. The form must include  
1474 the student's Florida student identification number, full name,  
1475 date of birth, school or program from which the student is  
1476 withdrawing, and date of withdrawal.

1477       14. Annually report on the number of students withdrawing  
1478 from each scholarship program and enrolling in a public school,  
1479 and the number of students withdrawing from a public school and

576-01759-26

2026318c1

1480 enrolling in a scholarship program, by scholarship type.

1481 (b) The department may conduct site visits to any private  
1482 school participating in a scholarship program pursuant to this  
1483 chapter that has received a complaint about a violation of state  
1484 law or state board rule pursuant to subparagraph (a)3. or has  
1485 received a notice of noncompliance or a notice of proposed  
1486 action within the previous 2 years.

1487 (c) At the direction of the Commissioner of Education, the  
1488 department may:

1489 1. Suspend or revoke program participation or use of  
1490 program funds by the student or participation or eligibility of  
1491 an organization, eligible postsecondary educational institution,  
1492 approved provider, or other party for a violation of this  
1493 section.

1494 2. Determine the length of, and conditions for lifting, a  
1495 suspension or revocation specified in this paragraph.

1496 3. Recover unexpended program funds or withhold payment of  
1497 an equal amount of program funds to recover program funds that  
1498 were not authorized for use.

1499  
1500 In determining whether to suspend or revoke participation or  
1501 lift a suspension or revocation in accordance with this  
1502 paragraph, the department may consider factors that include, but  
1503 are not limited to, acts or omissions that led to a previous  
1504 suspension or revocation of participation in a state or federal  
1505 program or an education scholarship program; failure to  
1506 reimburse the organization for funds improperly received or  
1507 retained; failure to reimburse government funds improperly  
1508 received or retained; imposition of a prior criminal sanction

576-01759-26

2026318c1

related to the person or entity or its officers or employees;  
imposition of a civil fine or administrative fine, license  
revocation or suspension, or program eligibility suspension,  
termination, or revocation related to a person's or entity's  
management or operation; or other types of criminal proceedings  
in which the person or entity or its officers or employees were  
found guilty of, regardless of adjudication, or entered a plea  
of nolo contendere or guilty to, any offense involving fraud,  
deceit, dishonesty, or moral turpitude.

(d) The department, in consultation with the organization,  
shall develop a uniform reimbursement process that organizations  
must use, beginning with the 2026-2027 school year, when  
processing reimbursement requests, including invoices, pursuant  
to s. 1002.394(11)(b) or s. 1002.395(6)(p). An organization must  
approve, deny, or request more information relating to a  
reimbursement request within 30 days after receipt of such  
request. The department shall coordinate with each organization  
to develop a process to collect input and feedback from parents,  
private schools, and providers before an organization may  
implement substantial modifications or enhancements to the  
reimbursement process.

(e) Annually, by December 15, the department shall report  
to the Governor, the President of the Senate, and the Speaker of  
the House of Representatives its actions in implementing  
accountability in the scholarship programs under this section,  
both Florida Empowerment Scholarships and Florida Tax Credit  
Scholarships, any substantiated allegations or violations of law  
or rule by an eligible private school or organization under this  
section, and the corrective action taken.

576-01759-26

2026318c1

1538        (11)~~(3)~~ COMMISSIONER OF EDUCATION AUTHORITY AND  
1539 OBLIGATIONS.—The Commissioner of Education:

1540        (a) Shall deny, suspend, or revoke a private school's  
1541 participation in a scholarship program if it is determined that  
1542 the private school has failed to comply with this section or  
1543 exhibits a previous pattern of failure to comply. However, if  
1544 the noncompliance is correctable within a reasonable amount of  
1545 time, not to exceed 45 days, and if the health, safety, or  
1546 welfare of the students is not threatened, the commissioner may  
1547 issue a notice of noncompliance which provides the private  
1548 school with a timeframe within which to provide evidence of  
1549 compliance before taking action to suspend or revoke the private  
1550 school's participation in the scholarship program.

1551        (b) May deny, suspend, or revoke a private school's  
1552 participation in a scholarship program if the commissioner  
1553 determines that an owner or operator of the private school is  
1554 operating or has operated an educational institution in this  
1555 state or in another state or jurisdiction in a manner contrary  
1556 to the health, safety, or welfare of the public or if the owner  
1557 or operator has exhibited a previous pattern of failure to  
1558 comply with this section or specific requirements identified  
1559 within respective scholarship program laws. ~~For purposes of this~~  
1560 ~~subsection, the term "owner or operator" has the same meaning as~~  
1561 ~~provided in paragraph (1) (p).~~

1562        (c) May permanently deny or revoke the authority of an  
1563 owner, officer, or director to establish or operate a private  
1564 school in the state and include such individual on the  
1565 disqualification list maintained by the department pursuant to  
1566 s. 1001.10(4)(b) if the commissioner decides that the owner,

576-01759-26

2026318c1

officer, or director:

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

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

(d)1. In making such a determination, may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial, suspension, or revocation of participation in a state or federal education scholarship program; an owner's or operator's failure to reimburse the department or scholarship-funding organization for scholarship funds improperly received or retained by a school; the imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; the imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

576-01759-26

2026318c1

1596           2. The commissioner's determination is subject to the  
1597 following:

1598           a. If the commissioner intends to deny, suspend, or revoke  
1599 a private school's participation in the scholarship program, the  
1600 department shall notify the private school of such proposed  
1601 action in writing by certified mail and regular mail to the  
1602 private school's address of record with the department. The  
1603 notification shall include the reasons for the proposed action  
1604 and notice of the timelines and procedures set forth in this  
1605 paragraph.

1606           b. The private school that is adversely affected by the  
1607 proposed action shall have 15 days after receipt of the notice  
1608 of proposed action to file with the department's agency clerk a  
1609 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
1610 the private school is entitled to a hearing under s. 120.57(1),  
1611 the department shall forward the request to the Division of  
1612 Administrative Hearings.

1613           c. Upon receipt of a request referred pursuant to this  
1614 subparagraph, the director of the Division of Administrative  
1615 Hearings shall expedite the hearing and assign an administrative  
1616 law judge who shall commence a hearing within 30 days after the  
1617 receipt of the formal written request by the division and enter  
1618 a recommended order within 30 days after the hearing or within  
1619 30 days after receipt of the hearing transcript, whichever is  
1620 later. Each party shall be allowed 10 days in which to submit  
1621 written exceptions to the recommended order. A final order shall  
1622 be entered by the agency within 30 days after the entry of a  
1623 recommended order. The provisions of this sub-subparagraph may  
1624 be waived upon stipulation by all parties.



576-01759-26

2026318c1

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

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

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

3. Fraudulent activity on the part of the private school;

4. Fraudulent activity or failure to comply with this section on the part of an organization; or

5. Fraudulent activity or failure to comply with this section on the part of a scholarship recipient.

Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

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

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

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency

576-01759-26

2026318c1

has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

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

(12) SCHOOL DISTRICT OBLIGATIONS.—

(a) By January 1 of each year, a school district shall inform all households within the district receiving free or reduced-priced meals under the National School Lunch Act of their eligibility to apply for a scholarship program established under this chapter. The form of such notice shall be provided by the department, and the school district shall include the provided form in any normal correspondence with eligible households. If an organization requests a special communication to be issued to households within the district receiving free or reduced-price meals under the National School Lunch Act, the organization shall reimburse the district for the cost of postage. Such notice is limited to once a year.

(b) Upon the request of the department, a school district shall coordinate with the department to provide to a participating private school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. For a student participating in a scholarship program established under this chapter whose parent requests that the student take the statewide assessments under

576-01759-26

2026318c1

s. 1008.22, the district in which the student attends a participating private school shall provide locations and times to take all statewide assessments. A school district is responsible for implementing test administrations at a participating private school, including:

1. Providing training for private school staff on test security and assessment administration procedures;

2. Distributing testing materials to a private school;

3. Retrieving testing materials from a private school;

4. Providing the required format for a private school to submit information to the district for test administration and enrollment purposes; and

5. Providing any required assistance, monitoring, or investigation at a private school.

(c) Each school district must publish information about a scholarship program established under this chapter on the district's website homepage. At a minimum, the published information must include a website link to the scholarship programs published on the department's website as well as a telephone number and e-mail address that students and parents may use to contact relevant personnel in the school district to obtain information about the scholarship.

(d) A school district, upon the request of a parent, must provide the parent of a student enrolled in a school in the school district the standard withdrawal form developed by the department. The school district must sign a completed form within 10 days after receipt. The school district must also publish the withdrawal form on its website in a downloadable format no later than 10 days after adoption by the department.

