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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; authorizing the department to distribute funds to school districts under specified conditions; authorizing the department to provide supplemental payments to school districts; 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

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30 scholarship-funding organization to create a single
31 application for all educational scholarship programs;
32 providing requirements for such application;
33 prohibiting an eligible nonprofit scholarship-funding
34 organization from charging a fee for the application;
35 requiring an eligible nonprofit scholarship-funding
36 organization to establish two application approval
37 windows; providing an exception; providing deadlines
38 for such application approval windows; requiring an
39 eligible nonprofit scholarship-funding organization to
40 review applications and award scholarships in a
41 specified order of priority; requiring an eligible
42 nonprofit scholarship-funding organization to award
43 scholarships to newly eligible students on a first-
44 come, first-served basis; requiring a parent to notify
45 the eligible nonprofit scholarship-funding
46 organization within a specified timeframe if a
47 scholarship offer is accepted or declined; specifying
48 fund distribution for the scholarship terms;
49 prohibiting a parent from applying for multiple
50 scholarships for an individual student at the same
51 time; authorizing specified students to apply for a
52 scholarship at any time but only receive payments
53 prospectively; prohibiting an eligible nonprofit
54 scholarship-funding organization from restricting or
55 reserving scholarships for use at a particular school;
56 requiring such organization to notify each parent of a
57 scholarship applicant that participation in the
58 program does not guarantee enrollment at a private

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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

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

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117 that a parent who fails to comply with such
118 qualifications forfeits the scholarship; authorizing
119 certain students in a scholarship program to take
120 specified tests and certain assessments; providing an
121 exception; requiring a participating private school to
122 administer or provide for students to take specified
123 tests and assessments; requiring a participating
124 private school to submit a certain written request to
125 the department by a specified date; requiring a school
126 district to administer tests and assessments at a
127 participating private school; requiring an owner or
128 operator or individual providing services to undergo a
129 background screening; providing requirements for the
130 submission of fingerprints; requiring the Department
131 of Law Enforcement to retain such fingerprints in a
132 specified manner; providing screening requirements for
133 specified individuals; prohibiting such owner or
134 operator from transferring ownership or management
135 authority to a relative; defining the term "relative";
136 requiring an eligible nonprofit scholarship-funding
137 organization to report the annual audit of background
138 screening results to the Department of Education;
139 providing that a participating private school may be
140 sectarian or nonsectarian; revising information
141 required to be provided to the department by a private
142 school; deleting obsolete language; providing
143 construction; requiring the department to publish and
144 update information on its website relating to
145 scholarship programs; requiring the department to

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146 investigate complaints; requiring the department to
147 maintain and annually publish a list of tests that
148 satisfy a specified requirement; requiring the
149 department to develop a standard withdrawal form for
150 parents withdrawing a student from public school;
151 providing requirements for such form; requiring the
152 department to produce a specified annual report;
153 authorizing the department to suspend or revoke
154 program participation or the use of program funds for
155 specified entities; requiring the department to
156 develop a uniform reimbursement process; requiring an
157 organization, by a specified date, to approve, deny,
158 or request more information relating to a
159 reimbursement request; requiring the department to
160 annually report to the state its accountability
161 actions; deleting the definition of the term "owner or
162 operator"; requiring a school district, by a specified
163 date, to inform certain households of eligibility to
164 apply for a scholarship program; requiring the school
165 district to coordinate with the department to provide
166 a participating private school with statewide
167 assessments; requiring a school district to publish
168 information about a scholarship program on its
169 website; requiring a school district to provide a
170 parent with the withdrawal form upon request; deleting
171 obsolete language; amending s. 1002.394, F.S.;
172 deleting obsolete language; providing a title for a
173 scholarship granted to a student who meets specified
174 eligibility requirements; providing that authorized

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

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204 provisions related to scholarship priority; deleting a
205 provision allowing a public school student to receive
206 a scholarship for transportation; revising a provision
207 requiring eligible nonprofit scholarship-funding
208 organizations to verify that scholarship funds are
209 used for specified purposes; requiring an eligible
210 nonprofit scholarship-funding organization to report
211 to the department the total number of scholarship
212 accounts closed due to certain reasons; amending s.
213 1003.485, F.S.; conforming a cross-reference; amending
214 s. 1008.25, F.S.; making a conforming change; amending
215 s. 1010.305, F.S.; requiring the Auditor General to
216 annually, rather than periodically, examine the
217 records of eligible nonprofit scholarship-funding
218 organizations; providing for appropriate adjustments
219 to be made and excess funds to be deducted if criteria
220 and procedures have not been followed by an eligible
221 nonprofit scholarship-funding organization; amending
222 s. 1011.61, F.S.; conforming a cross-reference;
223 amending s. 1011.62, F.S.; deleting a requirement with
224 respect to full-time equivalent student survey data;
225 deleting obsolete language relating to the state-
226 funded discretionary supplement; amending s. 11.45,
227 F.S.; conforming a cross-reference; requiring the
228 Auditor General to annually conduct an audit of
229 specified records; amending ss. 212.099, 402.22,
230 1002.45, 1003.4935, and 1010.20, F.S.; conforming
231 cross-references; providing legislative findings;
232 requiring the Department of Education to provide a

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233 specified report regarding recommendations for
234 implementing the educational scholarship programs;
235 providing requirements for the recommendations;
236 authorizing the department to make recommendations to
237 specified entities; requiring certain contracts to be
238 awarded through a competitive procurement process;
239 requiring the department to include an outline of
240 requirements for each program component; providing
241 requirements for the outline; requiring the department
242 to include recommendations for eligibility
243 requirements of scholarship-funding organizations
244 under specified circumstances; requiring the
245 department to include a specified plan in its report;
246 requiring the department to provide, by a specified
247 date, the report to the Governor and the Legislature;
248 providing for expiration; providing an effective date.
249

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

251
252 Section 1. Section 1011.687, Florida Statutes, is created
253 to read:

254 1011.687 Educational scholarship programs; categorical
255 fund.—

256 (1) There is created a categorical fund for implementing
257 the Family Empowerment Scholarship Program pursuant to s.
258 1002.394. These funds shall be in the amount provided in the
259 General Appropriations Act and any additional funds transferred
260 from the educational enrollment stabilization program pursuant
261 to s. 1011.689.

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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

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

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

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

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

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

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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 may use funds
335 in either of the following ways:

336 (a) 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 (b) To provide supplemental payments to school districts as
341 needed. Any supplemental funds provided pursuant to this
342 paragraph may not be added to the district's total Florida
343 Education Finance Program funds for any future calculation.

344 (2) FAMILY EMPOWERMENT SCHOLARSHIP PROGRAM.—To maintain
345 scholarship award amounts, the department shall use funds as
346 appropriated to ensure that funding is available if the number
347 of full-time equivalent students enrolled in the scholarship
348 program is greater than the amount appropriated in the General

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349 Appropriations Act in the educational scholarship categorical
350 fund established under s. 1011.687.

351 (3) FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM.—If available
352 funds in the Florida Tax Credit Scholarship Program are
353 insufficient to cover eligible applicants who are personalized
354 education program students, the department may use funds to
355 award scholarships to such eligible applicants up to the number
356 authorized in s. 1002.395.

357 (4) RELEASE OF FUNDS.—As part of the recalculation pursuant
358 to s. 1011.65, the department may request the release of funds
359 from the educational enrollment stabilization program subject to
360 the notice, review, and objection procedures set forth in s.
361 216.177.

362 (5) MINIMUM BALANCE.—The Legislature shall annually
363 appropriate funds in the General Appropriations Act to the
364 department for the educational enrollment stabilization program
365 in an amount necessary to maintain a projected minimum balance
366 of \$250 million at the beginning of the upcoming fiscal year.
367 Notwithstanding s. 216.301 and pursuant to s. 216.351, the
368 unexpended balance of funds appropriated pursuant to this
369 subsection which is not disbursed by June 30 of the fiscal year
370 in which the funds are appropriated may be carried forward for
371 up to 10 years after the effective date of the original
372 appropriation.

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

375 1002.40 The Hope Scholarship Program.—

376 (1) PURPOSE.—The Hope Scholarship Program is established to
377 provide the parent of a public school student who was subjected

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378 to an incident listed in subsection (3) an opportunity to
379 transfer the student to another public school or to request a
380 scholarship for the student to enroll in and attend an eligible
381 private school.

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

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

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

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

392 (3) PROGRAM ELIGIBILITY.—A student enrolled in a Florida
393 public school in kindergarten through grade 12 is eligible for
394 the educational options described in subsection (4) if the
395 student reported an incident in accordance with that subsection.
396 For purposes of this section, the term "incident" means battery;
397 harassment; hazing; bullying; kidnapping; physical attack;
398 robbery; sexual offenses, harassment, assault, or battery;
399 threat or intimidation; or fighting at school, as defined by the
400 department in accordance with s. 1006.09(6).

401 (4) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—Upon
402 receipt of a report of an incident, the school principal, or his
403 or her designee, shall provide a copy of the report to the
404 parent and investigate the incident to determine if the incident
405 must be reported as required by s. 1006.09(6). Within 24 hours
406 after receipt of the report, the principal or his or her

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407 designee shall provide a copy of the report to the parent of the
408 alleged offender and to the superintendent. Upon conclusion of
409 the investigation or within 15 days after the incident was
410 reported, whichever occurs first, the school district shall
411 notify the parent of the program, offer the parent an
412 opportunity to enroll his or her student in another public
413 school that has capacity, and notify the parent of their
414 eligibility to apply for a scholarship to attend an eligible
415 private school under ss. 1002.394 and 1002.395.