576-01759-26

2026318c1

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

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

Section 5. Subsections (2) through (12) of section 1002.394, Florida Statutes, are amended to read:

1002.394 The Family Empowerment Scholarship Program.—

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

(a) ~~“Approved provider” means a provider approved by the Agency for Persons with Disabilities, a health care practitioner as defined in s. 456.001, or a provider approved by the department pursuant to s. 1002.66.~~

~~(b) “Choice navigator” has the same meaning as in s. 1002.395(2).~~

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

~~(d) “Department” means the Department of Education.~~

~~(e) “Disability” means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric~~

576-01759-26

2026318c1

1741 ~~Association; cerebral palsy, as defined in s. 393.063; Down~~  
1742 ~~syndrome, as defined in s. 393.063; an intellectual disability,~~  
1743 ~~as defined in s. 393.063; a speech impairment; a language~~  
1744 ~~impairment; an orthopedic impairment; any other health~~  
1745 ~~impairment; an emotional or a behavioral disability; a specific~~  
1746 ~~learning disability, including, but not limited to, dyslexia,~~  
1747 ~~dyscalculia, or developmental aphasia; Phelan-McDermid syndrome,~~  
1748 ~~as defined in s. 393.063; Prader-Willi syndrome, as defined in~~  
1749 ~~s. 393.063; spina bifida, as defined in s. 393.063; being a~~  
1750 ~~high-risk child, as defined in s. 393.063(23)(a); muscular~~  
1751 ~~dystrophy; Williams syndrome; rare diseases which affect patient~~  
1752 ~~populations of fewer than 200,000 individuals in the United~~  
1753 ~~States, as defined by the National Organization for Rare~~  
1754 ~~Disorders; anaphylaxis; a hearing impairment, including~~  
1755 ~~deafness; a visual impairment, including blindness; traumatic~~  
1756 ~~brain injury; hospital or homebound; or identification as dual~~  
1757 ~~sensory impaired, as defined by rules of the State Board of~~  
1758 ~~Education and evidenced by reports from local school districts.~~  
1759 ~~The term "hospital or homebound" includes a student who has a~~  
1760 ~~medically diagnosed physical or psychiatric condition or~~  
1761 ~~illness, as defined by the state board in rule, and who is~~  
1762 ~~confined to the home or hospital for more than 6 months.~~

1763 ~~(f) "Eligible nonprofit scholarship funding organization"~~  
1764 ~~or "organization" has the same meaning as in s. 1002.395(2).~~

1765 ~~(g) "Eligible postsecondary educational institution" means~~  
1766 ~~a Florida College System institution; a state university; a~~  
1767 ~~school district technical center; a school district adult~~  
1768 ~~general education center; an independent college or university~~  
1769 ~~that is eligible to participate in the William L. Boyd, IV,~~

576-01759-26

2026318c1

~~Effective Access to Student Education Grant Program under s. 1009.89; or an accredited independent postsecondary educational institution, as defined in s. 1005.02, which is licensed to operate in this state under part III of chapter 1005 or is approved to participate in a reciprocity agreement as defined in s. 1000.35(2).~~

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

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

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

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

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

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

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

(3) SCHOLARSHIP ELIGIBILITY.—

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

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

576-01759-26

2026318c1

1799       ~~2.b.~~ Is eligible to enroll in kindergarten through grade 12  
1800 in a public school in this state or received a scholarship under  
1801 the former Hope Scholarship Program in the 2023-2024 school  
1802 year.

1803       ~~2. Priority must be given in the following order:~~

1804       ~~a. A student whose household income level does not exceed~~  
1805 ~~185 percent of the federal poverty level or who is in foster~~  
1806 ~~care or out of home care.~~

1807       ~~b. A student whose household income level exceeds 185~~  
1808 ~~percent of the federal poverty level, but does not exceed 400~~  
1809 ~~percent of the federal poverty level.~~

1810       (b) A parent of a student with a disability may apply  
1811 pursuant to s. 1002.421 for and receive from the state a  
1812 scholarship, which shall be referred to as the McKay-Gardiner  
1813 Scholarship, for the purposes specified in paragraph (4)(b) if  
1814 the student:

1815       1. Is a resident of this state or the dependent child of an  
1816 active duty member of the United States Armed Forces who has  
1817 received permanent change of station orders to this state or, at  
1818 the time of renewal, whose home of record or state of legal  
1819 residence is Florida;

1820       2. Is 3 or 4 years of age during the year in which the  
1821 student applies for program participation or is eligible to  
1822 enroll in kindergarten through grade 12 in a public school in  
1823 this state;

1824       3. Has a disability ~~as defined in subsection (2);~~ and

1825       4. Is the subject of an IEP written in accordance with  
1826 rules of the State Board of Education or with the applicable  
1827 rules of another state or has received a diagnosis of a

576-01759-26

2026318c1

disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

1. Tuition and fees at an eligible private school.
2. Instructional materials, including digital materials, digital devices, and Internet resources.
3. Curriculum ~~as defined in subsection (2)~~.
4. Tuition and fees associated with full-time or part-time enrollment in an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the department pursuant to chapter 1005; a private tutoring program authorized under s. 1002.43; a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2) (a); the Florida Virtual School as a private paying student; or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.
5. Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary



576-01759-26

2026318c1

education, or other assessments.

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

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

8. Membership dues and related activity fees for participation in career and technical student organizations.

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

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

576-01759-26

2026318c1

1886 devices.

1887 2. Curriculum ~~as defined in subsection (2).~~

1888 3. Specialized services by approved providers or by a  
1889 hospital in this state which are selected by the parent. These  
1890 specialized services may include, but are not limited to:

1891 a. Applied behavior analysis services as provided in ss.  
1892 627.6686 and 641.31098.

1893 b. Services provided by speech-language pathologists as  
1894 defined in s. 468.1125(8).

1895 c. Occupational therapy as defined in s. 468.203.

1896 d. Services provided by physical therapists as defined in  
1897 s. 486.021(8).

1898 e. Services provided by listening and spoken language  
1899 specialists and an appropriate acoustical environment for a  
1900 child who has a hearing impairment, including deafness, and who  
1901 has received an implant or assistive hearing device.

1902 4. Tuition and fees associated with full-time or part-time  
1903 enrollment in a home education program that meets all of the  
1904 following requirements:

1905 a. Provides educational courses or activities.

1906 b. Has a publicly available description of courses and  
1907 activities.

1908 c. Has a tuition and fee schedule.

1909 d. Makes the tuition and fees payable to a registered  
1910 business entity.

1911 5. Tuition and fees associated with full-time or part-time  
1912 enrollment in an eligible private school; an eligible  
1913 postsecondary educational institution or a program offered by  
1914 the postsecondary educational institution, unless the program is

576-01759-26

2026318c1

subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the department pursuant to chapter 1005; a private tutoring program authorized under s. 1002.43; a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a); the Florida Virtual School as a private paying student; or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

~~6.5.~~ Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

~~7.6.~~ Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 or the Florida College Savings Program pursuant to s. 1009.981 for the benefit of the eligible student.

~~8.7.~~ Contracted services provided by a public school or school district, including classes. A student who receives services under a contract under this paragraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (6) but rather attending a public school on a part-time basis as authorized under s. 1002.44.

~~9.8.~~ Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a

576-01759-26

2026318c1

person who has a bachelor's degree or a graduate degree in the subject area or related subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the department. As used in this subparagraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(16)(e).

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

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

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

~~13.12.~~ Fees for an annual evaluation of educational progress by a state-certified teacher under s. 1002.41(1)(f), if this option is chosen for a home education student.

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

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

576-01759-26

2026318c1

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

17. Membership dues and related activity fees for participation in career and technical student organizations.

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

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

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

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

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

d. The student, who uses the scholarship for tuition and fees pursuant to subparagraph (4)(a)1., enrolls in a public school. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or

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

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

a.~~(1)~~ Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund,

576-01759-26

2026318c1

or rebate, in any manner, from a provider of any services received pursuant to paragraph (4) (a);

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

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

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

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

4. An organization must annually report to the department the total number of scholarship accounts that were closed pursuant to subparagraph 2. and the amount of funds, by account, which

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

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

a. The parent does not renew program eligibility;

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

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

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

576-01759-26

2026318c1

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

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

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

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

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

b. Any period of 3 consecutive years after high school completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution; ~~or~~

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

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

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

576-01759-26

2026318c1

2060       6. An organization must annually report to the department  
2061 the total number of scholarship accounts that were closed  
2062 pursuant to subparagraph 3. and the amount of funds by account  
2063 that reverted to the state.

2064       (c) Upon reasonable notice to the organization and the  
2065 school district, the student's parent may remove the student  
2066 from the participating private school and place the student in a  
2067 public school in accordance with this section. Upon receipt of  
2068 notification from the parent, the organization must notify the  
2069 department of the student's withdrawal from the scholarship  
2070 program and may not provide payments into the student's account.  
2071 A violation of this paragraph by the organization results in  
2072 liability on behalf of the organization pursuant to s.  
2073 1002.421(4) (d).

2074       (d) Upon reasonable notice to the organization, the  
2075 student's parent may move the student from one participating  
2076 private school to another participating private school.