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

418 Section 4. Section 1002.421, Florida Statutes, is amended
419 to read:

420 1002.421 State school choice scholarship programs program
421 ~~accountability and oversight.~~—

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

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

428 (b) “Choice navigator” means an individual who meets the
429 requirements of s. 1002.395(6)(d)8. and who provides
430 consultations, at a mutually agreed upon location, on the
431 selection of, application for, and enrollment in educational
432 options addressing the academic needs of a student; curriculum
433 selection; and advice on career and postsecondary education
434 opportunities. However, this section does not authorize a choice
435 navigator to oversee or exercise control over the curricula or

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436 academic programs of a personalized education program.

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

440 (d) "Disability" means, for a 3- or 4-year-old child or for
441 a student in kindergarten to grade 12, autism spectrum disorder
442 as defined in the Diagnostic and Statistical Manual of Mental
443 Disorders, Fifth Edition, published by the American Psychiatric
444 Association; cerebral palsy as defined in s. 393.063; Down
445 syndrome as defined in s. 393.063; an intellectual disability as
446 defined in s. 393.063; a speech impairment; a language
447 impairment; an orthopedic impairment; any other health
448 impairment; an emotional or a behavioral disability; a specific
449 learning disability, including, but not limited to, dyslexia,
450 dyscalculia, or developmental aphasia; Phelan-McDermid syndrome
451 as defined in s. 393.063; Prader-Willi syndrome as defined in s.
452 393.063; spina bifida as defined in s. 393.063; being a high-
453 risk child as defined in s. 393.063(23)(a); muscular dystrophy;
454 Williams syndrome; rare diseases that affect patient populations
455 of fewer than 200,000 individuals in the United States, as
456 defined by the National Organization for Rare Disorders;
457 anaphylaxis; a hearing impairment, including deafness; a visual
458 impairment, including blindness; a traumatic brain injury; being
459 hospital-bound or homebound; or identification as dual sensory
460 impaired, as defined by rules of the State Board of Education
461 and evidenced by reports from local school districts. The term
462 "hospital-bound or homebound" includes a student who has a
463 medically diagnosed physical or psychiatric condition or
464 illness, as defined by the state board in rule, and who is

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465 confined to the home or hospital for more than 6 months.

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

474 1. Is exempt from federal income tax pursuant to s.

475 501(c)(3) of the Internal Revenue Code;

476 2. Is a Florida entity formed under chapter 605, chapter
477 607, or chapter 617 and whose principal office is located in
478 this state; and

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

480 (f) “Eligible postsecondary educational institution” means
481 a Florida College System institution; a state university; a
482 school district technical center; a school district adult
483 general education center; an independent college or university
484 that is eligible to participate in the William L. Boyd, IV,
485 Effective Access to Student Education Grant Program under s.
486 1009.89; or an accredited independent postsecondary educational
487 institution as defined in s. 1005.02 which is licensed to
488 operate in this state under part III of chapter 1005 or is
489 approved to participate in a reciprocity agreement as defined in
490 s. 1000.35(2).

491 (g) “Eligible private school” means a private school as
492 defined in s. 1002.01 which is located in Florida and which
493 offers an education to students in any grades K-12 and meets the

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494 requirements in this section.

495 (h) "Fraud" means an intentional deception, omission, or
496 misrepresentation made by a person with knowledge that the
497 deception, omission, or misrepresentation may result in an
498 unauthorized benefit to that person or another person, or any
499 aiding and abetting of the commission of such an act.

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

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

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

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

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

515 (n) "Owner or operator" includes:

516 1. An owner, a president, an officer, or a director of an
517 eligible nonprofit scholarship-funding organization or a person
518 with equivalent decisionmaking authority over an eligible
519 nonprofit scholarship-funding organization; or

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

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

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

527 (q) "Personalized education student" means a student whose
528 parent applies to an eligible nonprofit scholarship-funding
529 organization for participation in a personalized education
530 program.

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

535 (s) "Student learning plan" means a customized learning
536 plan developed by a parent at least annually to guide
537 instruction for his or her student and to identify the goods and
538 services needed to address the academic needs of his or her
539 student.