2077       (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for  
2078 a Family Empowerment Scholarship while he or she is:

2079       (a) Enrolled full time in a public school, including, but  
2080 not limited to, the Florida School for the Deaf and the Blind,  
2081 the College-Preparatory Boarding Academy, the Florida Virtual  
2082 School, the Florida Scholars Academy, a developmental research  
2083 school authorized under s. 1002.32, or a charter school  
2084 authorized under this chapter. For purposes of this paragraph, a  
2085 3- or 4-year-old child who receives services funded through the  
2086 Florida Education Finance Program is considered to be a student  
2087 enrolled in a public school;

2088       (b) Enrolled in a school operating for the purpose of



576-01759-26

2026318c1

providing educational services to youth in a Department of Juvenile Justice commitment program;

(c) Receiving any other educational scholarship pursuant to this chapter. ~~However, an eligible public school student receiving a scholarship under s. 1002.411 may receive a stipend for transportation pursuant to s. 1002.31(7);~~

(d) Not having regular and direct contact with his or her private school teachers pursuant to s. 1002.421(9)(i) ~~s. 1002.421(1)(i)~~, unless he or she is eligible pursuant to paragraph (3)(b) ~~and enrolled in the participating private school's transition to work program pursuant to subsection (16) or a home education program pursuant to s. 1002.41;~~

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

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

(7) SCHOOL DISTRICT OBLIGATIONS.—

(a) ~~By January 1 of each year, a school district shall inform all households within the district receiving free or reduced-priced meals under the National School Lunch Act of their eligibility to apply to the department for a Family Empowerment Scholarship. The form of such notice shall be provided by the department, and the school district shall include the provided form in any normal correspondence with eligible households. Such notice is limited to once a year.~~

~~(b)~~1. The parent of a student with a disability who does not have an IEP in accordance with subparagraph (3)(b)4. or who

576-01759-26

2026318c1

2118 seeks a reevaluation of an existing IEP may request an IEP  
2119 meeting and evaluation from the school district in order to  
2120 obtain or revise a matrix of services. The school district shall  
2121 notify a parent who has made a request for an IEP that the  
2122 district is required to complete the IEP and matrix of services  
2123 within 60 ~~30~~ days after receiving notice of the parent's  
2124 request. The school district shall conduct a meeting and develop  
2125 an IEP and a matrix of services within 60 ~~30~~ days after receipt  
2126 of the parent's request in accordance with State Board of  
2127 Education rules. The district must accept the diagnosis and  
2128 consider the service plan of the licensed professional providing  
2129 the diagnosis pursuant to subparagraph (3)(b)4. The school  
2130 district must complete a matrix that assigns the student to one  
2131 of the levels of service as they existed before the 2000-2001  
2132 school year. For a nonpublic school student without an IEP, the  
2133 school district is authorized to use evaluation reports and  
2134 plans of care developed by the licensed professionals under  
2135 subparagraph (4)(b)3. to complete the matrix of services.

2136 2.a. The school district must provide the student's parent  
2137 and the department with the student's matrix level within 10  
2138 calendar days after its completion.

2139 ~~b. The department shall notify the parent and the~~  
2140 ~~organization of the amount of the funds awarded within 10 days~~  
2141 ~~after receiving the school district's notification of the~~  
2142 ~~student's matrix level.~~

2143 ~~e.~~ A school district may change a matrix of services only  
2144 if the change is a result of an IEP reevaluation or to correct a  
2145 technical, typographical, or calculation error.

2146 (b)1. ~~(e)1.~~ Within 10 days after an IEP meeting is held, a

576-01759-26

2026318c1

2147 school district shall notify the parent of a student of all  
2148 options available pursuant to this section and offer that  
2149 student's parent an opportunity to enroll the student in another  
2150 public school in the school district.

2151 2. The parent is not required to accept the offer of  
2152 enrolling the student in another public school in lieu of  
2153 requesting a scholarship. However, if the parent chooses the  
2154 public school option, the student may continue attending the  
2155 public school chosen by the parent until the student graduates  
2156 from high school.

2157 3. The parent may choose another public school in the  
2158 school district, and the school district shall provide  
2159 transportation to the public school selected by the parent.

2160 4. The parent may choose, as an alternative, to enroll the  
2161 student in and transport the student to a public school in an  
2162 adjacent school district that has available space and has a  
2163 program with the services agreed to in the student's IEP already  
2164 in place, and that school district shall accept the student and  
2165 report the student for purposes of the school district's funding  
2166 pursuant to the Florida Education Finance Program.

2167 ~~(d) Upon the request of the department, a school district~~  
2168 ~~shall coordinate with the department to provide to a~~  
2169 ~~participating private school the statewide assessments~~  
2170 ~~administered under s. 1008.22 and any related materials for~~  
2171 ~~administering the assessments. For a student who participates in~~  
2172 ~~the Family Empowerment Scholarship Program whose parent requests~~  
2173 ~~that the student take the statewide assessments under s.~~  
2174 ~~1008.22, the district in which the student attends a~~  
2175 ~~participating private school shall provide locations and times~~

576-01759-26

2026318c1

~~to take all statewide assessments. A school district is responsible for implementing test administrations at a participating private school, including the:~~

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

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

(8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

~~(a) The department shall:~~

- ~~1. Publish and update, as necessary, information on the department website about the Family Empowerment Scholarship Program, including, but not limited to, student eligibility criteria, parental responsibilities, and relevant data.~~
- ~~2. Report, as part of the determination of full-time equivalent membership pursuant to s. 1011.62(1)(a), all scholarship students funded through the Florida Education~~

576-01759-26

2026318c1

2205 ~~Finance Program, and cross-check the list of scholarship~~  
2206 ~~students submitted by the eligible nonprofit scholarship-funding~~  
2207 ~~organization with the full-time equivalent student membership~~  
2208 ~~survey data to avoid duplication.~~

2209 ~~3. Maintain and annually publish a list of nationally norm-~~  
2210 ~~referenced tests identified for purposes of satisfying the~~  
2211 ~~testing requirement in subparagraph (9)(c)1. The tests must meet~~  
2212 ~~industry standards of quality in accordance with state board~~  
2213 ~~rule.~~

2214 ~~4. Notify eligible nonprofit scholarship-funding~~  
2215 ~~organizations of the deadlines for submitting the verified list~~  
2216 ~~of eligible scholarship students.~~

2217 ~~(a)5.~~ Deny or terminate program participation upon a  
2218 parent's failure to comply with the scholarship program  
2219 requirements subsection (10).

2220 ~~6. Notify the parent and the organization when a~~  
2221 ~~scholarship account is closed and program funds revert to the~~  
2222 ~~state.~~

2223 ~~7. Notify an eligible nonprofit scholarship-funding~~  
2224 ~~organization of any of the organization's or other~~  
2225 ~~organization's identified students who are receiving~~  
2226 ~~scholarships under this chapter.~~

2227 ~~(b)8.~~ Maintain on its website a list of approved providers  
2228 as required by s. 1002.66, eligible postsecondary educational  
2229 institutions, eligible private schools, and eligible  
2230 organizations and may identify or provide links to lists of  
2231 other approved providers.

2232 ~~9. Require each organization to verify eligible~~  
2233 ~~expenditures before the distribution of funds for any~~

576-01759-26

2026318c1

~~expenditures made pursuant to subparagraphs (4)(b)1. and 2.  
Review of expenditures made for services specified in  
subparagraphs (4)(b)3.-15. may be completed after the purchase  
is made.~~

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

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

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

576-01759-26

2026318c1

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

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

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

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

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

~~In determining whether to suspend or revoke participation or lift a suspension or revocation in accordance with this paragraph, the department may consider factors that include, but are not limited to, acts or omissions that led to a previous suspension or revocation of participation in a state or federal program or an education scholarship program; failure to reimburse the organization for funds improperly received or retained; failure to reimburse government funds improperly received or retained; imposition of a prior criminal sanction related to the person or entity or its officers or employees;~~

576-01759-26

2026318c1

~~imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to a person's or entity's management or operation; or other types of criminal proceedings in which the person or entity or its officers or employees were found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.~~

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

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

(g) Develop guidance for students eligible pursuant to paragraph (3)(b) which details the available transition services, including postsecondary education, employment, and independent living, for which scholarship funds may be used.

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

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

~~(b) Provide to the organization all documentation required for a student's participation, including confirmation of the student's admission to the private school, the private school's~~



576-01759-26

2026318c1

2321 ~~and student's fee schedules, and any other information required~~  
2322 ~~by the organization to process scholarship payment under~~  
2323 ~~subparagraph (12)(a)3. Such information must be provided by the~~  
2324 ~~deadlines established by the organization and in accordance with~~  
2325 ~~the requirements of this section. A student is not eligible to~~  
2326 ~~receive a quarterly scholarship payment if the private school~~  
2327 ~~fails to meet the deadline.~~

2328 ~~(c)1. Annually administer or make provision for students~~  
2329 ~~participating in the program in grades 3 through 10 to take one~~  
2330 ~~of the nationally norm-referenced tests that are identified by~~  
2331 ~~the department pursuant to paragraph (8)(a) or to take the~~  
2332 ~~statewide assessments pursuant to s. 1008.22. Students with~~  
2333 ~~disabilities for whom the physician or psychologist who issued~~  
2334 ~~the diagnosis or the IEP team determines that standardized~~  
2335 ~~testing is not appropriate are exempt from this requirement. A~~  
2336 ~~participating private school shall report a student's scores to~~  
2337 ~~his or her parent. By August 15 of each year, a participating~~  
2338 ~~private school must report the scores of all participating~~  
2339 ~~students to a state university as described in s.~~  
2340 ~~1002.395(9)(f).~~

2341 ~~2. Administer the statewide assessments pursuant to s.~~  
2342 ~~1008.22 if the private school chooses to offer the statewide~~  
2343 ~~assessments. A participating private school may choose to offer~~  
2344 ~~and administer the statewide assessments to all students who~~  
2345 ~~attend the private school in grades 3 through 10 and must submit~~  
2346 ~~a request in writing to the department by March 1 of each year~~  
2347 ~~in order to administer the statewide assessments in the~~  
2348 ~~subsequent school year.~~

2349 ~~(d) For a student determined eligible pursuant to paragraph~~

576-01759-26

2026318c1

~~(3)(b), discuss the school's academic programs and policies, specialized services, code of conduct, and attendance policies before enrollment with the parent to determine which programs and services may meet the student's individual needs.~~

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

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

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

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

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

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

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

4. Inform the applicable school district when the parent withdraws his or her student from a public school to attend an eligible private school using the standard withdrawal form developed by the department pursuant to s. 1002.421.

576-01759-26

2026318c1

2379        3.5. Require his or her student participating in the  
2380 program to remain in attendance at the eligible private school  
2381 throughout the school year unless excused by the school for  
2382 illness or other good cause.

2383        4.6. Meet with the eligible private school's principal or  
2384 the principal's designee to review the school's academic  
2385 programs and policies, specialized services, code of student  
2386 conduct, and attendance policies before enrollment.