540 (2) SCHOLARSHIP APPLICATION PROCESS.—

541 (a) An eligible nonprofit scholarship-funding organization
542 must provide the parent with information on each scholarship
543 program established pursuant to this chapter which clearly
544 outlines the eligibility requirements and authorized uses of
545 funds for each program to enable the parent of a student to
546 determine which program best fits the needs of each student.
547 Specifically, for a student applying based on eligibility
548 pursuant to s. 1002.394(3)(b) or s. 1002.395, except for
549 students eligible pursuant to a personalized education program,
550 a participating private school must discuss the school's
551 academic programs and policies, specialized services, code of

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552 conduct, and attendance policies before enrollment with the
553 parent to determine which programs and services may meet the
554 student's individual needs. Each parent of a student with an
555 individualized education plan, education plan, English language
556 learner plan, or 504 plan must be informed specifically of what
557 modifications, accommodations, and therapies included in the
558 student's plan will be honored by the participating private
559 school.

560 (b) The organization must create a single application for
561 all educational scholarship programs established pursuant to
562 this chapter in a manner that creates an electronic record of
563 the application, which must include the date the application was
564 submitted, the date the application was approved or denied, and
565 the date the scholarship was accepted or declined. The
566 organization may not charge a fee for the application.

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

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

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581 2. The application approval window for the spring
582 scholarship term must close no later than November 15. The
583 spring scholarship term covers the period between January 1 and
584 May 31 of each year. A parent initially applying for the spring
585 term must affirmatively accept the scholarship between October
586 15 and November 15.

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

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

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

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

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

600 b. Whose household income level exceeds 185 percent of the
601 federal poverty level but does not exceed 400 percent of the
602 federal poverty level.

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

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

608
609 The organization must provide scholarships to newly eligible

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610 students on a first-come, first-served basis unless the student
611 is seeking priority pursuant to this paragraph.

612 (e) A parent of a student who applies for and receives
613 scholarship funds initially for the spring scholarship term may
614 only receive 5 of the 10 payment installments for the school
615 year.

616 (f) A parent may not apply for multiple scholarships under
617 s. 1002.394 or s. 1002.395 for an individual student at the same
618 time. However, the organization may switch a student between
619 scholarships under s. 1002.394 or s. 1002.395 upon notification
620 and approval by the department.

621 (g) Notwithstanding the application deadlines, a student in
622 foster care or out-of-home care or who is a dependent child of a
623 member of the United States Armed Forces or who reported an
624 incident pursuant to s. 1002.40 may apply for a scholarship at
625 any time. Additionally, the Commissioner of Education may extend
626 an application window for any eligible group of students due to
627 extenuating circumstances that affect one or more regions of
628 this state. However, any student receiving a scholarship who
629 applies outside the application deadlines may only receive
630 payments prospectively.

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

638 (i) For the 2026-2027 school year, a parent who applies for

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639 a scholarship by April 30, 2026, does not need to submit a new
640 application pursuant to the requirements of this section but
641 must, by the time the organization is required to send its
642 verified list to the department, provide the documentation
643 required for eligibility. However, a parent may withdraw his or
644 her application and reapply pursuant to the requirements of this
645 section. This paragraph expires January 1, 2027.

646

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

652

653 (3) ENROLLMENT VERIFICATION.—Upon receipt of an
654 application, the eligible nonprofit scholarship-funding
655 organization must verify each student's eligibility. Each
656 student, including renewal students, must apply for a
657 scholarship each school year. An organization may not grant
multiyear scholarships in one approval process.

658

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

661

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

665

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

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668 application.

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

671 (b) In addition, if the student:

672 1. Is a renewal student, the organization must:

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

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

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

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

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

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

696 1. August 1 for the fall scholarship term.

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

700

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

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

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

719 1. As part of each cross-check process, the department must
720 send a list of the eligible students submitted by the
721 organization to the applicable school district. The school
722 district must cross-check each student by identification number
723 with its most recent student attendance records and send the
724 results, including any duplicates, to the department. Pursuant
725 to s. 1002.44, a student receiving a scholarship under this

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726 chapter who attends a public school on a part-time basis through
727 contracted services provided by the public school or school
728 district may not be reported by the school district for funding
729 purposes under the Florida Education Finance Program, and,
730 therefore, such students are not considered duplicates.

731 2. For any student reported as a duplicate by a school
732 district, the department must determine whether the student is
733 prohibited from receiving a scholarship award pursuant to s.
734 1002.394(6) or s. 1002.395(4). As part of the department's
735 determination process, the department must require the
736 organization to suspend payments to the student's account and
737 the use of funds in the student's account related to any period
738 of time the student is ineligible.

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

748 (f) The department, after the list of eligible students has
749 been cross-checked and each student has been assigned a Florida
750 student identification number, shall send the list of verified
751 eligible students to the organization, which may then fund
752 students only based upon the department's list of verified
753 eligible students. The department must notify an organization of
754 any of the organization's identified students who were submitted

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755 for a scholarship from another organization and which
756 organization the student shall receive funding from.

757 (g) After each cross-check, the department must provide the
758 list of verified eligible students submitted to the organization
759 and any information on duplicate students requested to the chair
760 of the Senate Appropriations Committee, the chair of the House
761 Budget Committee, and the Office of Policy and Budget within the
762 Executive Office of the Governor.