2387        ~~7. Require his or her student participating in the program~~  
2388 ~~to take the norm-referenced assessment offered by the eligible~~  
2389 ~~private school. The parent may also choose to have the student~~  
2390 ~~participate in the statewide assessments pursuant to paragraph~~  
2391 ~~(7)(d). If the parent requests that the student participating in~~  
2392 ~~the program take all statewide assessments required pursuant to~~  
2393 ~~s. 1008.22, the parent is responsible for transporting the~~  
2394 ~~student to the assessment site designated by the school~~  
2395 ~~district.~~

2396        ~~8. Approve each payment before the scholarship funds may be~~  
2397 ~~deposited by funds transfer pursuant to subparagraph (12)(a)3.~~  
2398 ~~The parent may not designate any entity or individual associated~~  
2399 ~~with the participating private school as the parent's attorney~~  
2400 ~~in fact to approve a funds transfer. A participant who fails to~~  
2401 ~~comply with this paragraph forfeits the scholarship.~~

2402        ~~9. Agree to have the organization commit scholarship funds~~  
2403 ~~on behalf of his or her student for tuition and fees for which~~  
2404 ~~the parent is responsible for payment at the eligible private~~  
2405 ~~school before using scholarship account funds for additional~~  
2406 ~~authorized uses under paragraph (4)(a). A parent is responsible~~  
2407 ~~for all eligible expenses in excess of the amount of the~~

576-01759-26

2026318c1

2408 ~~scholarship.~~

2409 ~~10. Comply with the scholarship application and renewal~~  
2410 ~~processes and requirements established by the organization.~~

2411 (b) A parent who applies for a scholarship under paragraph  
2412 (3)(b) is exercising his or her parental option to determine the  
2413 appropriate placement or the services that best meet the needs  
2414 of his or her child and must:

2415 ~~1. Apply to an eligible nonprofit scholarship funding~~  
2416 ~~organization to participate in the program by a date set by the~~  
2417 ~~organization. The request must be communicated directly to the~~  
2418 ~~organization in a manner that creates a written or electronic~~  
2419 ~~record of the request and the date of receipt of the request.~~

2420 ~~2.a. Beginning with new applications for the 2025-2026~~  
2421 ~~school year and thereafter, notify the organization by December~~  
2422 ~~15 that the scholarship is being accepted or declined.~~

2423 ~~b. Beginning with renewal applications for the 2025-2026~~  
2424 ~~school year and thereafter, notify the organization by May 31~~  
2425 ~~that the scholarship is being renewed or declined.~~

2426 ~~3.~~ sign an agreement with the organization and annually  
2427 submit a sworn compliance statement to the organization to  
2428 satisfy or maintain program eligibility, including eligibility  
2429 to receive and spend program payments by:

2430 ~~1.a.~~ Affirming that the student is enrolled in a program  
2431 that meets regular school attendance requirements as provided in  
2432 s. 1003.01(16)(b), (c), or (d).

2433 ~~2.b.~~ Affirming that the program funds are used only for  
2434 authorized purposes serving the student's educational needs, as  
2435 described in paragraph (4)(b); that any prepaid college plan or  
2436 college savings plan funds contributed pursuant to subparagraph

576-01759-26

2026318c1

2437 (4) (b) 7. ~~subparagraph (4) (b) 6.~~ will not be transferred to  
2438 another beneficiary while the plan contains funds contributed  
2439 pursuant to this section; and that they will not receive a  
2440 payment, refund, or rebate of any funds provided under this  
2441 section.

2442 3.e. Affirming that the parent is responsible for all  
2443 eligible expenses in excess of the amount of the scholarship and  
2444 for the education of his or her student by, as applicable:

2445 a.(I) Requiring the student to take an assessment in  
2446 accordance with s. 1002.421(7) ~~paragraph (9) (c);~~

2447 b.(II) Providing an annual evaluation in accordance with s.  
2448 1002.41(1) (f); or

2449 c.(III) Requiring the child to take any preassessments and  
2450 postassessments selected by the provider if the child is 4 years  
2451 of age and is enrolled in a program provided by an eligible  
2452 Voluntary Prekindergarten Education Program provider. A student  
2453 with disabilities for whom the physician or psychologist who  
2454 issued the diagnosis or the IEP team determines that a  
2455 preassessment and postassessment is not appropriate is exempt  
2456 from this requirement. A participating provider shall report a  
2457 student's scores to the parent.

2458 4.d. Affirming that the student remains in good standing  
2459 with the provider or school if those options are selected by the  
2460 parent.

2461 5.e. Enrolling his or her child in a program from a  
2462 Voluntary Prekindergarten Education Program provider authorized  
2463 under s. 1002.55, a school readiness provider authorized under  
2464 s. 1002.88, a prekindergarten program offered by an eligible  
2465 private school, or an eligible private school if selected by the

576-01759-26

2026318c1

parent.

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

7.g. Procuring the services necessary to educate the student.

a. If such services include enrollment in an eligible private school, the parent must meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before his or her student is enrolled. ~~The parent must also approve each payment to the eligible private school before the scholarship funds may be deposited by funds transfer pursuant to subparagraph (12)(a)3. The parent may not designate any entity or individual associated with the eligible private school as the parent's attorney in fact to approve a funds transfer.~~ When the student receives a scholarship, the district school board is not

576-01759-26

2026318c1

obligated to provide the student with a free appropriate public education. For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an IEP or matrix level of services.

b. If such services include enrollment in Florida Virtual School as a private paying student, the parent must agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment to the Florida Virtual School before using scholarship account funds for additional uses under paragraph (4) (b).

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

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

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

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

~~1. Establish a process for parents who are in compliance with paragraph (10) (a) to renew their students' scholarships. Renewal applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the~~

576-01759-26

2026318c1

~~prior school year. A student's renewal is contingent upon an eligible private school providing confirmation of student admission pursuant to subsection (9). The process must require that parents confirm that the scholarship is being renewed or declined by May 31.~~

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

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

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

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

~~6. Permit eligible students to use program funds for the purposes specified in paragraph (4)(a), as authorized in the organization's purchasing handbook, by paying for the authorized use directly, then submitting a reimbursement request to the~~



576-01759-26

2026318c1

2553 ~~eligible nonprofit scholarship funding organization. However, an~~  
2554 ~~eligible nonprofit scholarship funding organization may require~~  
2555 ~~the use of an online platform for direct purchases of products~~  
2556 ~~so long as such use does not limit a parent's choice of~~  
2557 ~~curriculum or academic programs. If a parent purchases a product~~  
2558 ~~identical to one offered by an organization's online platform~~  
2559 ~~for a lower price, the organization must reimburse the parent~~  
2560 ~~the cost of the product.~~

2561 ~~7. In a timely manner, submit the verified list of students~~  
2562 ~~and any information requested by the department relating to the~~  
2563 ~~scholarship under this section.~~

2564 ~~8. Notify the department about any violation of this~~  
2565 ~~section.~~

2566 ~~9. Document each student's eligibility for a fiscal year~~  
2567 ~~before granting a scholarship for that fiscal year. A student is~~  
2568 ~~ineligible for a scholarship if the student's account has been~~  
2569 ~~inactive for 2 consecutive fiscal years.~~

2570 ~~10. Notify each parent that participation in the~~  
2571 ~~scholarship program does not guarantee enrollment.~~

2572 ~~11. Commit scholarship funds on behalf of the student for~~  
2573 ~~tuition and fees for which the parent is responsible for payment~~  
2574 ~~at the participating private school before using scholarship~~  
2575 ~~account funds for additional authorized uses under paragraph~~  
2576 ~~(4)(a).~~

2577 ~~(b) For students An eligible nonprofit scholarship funding~~  
2578 ~~organization awarding scholarships to eligible students pursuant~~  
2579 ~~to paragraph (3)(b) shall:~~

2580 ~~1. Establish a process for parents who are in compliance~~  
2581 ~~with paragraph (10)(b) to renew their students' scholarships.~~

576-01759-26

2026318c1

~~Renewal applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. A student's renewal is contingent upon an eligible private school providing confirmation of student admission pursuant to subsection (9), if applicable. The process must require that parents confirm that the scholarship is being renewed or declined by May 31.~~

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

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

~~a. Renewing students from the previous school year.~~

~~b. An eligible student who meets the criteria for an initial award pursuant to paragraph (3) (b) on a first-come, first-served basis.~~

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

576-01759-26

2026318c1

2611 ~~5. Verify qualifying educational expenditures pursuant to~~  
2612 ~~the requirements of paragraph (4)(b).~~

2613 ~~6. Return any remaining program funds to the department~~  
2614 ~~pursuant to paragraph (6)(b).~~

2615 7. Notify the parent about the availability of, and the  
2616 requirements associated with requesting, an initial IEP or IEP  
2617 reevaluation every 3 years for each student participating in the  
2618 program.

2619 ~~2.8.~~ Notify the parent of available state and local  
2620 services, including, but not limited to, services under chapter  
2621 413.

2622 ~~9. In a timely manner, submit to the department the~~  
2623 ~~verified list of eligible scholarship students and any~~  
2624 ~~information requested by the department relating to the~~  
2625 ~~scholarship under this section.~~

2626 ~~(c)10.~~ Notify the department of any violation of this  
2627 section.

2628 ~~11. Document each scholarship student's eligibility for a~~  
2629 ~~fiscal year before granting a scholarship for that fiscal year~~  
2630 ~~pursuant to paragraph (3)(b). A student is ineligible for a~~  
2631 ~~scholarship if the student's account has been inactive for 2~~  
2632 ~~consecutive fiscal years.~~

2633 ~~(d)(e) An eligible nonprofit scholarship funding~~  
2634 ~~organization may, from eligible contributions received pursuant~~  
2635 ~~to s. 1002.395(6)(1)1., Use an amount, from eligible~~  
2636 ~~contributions received pursuant to s. 1002.395(6)(1)1., not to~~  
2637 ~~exceed 1.5 2.5 percent of the total amount of all verified~~  
2638 ~~eligible scholarships funded under this section for~~  
2639 ~~administrative expenses associated with performing functions~~

576-01759-26

2026318c1

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 2 ~~3~~ percent. Such administrative expense amount is considered within the 2-percent ~~3-percent~~ limit on the total amount an organization may use to administer scholarships under this chapter.

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

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

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

~~2.a. For renewing scholarship students, the organization must verify the student's continued eligibility to participate in the scholarship program at least 30 days before each payment. Upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. to the organization for deposit into the student's account in quarterly~~

576-01759-26

2026318c1

2669 ~~payments no later than August 1, November 1, February 1, and~~  
2670 ~~April 1 of each school year in which the scholarship is in~~  
2671 ~~force.~~

2672 ~~b. For new scholarship students, the organization must~~  
2673 ~~verify the student's eligibility to participate in the~~  
2674 ~~scholarship program at least 30 days before each payment. Upon~~  
2675 ~~receiving the verified list of eligible scholarship students,~~  
2676 ~~the department shall release, from state funds only, the amount~~  
2677 ~~calculated pursuant to subparagraph 1. to the organization for~~  
2678 ~~deposit into the student's account in quarterly payments no~~  
2679 ~~later than September 1, November 1, February 1, and April 1 of~~  
2680 ~~each school year in which the scholarship is in force. For a~~  
2681 ~~student exiting a Department of Juvenile Justice commitment~~  
2682 ~~program who chooses to participate in the scholarship program,~~  
2683 ~~the amount calculated pursuant to subparagraph 1. must be~~  
2684 ~~transferred from the school district in which the student last~~  
2685 ~~attended a public school before commitment to the Department of~~  
2686 ~~Juvenile Justice.~~

2687 ~~c. The department is authorized to release the state funds~~  
2688 ~~contingent upon verification that the organization will comply~~  
2689 ~~with s. 1002.395(6)(1) based upon the organization's submitted~~  
2690 ~~verified list of eligible scholarship students pursuant to s.~~  
2691 ~~1002.395.~~

2692 ~~3. The initial payment shall be made after the~~  
2693 ~~organization's verification of admission acceptance, and~~  
2694 ~~subsequent payments shall be made upon verification of continued~~  
2695 ~~enrollment and attendance at the participating private school.~~  
2696 ~~Payments for tuition and fees for full-time enrollment shall be~~  
2697 ~~made within 7 business days after approval by the parent~~

576-01759-26

2026318c1

~~pursuant to paragraph (10) (a) and the private school pursuant to paragraph (9) (b). Payment must be by funds transfer or any other means of payment that the department deems to be commercially viable or cost-effective. An organization shall ensure that the parent has approved a funds transfer before any scholarship funds are deposited.~~

~~4. An organization may not transfer any funds to an account of a student determined eligible pursuant to paragraph (3) (a) which has a balance in excess of \$24,000.~~

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

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

576-01759-26

2026318c1

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

~~(c)~~ Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this ~~paragraph~~ subparagraph, the term "prior school year in attendance" means that the student was enrolled and reported by:

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

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

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

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

~~2. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount for a student participating in the program must be based upon the grade level and school district in which the student would have been enrolled as the total funds per unweighted full-time equivalent in the Florida Education~~

576-01759-26

2026318c1

~~Finance Program for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c) and (d), plus a per full-time equivalent share of funds for the categorical programs established in s. 1011.62(5), (7)(a), (8), and (16), as funded in the General Appropriations Act. For the categorical program established in s. 1011.62(8), the funds must be allocated based on the school district's average exceptional student education guaranteed allocation funds per exceptional student education full-time equivalent student.~~

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

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

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

~~6. The organization must verify the student's eligibility~~



576-01759-26

2026318c1

to participate in the scholarship program at least 30 days before each payment.

7.a. For renewing scholarship students, upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. to the organization for deposit into the student's account in quarterly payments no later than August 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.

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

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

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

10. The organization may develop a system for payment of

576-01759-26

2026318c1

~~benefits by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment which the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system must be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.~~

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

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

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

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

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

1002.395 Florida Tax Credit Scholarship Program.—

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

576-01759-26

2026318c1

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

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

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

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

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

(e)~~(f)~~ "Eligible contribution" means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-

576-01759-26

2026318c1

funding organization pursuant to this section and ss. 212.099, 212.1831, and 212.1832. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution.

(f)~~(g)~~ "Eligible nonprofit scholarship-funding organization" means a state university; or an independent college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or is a charitable organization that:

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

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

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

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

576-01759-26

2026318c1

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

~~(j) "Household income" has the same meaning as the term "income" as defined in the Income Eligibility Guidelines for free and reduced price meals under the National School Lunch Program in 7 C.F.R. part 210 as published in the Federal Register by the United States Department of Agriculture.~~

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

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

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

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

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

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

~~(g)(e)~~ (g) "Tax credit cap amount" means the maximum annual tax

576-01759-26

2026318c1

credit amount that the department may approve for a state fiscal year.

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

(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

~~(a)~~ The Florida Tax Credit Scholarship Program is established.

~~(b)1.~~ A student is eligible for a Florida tax credit scholarship under this section if the student:

(a)~~a.~~ Is a resident of this state or the dependent child of an active duty member of the United States Armed Forces who has received permanent change of station orders to this state or, at the time of renewal, whose home of record or state of legal residence is Florida; and

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

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

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

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

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for

576-01759-26

2026318c1

a scholarship while he or she is:

(a) Enrolled full time in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, the Florida Virtual School, the Florida Scholars Academy, a developmental research school authorized under s. 1002.32, or a charter school authorized under this chapter. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered a student enrolled full time in a public school;

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

(c) Receiving any other educational scholarship pursuant to this chapter. ~~However, an eligible public school student receiving a scholarship under s. 1002.411 may receive a stipend for transportation pursuant to s. 1002.31(7);~~

(d) Not having regular and direct contact with his or her private school teachers pursuant to s. 1002.421(9)(i) ~~s. 1002.421(1)(i)~~ unless he or she is enrolled in a personalized education program;

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

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

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

576-01759-26

2026318c1

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

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

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

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

~~2. Every 5 years following employment or engagement to provide services or association with an eligible nonprofit scholarship-funding organization, each owner or operator must meet level 2 screening standards as described in s. 435.04, at which time the nonprofit scholarship-funding organization shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2~~



576-01759-26

2026318c1

3017 ~~screening. If the fingerprints of an owner or operator are not~~  
3018 ~~retained by the Department of Law Enforcement under subparagraph~~  
3019 ~~3., the owner or operator must electronically file a complete~~  
3020 ~~set of fingerprints with the Department of Law Enforcement. Upon~~  
3021 ~~submission of fingerprints for this purpose, the eligible~~  
3022 ~~nonprofit scholarship funding organization shall request that~~  
3023 ~~the Department of Law Enforcement forward the fingerprints to~~  
3024 ~~the Federal Bureau of Investigation for level 2 screening, and~~  
3025 ~~the fingerprints shall be retained by the Department of Law~~  
3026 ~~Enforcement under subparagraph 3.~~

3027 ~~3. Fingerprints submitted to the Department of Law~~  
3028 ~~Enforcement as required by this paragraph must be retained by~~  
3029 ~~the Department of Law Enforcement in a manner approved by rule~~  
3030 ~~and entered in the statewide automated biometric identification~~  
3031 ~~system authorized by s. 943.05(2)(b). The fingerprints must~~  
3032 ~~thereafter be available for all purposes and uses authorized for~~  
3033 ~~arrest fingerprints entered in the statewide automated biometric~~  
3034 ~~identification system pursuant to s. 943.051.~~

3035 ~~4. The Department of Law Enforcement shall search all~~  
3036 ~~arrest fingerprints received under s. 943.051 against the~~  
3037 ~~fingerprints retained in the statewide automated biometric~~  
3038 ~~identification system under subparagraph 3. Any arrest record~~  
3039 ~~that is identified with an owner's or operator's fingerprints~~  
3040 ~~must be reported to the Department of Education. The Department~~  
3041 ~~of Education shall participate in this search process by paying~~  
3042 ~~an annual fee to the Department of Law Enforcement and by~~  
3043 ~~informing the Department of Law Enforcement of any change in the~~  
3044 ~~employment, engagement, or association status of the owners or~~  
3045 ~~operators whose fingerprints are retained under subparagraph 3.~~

576-01759-26

2026318c1

~~The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon the Department of Education for performing these services and establishing the procedures for the retention of owner and operator fingerprints and the dissemination of search results. The fee may be borne by the owner or operator of the nonprofit scholarship funding organization.~~

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

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

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

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

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

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

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

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

576-01759-26

2026318c1

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

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

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

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

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

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

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

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

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

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

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

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

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

(c)(d)1. For the 2023-2024 school year, may fund no more than 20,000 scholarships for students who are enrolled pursuant

576-01759-26

2026318c1

to subsection (7) ~~paragraph (7)(b)~~. The number of scholarships funded for such students may increase by 40,000 in each subsequent school year. This paragraph ~~subparagraph~~ is repealed July 1, 2027.