763 (4) PREPAYMENT VERIFICATION.—Prior to the disbursement of
764 each scholarship payment, the organization must verify the
765 student's continued eligibility based upon the requirements of
766 the applicable student's scholarship program.

767 (a) For scholarship programs that require private school
768 enrollment, the organization must verify that the student is
769 enrolled in and in attendance at a participating eligible
770 private school.

771 (b) Prior to the receipt of each scholarship payment, a
772 parent of the student must attest that the student is not
773 enrolled full time in a public school and is enrolled and in
774 attendance, unless excused for illness or other good cause, in
775 one of the following:

- 776 1. A home education program;
- 777 2. A personalized education program; or
- 778 3. A private school.

779 (c) The parent of a student enrolled at a private school
780 may authorize the private school to satisfy the requirement in
781 paragraph (b) on behalf of the parent by attestting that the
782 student is enrolled in and in attendance at the private school.
783 The private school and the organization must maintain records of

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784 the parental authorization, which must be renewed each school
785 year and may be included as part of the parent's approval of the
786 funds transfer authorized pursuant to subparagraph (6) (b)1. An
787 improper attestation may be investigated as fraud pursuant to
788 subparagraph (10) (a)6., and the private school may be liable to
789 the state for payments made in violation of this subsection and,
790 if found liable, must reimburse the state for funds improperly
791 paid to the private school.

792 (d) The organization may not make any payment into a
793 student's account prior to a parent's acceptance of a
794 scholarship award, upon notification that the student is
795 enrolled in a public school unless the organization can verify
796 the student's eligibility, or for any period of time prior to
797 the department's verification of the student's eligibility. An
798 organization is liable to the state for payments made in
799 violation of this subsection and must reimburse the state for
800 funds that were improperly awarded which cannot be recovered.

801 (e) For a student who was enrolled in a public school prior
802 to participation in the scholarship program as determined by the
803 department, the organization must receive proof that the parent
804 submitted the standard withdrawal form to the public school
805 where the student was previously enrolled or, if the withdrawal
806 occurred prior to the creation of the standard withdrawal form,
807 another form of proof of withdrawal from the public school.

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

809 (a) Beginning in the 2026-2027 school year, the calculated
810 scholarship program award amounts shall be the amounts provided
811 in the General Appropriations Act which are based upon the
812 amounts by basic program and program for exceptional students

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813 under the Florida Education Finance Program. These amounts shall
814 be adjusted annually based upon the value of the percentage
815 change increase in per student funding at the state level for
816 public school districts as provided in the General
817 Appropriations Act.

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

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

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

831 b. The calculated scholarship amount for a student who
832 received a John M. McKay Scholarship pursuant to former s.
833 1002.39 in the 2020-2021 school year shall be the greater of the
834 amount calculated pursuant to this subsection or the amount the
835 student received for the 2020-2021 school year.

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

839 1. For a renewal student receiving a scholarship award
840 pursuant to s. 1002.394(3)(a) or s. 1002.395, and whose funds
841 are applied to tuition at an eligible private school that has

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842 agreed to attest to the student's attendance pursuant to
843 paragraph (4)(c), the organization may make the first payment no
844 earlier than August 15 and the second payment no earlier than
845 September 15.

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

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

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

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

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871 contract pursuant to s. 287.056.

872 (b) For students eligible pursuant to s. 1002.394(3)(a) or
873 s. 1002.395, except for those students enrolled in a
874 personalized education program:

875 1. The organization must commit scholarship funds on behalf
876 of the student for tuition and fees that the parent must pay at
877 a participating private school before scholarship account funds
878 may be used for additional authorized uses under s.
879 1002.394(4)(a) or s. 1002.395(4)(d). A parent is responsible for
880 all eligible expenses in excess of the scholarship amount. An
881 organization shall ensure that the parent has approved a funds
882 transfer before any scholarship funds are deposited. The parent
883 may not designate any entity or individual associated with a
884 participating private school as the parent's attorney in fact to
885 approve a funds transfer.

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

897 3. The initial payment shall be made after the
898 organization's verification of admission acceptance, and
899 subsequent payments shall be made upon verification of continued

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900 enrollment and attendance at a participating private school.
901 Payments for tuition and fees for full-time enrollment shall be
902 made within 7 business days after approval by the parent and the
903 private school.

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

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

910 (c) For students eligible pursuant to s. 1002.394(3)(b):
911 1. The organization must verify qualifying educational
912 expenditures pursuant to the requirements of s. 1002.394(4)(b).
913 The organization must verify any expenditures made pursuant to
914 s. 1002.394(4)(b)1. and 2. before the distribution of funds.
915 Review of expenditures made for services specified in s.
916 1002.394(4)(b)3.-16. may be completed after the purchase is
917 made.