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

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

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

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

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

2.b. Instructional materials, including digital materials,

576-01759-26

2026318c1

digital devices, and Internet resources.

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

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

a. Provides educational courses or activities.

b. Has a publicly available description of courses and activities.

c. Has a tuition and fee schedule.

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

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

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

576-01759-26

2026318c1

3162       ~~7.f.~~ Contracted services provided by a public school or  
3163 school district, including classes. A student who receives  
3164 contracted services under this subparagraph ~~sub-subparagraph~~ is  
3165 not considered enrolled in a public school for eligibility  
3166 purposes as specified in subsection (9) ~~(11)~~ but rather  
3167 attending a public school on a part-time basis as authorized  
3168 under s. 1002.44.

3169       ~~8.g.~~ Tuition and fees for part-time tutoring services or  
3170 fees for services provided by a choice navigator. Such services  
3171 must be provided by a person who holds a valid Florida  
3172 educator's certificate pursuant to s. 1012.56, a person who  
3173 holds an adjunct teaching certificate pursuant to s. 1012.57, a  
3174 person who has a bachelor's degree or a graduate degree in the  
3175 subject area or related subject area in which instruction is  
3176 given, a person who has demonstrated a mastery of subject area  
3177 knowledge pursuant to s. 1012.56(5), or a person certified by a  
3178 nationally or internationally recognized research-based training  
3179 program as approved by the Department of Education. As used in  
3180 this paragraph, the term "part-time tutoring services" does not  
3181 qualify as regular school attendance as defined in s.  
3182 1003.01(16)(e).

3183       9. Membership dues and related activity fees for  
3184 participation in career and technical student organizations.

3185       (e) For students determined eligible pursuant to subsection  
3186 (7) ~~paragraph (7)(b)~~, must:

3187       ~~1. Establish a process for parents who are in compliance~~  
3188 ~~with subparagraph (7)(b)1. to apply for a new scholarship. New~~  
3189 ~~scholarship applications for the 2025-2026 school year and~~  
3190 ~~thereafter must provide for an application timeline beginning~~

576-01759-26

2026318c1

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

~~2. Establish a process for parents who are in compliance with paragraph (7) (b) to renew their students' scholarships. Renewal scholarship applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. The process must require that parents confirm that the scholarship is being renewed or declined by May 31.~~

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

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

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

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

~~(f) Must give first priority to eligible renewal students who received a scholarship from an eligible nonprofit scholarship funding organization during the previous school~~

576-01759-26

2026318c1

year. ~~The eligible nonprofit scholarship funding organization must~~ fully apply and exhaust all funds available under this section for renewal scholarship awards before awarding any initial scholarships.

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

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

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

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

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

(i)1.~~(l)1.~~ May use eligible contributions received pursuant to this section and ss. 212.099, 212.1831, and 212.1832 during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings



576-01759-26

2026318c1

of material weakness or material noncompliance in its most recent audit under paragraph (k) ~~(o)~~ or is in good standing in each state in which it administers a scholarship program and the audited financial statements for the preceding 3 fiscal years are free of material misstatements and going concern issues.

Administrative expenses from eligible contributions may not exceed 2 ~~3~~ percent of the total amount of all scholarships and stipends funded by an eligible scholarship-funding organization under this chapter. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships funded under this chapter.

Administrative expenses may include developing or contracting with rideshare programs or facilitating carpool strategies for recipients of a transportation stipend under s. 1002.31(7). No funds authorized under this subparagraph shall be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. ~~An eligible nonprofit scholarship-funding organization may not charge an application fee.~~

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

3. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of all net eligible contributions, ~~as defined in subsection (2),~~ remaining after administrative expenses during the state fiscal year in which such eligible contributions are collected. No more than 25

576-01759-26

2026318c1

percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. Eligible contributions remaining on June 30 of each year that are in excess of the 25 percent that may be carried forward shall be used to provide scholarships to eligible students or transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under paragraph (k) ~~(o)~~.

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

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

(j) ~~(n)~~ With the prior approval of the Department of Education, may transfer funds to another eligible nonprofit scholarship-funding organization if additional funds are

576-01759-26

2026318c1

required to meet scholarship demand at the receiving nonprofit scholarship-funding organization. A transfer is limited to the greater of \$500,000 or 20 percent of the total contributions received by the nonprofit scholarship-funding organization making the transfer. All transferred funds must be deposited by the receiving nonprofit scholarship-funding organization into its scholarship accounts. All transferred amounts received by any nonprofit scholarship-funding organization must be separately disclosed in the annual financial and compliance audit required in this section.

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

576-01759-26

2026318c1

Legislative Auditing Committee.

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

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

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February of each biennium, if the scholarship-funding organization provided more than \$250,000 in scholarship funds under this chapter during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the

576-01759-26

2026318c1

Commissioner of Education by March 15 of the year in which the revisions were completed. The revised agreed-upon procedures and guidelines shall take effect the subsequent school year.

c. Must monitor the compliance of a participating private school with s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~ if the scholarship-funding organization provided the majority of the scholarship funding to the school. For each participating private school subject to s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~, the appropriate scholarship-funding organization shall annually notify the Commissioner of Education by October 30 of:

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

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

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

(m) ~~(r)~~ Must maintain the surety bond or letter of credit required by subsection (13) ~~(15)~~. The amount of the surety bond or letter of credit may be adjusted quarterly to equal the actual amount of undisbursed funds based upon submission by the organization of a statement from a certified public accountant verifying the amount of undisbursed funds. The requirements of this paragraph are waived if the cost of acquiring a surety bond or letter of credit exceeds the average 10-year cost of acquiring a surety bond or letter of credit by 200 percent. The

576-01759-26

2026318c1

requirements of this paragraph are waived for a state university; or an independent college or university which is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(n)~~(s)~~ Must provide to the Auditor General any information or documentation requested in connection with an operational audit of a scholarship-funding organization conducted pursuant to s. 11.45.

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

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

576-01759-26

2026318c1

guidelines on the organization's website. Any approval or denial of items and services must be consistent with the purchasing guidelines developed by the center.

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

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

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

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

(q)~~(x)~~ ~~Beginning September 30, 2023,~~ Must submit to the department quarterly reports that provide the estimated and

576-01759-26

2026318c1

actual amounts of the net eligible contributions, ~~as defined in subsection (2),~~ and all funds carried forward from the prior state fiscal year.

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

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

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

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

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

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

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

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



576-01759-26

2026318c1

3481       ~~4. Inform the applicable school district when the parent~~  
3482 ~~withdraws his or her student from a public school to attend an~~  
3483 ~~eligible private school.~~

3484       ~~5. Require his or her student participating in the program~~  
3485 ~~to remain in attendance at the eligible private school~~  
3486 ~~throughout the school year unless excused by the school for~~  
3487 ~~illness or other good cause and comply with the private school's~~  
3488 ~~published policies.~~

3489       ~~6. Meet with the eligible private school's principal or the~~  
3490 ~~principal's designee to review the school's academic programs~~  
3491 ~~and policies, specialized services, code of student conduct, and~~  
3492 ~~attendance policies before enrollment.~~

3493       ~~7. Require his or her student participating in the program~~  
3494 ~~to take the norm-referenced assessment offered by the~~  
3495 ~~participating private school. The parent may also choose to have~~  
3496 ~~the student participate in the statewide assessments pursuant to~~  
3497 ~~s. 1008.22. If the parent requests that the student~~  
3498 ~~participating in the program take statewide assessments pursuant~~  
3499 ~~to s. 1008.22 and the participating private school has not~~  
3500 ~~chosen to offer and administer the statewide assessments, the~~  
3501 ~~parent is responsible for transporting the student to the~~  
3502 ~~assessment site designated by the school district.~~

3503       ~~8. Approve each payment before the scholarship funds may be~~  
3504 ~~deposited by funds transfer. The parent may not designate any~~  
3505 ~~entity or individual associated with the participating private~~  
3506 ~~school as the parent's attorney in fact to approve a funds~~  
3507 ~~transfer. A participant who fails to comply with this paragraph~~  
3508 ~~forfeits the scholarship.~~

3509       ~~9. Authorize the nonprofit scholarship funding organization~~

576-01759-26

2026318c1

~~to access information needed for income eligibility determination and verification held by other state or federal agencies, including the Department of Revenue, the Department of Children and Families, the Department of Education, the Department of Commerce, and the Agency for Health Care Administration, for students seeking priority eligibility.~~

~~10. Agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the participating private school before using scholarship account funds for additional authorized uses under paragraph (6) (d). A parent is responsible for all eligible expenses in excess of the amount of the scholarship.~~

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

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

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

~~2. sign an agreement with the organization and annually submit a sworn compliance statement to the organization to~~

576-01759-26

2026318c1

satisfy or maintain program eligibility, including eligibility to receive and spend program payments, by:

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

(b) If the student is enrolled in Florida Virtual School as a private paying student, agreeing to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment to the Florida Virtual School before using scholarship account funds for additional uses under paragraph (6)(d).

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

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

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

~~e. Complying with the scholarship application and renewal processes and requirements established by the organization. A student whose participation in the program is not renewed may continue to spend scholarship funds that are in his or her account from prior years unless the account must be closed~~

576-01759-26

2026318c1

pursuant to ~~s. 1002.394(5)(a)2.~~

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

For purposes of this subsection ~~paragraph~~, full-time enrollment does not include enrollment at a private school that addresses regular and direct contact with teachers through the student learning plan in accordance with s. 1002.421(9)(i) ~~s. 1002.421(1)(i).~~

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

~~An eligible nonprofit scholarship-funding organization may not further regulate, exercise control over, or require documentation beyond the requirements of this subsection unless the regulation, control, or documentation is necessary for participation in the program.~~

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

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

~~(b) Provide to the organization all documentation required for a student's participation, including confirmation of the student's admission to the private school, the private school's and student's fee schedules, and any other information required~~

576-01759-26

2026318c1

by the organization to process scholarship payment pursuant to paragraph (11)(c). Such information must be provided by the deadlines established by the organization and in accordance with the requirements of this section. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet the deadline.

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

2. Administer the statewide assessments pursuant to s. 1008.22 if a participating private school chooses to offer the statewide assessments. A participating private school may choose to offer and administer the statewide assessments to all students who attend the participating private school in grades 3 through 10 and must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

If a participating private school fails to meet the requirements of this subsection or s. 1002.421, the commissioner may determine that the participating private school is ineligible to

576-01759-26

2026318c1

~~participate in the scholarship program.~~

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

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

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

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

~~(d) Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of eligible scholarship students; cross-check the verified list with the public school enrollment lists to avoid duplication; and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check.~~

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

~~(f)~~ Issue a project grant award to a state university, to which participating private schools and eligible nonprofit scholarship-funding organizations must report the scores of

576-01759-26

2026318c1

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

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

a. On a statewide basis. The report shall also include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program. To minimize costs and reduce time required for the state university's analysis and evaluation, the Department of Education shall coordinate with the state university to provide data to the state university in order to conduct analyses of matched students from public school assessment data and calculate control group student performance using an agreed-upon methodology with the state university; and

b. On an individual school basis for students enrolled full time in a private school. The annual report must include student performance for each participating private school in which enrolled students in the private school participated in a scholarship program under this section ~~or s. 1002.394(12)(a)~~ in the prior school year. The report shall be according to each participating private school, and for participating students, in which there are at least 30 participating students who have

576-01759-26

2026318c1

scores for tests administered. If the state university determines that the 30-participating-student cell size may be reduced without disclosing personally identifiable information, as described in 34 C.F.R. s. 99.12, of a participating student, the state university may reduce the participating-student cell size, but the cell size must not be reduced to less than 10 participating students. The department shall provide each participating private school's prior school year's student enrollment information to the state university no later than June 15 of each year, or as requested by the state university.

2. The sharing and reporting of student performance data under this paragraph must be in accordance with requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and the applicable rules and regulations issued pursuant thereto, and shall be for the sole purpose of creating the annual report required by subparagraph 1. All parties must preserve the confidentiality of such information as required by law. The annual report must not disaggregate data to a level that will identify individual participating schools, except as required under sub-subparagraph 1.b., or disclose the academic level of individual students.

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

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

~~(h) Notify an eligible nonprofit scholarship funding organization of any of the organization's identified students~~



576-01759-26

2026318c1

who are receiving tax credit scholarships from other eligible nonprofit scholarship-funding organizations.

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

~~(e)(j)~~ Provide a process to match the direct certification list with the scholarship application data submitted by any nonprofit scholarship-funding organization eligible to receive the 3 percent ~~3-percent~~ administrative allowance under paragraph (6)(i) ~~(6)(l)~~.

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

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

~~(a) Upon the request of any eligible nonprofit scholarship-funding organization, a school district shall inform all households within the district receiving free or reduced-priced meals under the National School Lunch Act of their eligibility to apply for a tax credit scholarship. The form of such notice shall be provided by the eligible nonprofit scholarship-funding~~

576-01759-26

2026318c1

organization, and the district shall include the provided form, if requested by the organization, in any normal correspondence with eligible households. If an eligible nonprofit scholarship-funding organization requests a special communication to be issued to households within the district receiving free or reduced-price meals under the National School Lunch Act, the organization shall reimburse the district for the cost of postage. Such notice is limited to once a year.

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

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

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

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

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

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

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

(a) The scholarship amount provided to any student for any single school year by an eligible nonprofit scholarship-funding

576-01759-26

2026318c1

organization from eligible contributions shall be for total costs authorized under paragraph (6) (c) ~~(6) (d)~~, not to exceed annual limits, ~~which shall be determined as follows:~~

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

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

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

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

~~2. For students initially eligible in the 2019-2020 school year or thereafter, the calculated amount for a student to attend an eligible private school shall be calculated in accordance with s. 1002.394(12) (a).~~

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

~~(c) If a scholarship student is attending an eligible private school full time, the initial payment shall be made~~

576-01759-26

2026318c1

~~after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the eligible private school. Payments shall be made within 7 business days after approval by the parent pursuant to paragraph (7) (a) and the private school pursuant to paragraph (8) (b).~~

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

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

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

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

2. The Commissioner of Education suspends or revokes program participation or use of funds;

3. The student's parent has forfeited participation in the program for failure to comply with subsection (7);

4. The student who uses the scholarship for full-time tuition and fees at an eligible private school ~~pursuant to paragraph (7) (a)~~ enrolls full time in a public school. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or

5. The student graduates from high school, completes a home

576-01759-26

2026318c1

education program as defined in the student's personalized education plan, or attains 21 years of age, whichever occurs first.

~~(g) Reimbursements for program expenditures may continue until the account balance is expended or remaining funds have reverted to the state.~~

(c)~~(h)~~ A student's scholarship account must be closed and any remaining funds shall revert to the state or organization, as applicable, after:

1. Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to paragraph (6) (d);

2. One fiscal year ~~Two consecutive fiscal years~~ in which an account has been inactive; ~~or~~

3. The student remains unenrolled in an eligible private school for 30 days while receiving a scholarship that requires full-time enrollment; or

4. A student's scholarship no longer remains in force due to any of the reasons provided in paragraph (b).

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

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

576-01759-26

2026318c1

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

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

Section 7. Paragraph (1) of subsection (4) of section 1003.485, Florida Statutes, is amended to read:

1003.485 The New Worlds Reading Initiative.—

(4) ADMINISTRATOR RESPONSIBILITIES.—The administrator shall:

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

Notwithstanding s. 1002.395(6)(i)3. ~~s. 1002.395(6)(1)3.~~, the

576-01759-26

2026318c1

3887 administrator may carry forward up to 25 percent of eligible  
3888 contributions made before January 1 of each state fiscal year  
3889 and 100 percent of eligible contributions made on or after  
3890 January 1 of each state fiscal year to the following state  
3891 fiscal year for purposes authorized by this subsection. Any  
3892 eligible contributions in excess of the allowable carry forward  
3893 not used to provide additional books throughout the year to  
3894 eligible students shall revert to the state treasury.

3895 Section 8. Paragraph (d) of subsection (5) of section  
3896 1008.25, Florida Statutes, is amended to read:

3897 1008.25 Public school student progression; student support;  
3898 coordinated screening and progress monitoring; reporting  
3899 requirements.—

3900 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

3901 (d) The parent of any student who exhibits a substantial  
3902 deficiency in reading, as described in paragraph (a), must be  
3903 immediately notified in writing of the following:

3904 1. That his or her child has been identified as having a  
3905 substantial deficiency in reading, including a description and  
3906 explanation, in terms understandable to the parent, of the exact  
3907 nature of the student's difficulty in learning and lack of  
3908 achievement in reading.

3909 2. A description of the current services that are provided  
3910 to the child.

3911 3. A description of the proposed intensive interventions  
3912 and supports that will be provided to the child that are  
3913 designed to remediate the identified area of reading deficiency.

3914 4. The student progression requirements under paragraph  
3915 (2) (h) and that if the child's reading deficiency is not

576-01759-26

2026318c1

remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

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

6. That the statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

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

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

9. Information about the student's eligibility for the New Worlds Reading Initiative under s. 1003.485 ~~and the New Worlds Scholarship Accounts under s. 1002.411~~ and information on parent training modules and other reading engagement resources



576-01759-26

2026318c1

available through the initiative.

After initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement. Upon the request of the parent, the teacher or school administrator shall meet to discuss the student's progress. The parent may request more frequent notification of the student's progress, more frequent interventions or supports, and earlier implementation of the additional interventions or supports described in the initial notification.

Section 9. Section 1010.305, Florida Statutes, is amended to read:

1010.305 Audit of student enrollment.—

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

(2) If it is determined that the approved criteria and procedures for the placement of students and the conduct of programs have not been followed by the district or eligible

576-01759-26

2026318c1

nonprofit scholarship-funding organization, appropriate adjustments in the full-time equivalent student count for that district or eligible nonprofit scholarship-funding organization must be made, and any excess funds must be deducted from subsequent allocations of state funds to that district or eligible nonprofit scholarship-funding organization. As provided for by rule, if errors in a specific program of a district or eligible nonprofit scholarship-funding organization recur in consecutive years due to lack of corrective action by the district or eligible nonprofit scholarship-funding organization, adjustments may be made based upon statistical estimates of error projected to the overall district or scholarship program.

Section 10. Subsection (4) of section 1011.61, Florida Statutes, is amended to read:

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

(4) The "Florida Education Finance Program" includes all programs and costs as provided in ss. 1003.03, 1011.62, 1011.68, ~~and~~ 1011.685, 1011.687, and 1011.689, as applicable.

Section 11. Paragraph (a) of subsection (1), paragraph (a) of subsection (15), and subsections (16) and (19) of section 1011.62, Florida Statutes, are amended to read:

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

576-01759-26

2026318c1

(1) COMPUTATION OF THE BASE FLORIDA EDUCATION FINANCE PROGRAM.—The following procedure shall be followed in determining the base Florida Education Finance Program funds for each district:

(a) *Determination of full-time equivalent membership.*—

~~1.~~ During the fiscal year, including scheduled intersessions of a year-round school program during the fiscal year, each district shall complete full-time equivalent surveys by aggregating the full-time equivalent student membership of each program by school. The department shall establish the number and interval of membership calculations. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner.