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

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

927 (d) A parent of a student attending a public school on a
928 part-time basis through contracted services provided by a public

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929 school or school district pursuant to s. 1002.44 must notify the
930 public school or school district in writing at the time of
931 application or at any subsequent time if the student is
932 receiving a scholarship. For such contracted services, the
933 public school may require the parent to pay for the contracted
934 services as authorized in ss. 1002.395(4)(a)6.,
935 1002.395(4)(b)8., and 1002.395(6)(d)4.f.

936 (e) A parent of a 3- or 4-year-old child receiving a
937 scholarship pursuant to s. 1002.394(3)(b) and receiving services
938 at a public school or school district must notify the public
939 school or school district in writing at the time of application
940 or at any subsequent time if the student is receiving a
941 scholarship.

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

946 (7) TESTING REQUIREMENTS.—A student participating in a
947 scholarship program in grades 3 through 10 may take the
948 nationally norm-referenced tests that are identified by the
949 department or take the statewide assessments pursuant to s.
950 1008.22. Students with disabilities for whom standardized
951 testing is not appropriate and who are granted an extraordinary
952 exemption from the administration of the assessment pursuant to
953 s. 1008.212 are exempt from this requirement.

954 (a) A participating private school must annually administer
955 or make provision for students participating in the program in
956 grades 3 through 10 to take one of the nationally norm-
957 referenced tests or cooperate with a student whose parent

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958 chooses to participate in the statewide assessments pursuant to
959 s. 1008.22. A parent must require his or her student
960 participating in the program to take the norm-referenced tests
961 offered by the participating private school. The parent may also
962 choose to have the student participate in the statewide
963 assessments pursuant to s. 1008.22.

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

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

976 a. Providing training for private school staff on test
977 security and assessment administration procedures;
978 b. Distributing testing materials to a private school;
979 c. Retrieving testing materials from a private school;
980 d. Providing the required format for a private school to
981 submit information to the district for test administration and
982 enrollment purposes; and
983 e. Providing any required assistance, monitoring, or
984 investigation related to administering tests and assessments at
985 a private school.

986 3. A participating private school shall report a student's

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987 scores to his or her parent. By August 15 of each year, a
988 participating private school must report the scores of all
989 participating students to a state university as described in s.
990 1002.395(9)(b)3.

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

999 5. For students determined eligible pursuant to s.
1000 1002.395(7)(b), an organization must receive eligible student
1001 test scores, and beginning with the 2027-2028 school year, by
1002 August 15, annually report test scores for such students to a
1003 state university pursuant to s. 1002.395(9)(b)3.

1004 (8) BACKGROUND SCREENING REQUIREMENTS.—

1005 (a) Each owner or operator or an individual providing
1006 services under s. 1002.394(4)(b)4. or s. 1002.395(6)(d)4.
1007 through an organization's online platform for direct purchase
1008 pursuant to subparagraph (6)(b)2., prior to employment or
1009 engagement to provide services, must undergo a background
1010 screening and meet the screening standards in s. 1012.315. All
1011 fingerprints submitted to the Department of Law Enforcement as
1012 required by this section must be retained in the Care Provider
1013 Background Screening Clearinghouse as provided in s. 435.12. The
1014 cost of the background screening may be borne by the owner or
1015 operator or service provider.

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1016 1. Employees, contracted personnel, owners, and operators
1017 must be rescreened as required by s. 435.12.

1018 2. Employees, contracted personnel, owners, and operators
1019 who apply for employment are governed by the laws and rules in
1020 effect at the time of the application for employment, provided
1021 that the person is continually employed by the same school or
1022 provider. An owner or operator who fails the level 2 background
1023 screening is not eligible to participate in a scholarship
1024 program under this chapter.

1025 3. Service providers who have been screened under licensure
1026 requirements in chapter 402, or who are exempt from licensure,
1027 are not required to be rescreened under this section. The
1028 Department of Education and the Department of Children and
1029 Families must implement a process to electronically share
1030 background screening results for such service providers.

1031 4. In addition to the offenses listed in s. 435.04, a
1032 person required to undergo background screening pursuant to this
1033 section or authorizing statutes may not have an arrest awaiting
1034 final disposition for, must not have been found guilty of, or
1035 entered a plea of nolo contendere to, regardless of
1036 adjudication, and must not have been adjudicated delinquent for,
1037 and the record must not have been sealed or expunged for, any of
1038 the following offenses or any similar offense of another
1039 jurisdiction:

- 1040 a. Any authorizing statutes, if the offense was a felony.
- 1041 b. This chapter, if the offense was a felony.
- 1042 c. Section 409.920, relating to Medicaid provider fraud.
- 1043 d. Section 409.9201, relating to Medicaid fraud.
- 1044 e. Section 741.28, relating to domestic violence.