~~2. All final reported full-time equivalent survey data must include the unduplicated count of both school district full-time equivalent students and full-time equivalent Family Empowerment Scholarship students.~~

(15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT.—The total annual state allocation to each district for current operation for the Florida Education Finance Program shall be distributed to districts pursuant to s. 1011.66 and based on the results of the full-time equivalent membership surveys established in paragraph (1)(a).

(a) When the Florida Education Finance Program allocation is recalculated, if the gross state Florida Education Finance Program funds are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. To calculate the gross state and local Florida Education

576-01759-26

2026318c1

Finance Program funding, add the base Florida Education Finance Program and the categorical funds, except for the categorical funding provided in ~~subsection (16) and~~ s. 1011.685.

2. To calculate the gross state Florida Education Finance Program funding, subtract the required local effort in subsection (4) from the gross and local Florida Education Finance Program funding.

3. To determine the amount that must be prorated among all school districts, subtract the gross state Florida Education Finance Program and any prior year adjustments pursuant to paragraph (b) from the corresponding amount of state funds appropriated in the General Appropriations Act.

4. Each school district's amount of the proration is calculated based on its proportionate share of the gross state and local Florida Education Finance Program funding.

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

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

~~1. For fiscal year 2023-2024, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the school district where the student is reported for purposes of the Florida Education Finance Program as appropriated in the General Appropriations Act; divide the result by the school district's~~

576-01759-26

2026318c1

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

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

~~(b) The state-funded discretionary supplement shall be recalculated during the fiscal year based on actual full-time equivalent student membership.~~

~~(19) EDUCATIONAL ENROLLMENT STABILIZATION PROGRAM.—~~

~~(a) The educational enrollment stabilization program is~~

576-01759-26

2026318c1

4090 ~~created to provide supplemental state funds as needed to~~  
4091 ~~maintain the stability of the operations of public schools in~~  
4092 ~~each school district and to protect districts, including charter~~  
4093 ~~schools, from financial instability as a result of changes in~~  
4094 ~~full-time equivalent student enrollment throughout the school~~  
4095 ~~year.~~

4096 ~~(b) The Legislature shall annually appropriate funds in the~~  
4097 ~~General Appropriations Act to the Department of Education for~~  
4098 ~~this program in an amount necessary to maintain a projected~~  
4099 ~~minimum balance of \$250 million at the beginning of the upcoming~~  
4100 ~~fiscal year. The Department of Education shall use funds as~~  
4101 ~~appropriated to ensure that based on each recalculation of the~~  
4102 ~~Florida Education Finance Program pursuant to paragraph (1) (a),~~  
4103 ~~a school district's funds per unweighted full-time equivalent~~  
4104 ~~student are not less than the greater of either the school~~  
4105 ~~district's funds per unweighted full-time equivalent student as~~  
4106 ~~appropriated in the General Appropriations Act or the school~~  
4107 ~~district's funds per unweighted full-time equivalent student as~~  
4108 ~~recalculated based upon the receipt of the certified taxable~~  
4109 ~~value for school purposes pursuant to s. 1011.62(4).~~

4110 ~~(c) Notwithstanding s. 216.301 and pursuant to s. 216.351,~~  
4111 ~~the unexpended balance of funds appropriated pursuant to this~~  
4112 ~~subsection which is not disbursed by June 30 of the fiscal year~~  
4113 ~~in which the funds are appropriated may be carried forward for~~  
4114 ~~up to 10 years after the effective date of the original~~  
4115 ~~appropriation.~~

4116 Section 12. Paragraph (1) of subsection (2) of section  
4117 11.45, Florida Statutes, is amended, and paragraph (o) is added  
4118 to that subsection, to read:

576-01759-26

2026318c1

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

(2) DUTIES.—The Auditor General shall:

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

(o) Beginning July 1, 2027, annually conduct an audit of records of eligible nonprofit scholarship-funding organizations regarding the background screening results in s. 1002.421(8)(a).

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

Section 13. Paragraph (c) of subsection (7) of section 212.099, Florida Statutes, is amended to read:

576-01759-26

2026318c1

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

(7)

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

Section 14. Subsection (6) of section 402.22, Florida Statutes, is amended to read:

402.22 Education program for students who reside in residential care facilities operated by the Department of Children and Families or the Agency for Persons with Disabilities.—

(6) Notwithstanding the provisions of s. 1001.42(4)(m), the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public educational agencies. The annual state allocation to any such agency shall be computed pursuant to s. 1011.62(1), (2), and (17) ~~(18)~~ and allocated in the amount that would have been provided the local school district in which the residential facility is located.

Section 15. Paragraph (b) of subsection (6) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

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

(b) Students enrolled in a virtual instruction program shall be funded in the Florida Education Finance Program as



576-01759-26

2026318c1

provided in the General Appropriations Act. The calculation to determine the amount of funds for each student through the Florida Education Finance Program shall include the sum of the basic amount for current operations established in s. 1011.62(1)(n) and all categorical programs except for the categorical programs established in ss. 1011.62(7) and (12), ~~and (16)~~, 1011.68, ~~and~~ 1011.685, and 1011.687. Students residing outside of the school district reporting the full-time equivalent virtual student shall be funded from state funds only.

Section 16. Subsection (3) of section 1003.4935, Florida Statutes, is amended to read:

1003.4935 Middle grades career and professional academy courses and career-themed courses.—

(3) CAPE industry certifications offered in the middle grades that are included on the CAPE Industry Certification Funding List, if earned by students, are eligible for additional funding pursuant to s. 1011.62(16) ~~s. 1011.62(17)~~.

Section 17. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 1010.20, Florida Statutes, are amended to read:

1010.20 Cost accounting and reporting for school districts.—

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 1011.62(3) and for categorical programs as provided in s. 1011.62(18).

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

576-01759-26

2026318c1

(b) Funds for inservice training established in s. 1011.62(3) and for categorical programs established in s. 1011.62(17) ~~s. 1011.62(18)~~ shall be expended for the costs of the identified programs as provided by law and in accordance with the rules of the State Board of Education.

Section 18. (1) The Legislature finds that the educational scholarship programs created pursuant to chapter 1002, Florida Statutes, provide unprecedented school choice in this state and are central to parent empowerment.

(a) The Legislature further finds that to protect universal school choice within this state, it is critical to remain good stewards of taxpayer funds, including eligible contributions made to scholarship programs. This state is implementing the nation's largest school choice program, and it must be safeguarded.

(b) To improve the efficiency, accountability, and transparency of the scholarship programs, a single entity that can be held directly accountable to the state must be responsible for the implementation of the programs.

(c) Therefore, the Legislature determines that it is in the best interest of this state for the Department of Education to implement the scholarship programs.

(2) The Department of Education must provide a report outlining its recommendations for the implementation of the educational scholarship programs, with such implementation set to begin in the 2028-2029 school year.

(3) The department's recommendations must address each of the following program components:

(a) The application process.

576-01759-26

2026318c1

4235 (b) The enrollment and verification process.

4236 (c) Student account management and requirements.

4237 (d) The payment or reimbursement process.

4238 (e) Communication with parents regarding the different  
4239 scholarship programs and how to apply to a scholarship program.

4240 (f) Assistance for parents with scholarship-related  
4241 questions and issues.

4242 (g) Administration of the contributions received pursuant  
4243 to s. 1002.395(5), Florida Statutes.

4244 (4) The department may, for any or all of the program  
4245 components, recommend itself or any other state agency or public  
4246 entity, such as school districts or educational consortiums, for  
4247 implementation of the component. Any contract to implement a  
4248 component must be awarded pursuant to chapter 287, Florida  
4249 Statutes, through a competitive procurement process. At a  
4250 minimum, the department must include an outline of the  
4251 requirements for each program component which includes all of  
4252 the following information, as applicable:

4253 (a) An estimate of recurring and nonrecurring costs,  
4254 including an estimate of any administrative costs the department  
4255 deems reasonable and necessary, and for what purposes the  
4256 administrative funds may be used.

4257 (b) A description, justification, and detailed cost  
4258 breakdown of any additional resources that the department  
4259 requires to fully implement the program component.

4260 (c) The business, functional, and technical requirements  
4261 for the program component.

4262 (d) A list of roles and responsibilities for the program  
4263 component which delineates the functionality that will be

576-01759-26

2026318c1

provided by the department or other entity, as applicable.

(e) A proposed implementation timeline that identifies major milestones, dependencies, and the estimated completion dates for the program component.

(f) A framework establishing a communication structure and accountability measures which will ensure coordinated, efficient, and transparent interaction among each project component.

(g) An outcome-based contracting framework that will be used to measure each contract's success against specific, objective performance metrics and desired outcomes. This framework may incorporate a system of rewards for exceeding performance goals, and penalties for failing to meet them.

(5) If the department recommends administration of any project component by a scholarship-funding organization, the department must include recommendations for eligibility requirements of the scholarship-funding organizations and any other changes to the application process or other procedural requirements it recommends.

(6) The department shall also include in its report a plan to ensure that the results from required background screening for education providers who are licensed or who are exempt from licensure through the Department of Children and Families are shared with the Department of Education.

(7) The department must submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2026, and must include any statutory changes that may be necessary to implement the department's recommendations.

576-01759-26

2026318c1

4293        (8) This section expires July 1, 2027.

4294        Section 19. This act shall take effect July 1, 2026.