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1045 f. Section 817.034, relating to fraudulent acts through
1046 mail, wire, radio, electromagnetic, photoelectronic, or
1047 photooptical systems.

1048 g. Section 817.234, relating to false and fraudulent
1049 insurance claims.

1050 h. Section 817.505, relating to patient brokering.

1051 i. Section 817.568, relating to criminal use of personal
1052 identification information.

1053 j. Section 817.60, relating to obtaining a credit card
1054 through fraudulent means.

1055 k. Section 817.61, relating to fraudulent use of credit
1056 cards, if the offense was a felony.

1057 l. Section 831.01, relating to forgery.

1058 m. Section 831.02, relating to uttering forged instruments.

1059 n. Section 831.07, relating to forging bank bills, checks,
1060 drafts, or promissory notes.

1061 o. Section 831.09, relating to uttering forged bank bills,
1062 checks, drafts, or promissory notes.

1063 p. Section 831.30, relating to fraud in obtaining medicinal
1064 drugs.

1065 q. Section 831.31, relating to the sale, manufacture,
1066 delivery, or possession with the intent to sell, manufacture, or
1067 deliver any counterfeit controlled substance, if the offense was
1068 a felony.

1069 5. At least 30 calendar days before a transfer of ownership
1070 of a private school, the owner or operator shall notify the
1071 parent of each scholarship student.

1072 6. The owner or operator of a private school that has been
1073 deemed ineligible to participate in a scholarship program

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1074 pursuant to this chapter may not transfer ownership or
1075 management authority of the school to a relative in order to
1076 participate in a scholarship program as the same school or a new
1077 school. For purposes of this subparagraph, the term "relative"
1078 means father, mother, son, daughter, grandfather, grandmother,
1079 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
1080 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
1081 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
1082 stepdaughter, stepbrother, stepsister, half brother, or half
1083 sister.

1084 (b) An organization must report the annual audit of
1085 background screening results required under this subsection to
1086 the department.

1087 (9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
1088 school participating in an educational scholarship program
1089 established pursuant to this chapter may be sectarian or
1090 nonsectarian and must be a private school as defined in s.
1091 1002.01 in this state, be registered, and be in compliance with
1092 all requirements of this section in addition to private school
1093 requirements outlined in s. 1002.42, specific requirements
1094 identified within respective scholarship program laws, and other
1095 provisions of Florida law that apply to private schools.
1096 Additionally, a private school participating in an educational
1097 scholarship program pursuant to this chapter, and must:

1098 (a) Comply with the antidiscrimination provisions of 42
1099 U.S.C. s. 2000d.

1100 (b) Notify the department of its intent to participate in a
1101 scholarship program.

1102 (c) Notify the department of any change in the school's

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1103 name, school director, mailing address, or physical location
1104 within 15 days after the change.

1105 (d) Provide to the department or ~~scholarship-funding~~
1106 organization all documentation required for a student's
1107 participation or required by the organization to process a
1108 scholarship payment, including the private school's and
1109 student's individual fee schedule, and attendance verification
1110 as required by the department or ~~scholarship-funding~~
1111 organization, prior to scholarship payment. Such information
1112 must be provided by the deadlines established by the
1113 organization and in accordance with the requirements of this
1114 section and ss. 1002.394 and 1002.395. A student is not eligible
1115 to receive a scholarship payment if the private school fails to
1116 meet the deadlines.

1117 (e) Annually complete and submit to the department a
1118 notarized scholarship compliance statement certifying that all
1119 school employees and contracted personnel with direct student
1120 contact have undergone background screening and have met the
1121 screening standards as provided in s. 1012.315.

1122 (f) Demonstrate fiscal soundness and accountability by:

1123 1. Being in operation for at least 3 school years or
1124 obtaining a surety bond or letter of credit for the amount equal
1125 to the scholarship funds for any quarter and filing the surety
1126 bond or letter of credit with the department.

1127 2. Requiring the parent of each scholarship student to
1128 personally restrictively endorse the scholarship warrant to the
1129 school or to approve a funds transfer before any funds are
1130 deposited for a student. The school may not act as attorney in
1131 fact for the parent of a scholarship student under the authority

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1132 of a power of attorney executed by such parent, or under any
1133 other authority, to endorse a scholarship warrant or approve a
1134 funds transfer on behalf of such parent.

1135 (g) Meet applicable state and local health, safety, and
1136 welfare laws, codes, and rules, including:

1137 1. Firesafety.

1138 2. Building safety.

1139 (h) Employ or contract with teachers who hold baccalaureate
1140 or higher degrees, have at least 3 years of teaching experience
1141 in public or private schools, or have special skills, knowledge,
1142 or expertise that qualifies them to provide instruction in
1143 subjects taught.

1144 (i) Maintain a physical location in the state at which each
1145 student has regular and direct contact with teachers. Regular
1146 and direct contact with teachers may be satisfied for students
1147 enrolled pursuant to s. 1002.394(4)(b) or in a personalized
1148 education program if students have regular and direct contact
1149 with teachers at the physical location at least 2 school days
1150 per week and the student learning plan addresses the remaining
1151 instructional time.

1152 (j) Publish on the school's website, or provide in a
1153 written format, information for parents regarding the school,
1154 including, but not limited to, programs, services, the
1155 qualifications of classroom teachers, and a statement that a
1156 parentally placed private school student with a disability does
1157 not have an individual right to receive some or all of the
1158 special education and related services that the student would
1159 receive if enrolled in a public school under the Individuals
1160 with Disabilities Education Act (IDEA), as amended.

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1161 (k) At a minimum, provide the parent of each scholarship
1162 student with a written explanation of the student's progress on
1163 a quarterly basis.

1164 (1) Cooperate with a student whose parent chooses to
1165 participate in the statewide assessments pursuant to s. 1008.22.

1166 (m) Require each employee and contracted personnel with
1167 direct student contact, upon employment or engagement to provide
1168 services, to undergo background screening under s. 1012.315 and
1169 deny employment to or terminate an employee if he or she fails
1170 to meet the screening standards under s. 1012.315. For purposes
1171 of this paragraph:

1172 1. An "employee or contracted personnel with direct student
1173 contact" means any employee or contracted personnel who has
1174 unsupervised access to a scholarship student for whom the
1175 private school is responsible.

1176 2. The costs of fingerprinting and the background check
1177 shall not be borne by the state.

1178 3. Continued employment of an employee or contracted
1179 personnel after notification that he or she has failed the
1180 background screening under this paragraph shall cause a private
1181 school to be ineligible for participation in a scholarship
1182 program.

1183 4. An employee or contracted personnel holding a valid
1184 Florida teaching certificate who has been fingerprinted pursuant
1185 to s. 1012.32 is not required to comply with the provisions of
1186 this paragraph.

1187 5. All fingerprints submitted to the Department of Law
1188 Enforcement as required by this section must be retained in the
1189 Care Provider Background Screening Clearinghouse as provided in

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1190 s. 435.12.

1191 ~~6. Employees, contracted personnel, owners, and operators~~
1192 ~~must be rescreened as required by s. 435.12.~~

1193 ~~7. Persons who apply for employment are governed by the~~
1194 ~~laws and rules in effect at the time of application for~~
1195 ~~employment, provided that the person is continually employed by~~
1196 ~~the same school.~~

1197 (n) Adopt policies establishing standards of ethical
1198 conduct for educational support employees, instructional
1199 personnel, and school administrators. The policies must require
1200 all educational support employees, instructional personnel, and
1201 school administrators, as defined in s. 1012.01, to complete
1202 training on the standards; establish the duty of educational
1203 support employees, instructional personnel, and school
1204 administrators to report, and procedures for reporting, alleged
1205 misconduct by other educational support employees, instructional
1206 personnel, and school administrators which affects the health,
1207 safety, or welfare of a student; and include an explanation of
1208 the liability protections provided under ss. 39.203 and 768.095.
1209 A private school, or any of its employees, may not enter into a
1210 confidentiality agreement regarding terminated or dismissed
1211 educational support employees, instructional personnel, or
1212 school administrators, or employees, personnel, or
1213 administrators who resign in lieu of termination, based in whole
1214 or in part on misconduct that affects the health, safety, or
1215 welfare of a student, and may not provide the employees,
1216 personnel, or administrators with employment references or
1217 discuss the employees', personnel's, or administrators'
1218 performance with prospective employers in another educational

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1219 setting, without disclosing the employees', personnel's, or
1220 administrators' misconduct. Any part of an agreement or contract
1221 that has the purpose or effect of concealing misconduct by
1222 educational support employees, instructional personnel, or
1223 school administrators which affects the health, safety, or
1224 welfare of a student is void, is contrary to public policy, and
1225 may not be enforced.

1226 (o) Before employing a person in any position that requires
1227 direct contact with students, conduct employment history checks
1228 of previous employers, screen the person through use of the
1229 screening tools described in s. 1001.10(5), and document the
1230 findings. If unable to contact a previous employer, the private
1231 school must document efforts to contact the employer. The
1232 private school may not employ a person whose educator
1233 certificate is revoked, who is barred from reapplying for an
1234 educator certificate, or who is on the disqualification list
1235 maintained by the department pursuant to s. 1001.10(4)(b).

1236 ~~(p) Require each owner or operator of the private school,~~
1237 ~~prior to employment or engagement to provide services, to~~
1238 ~~undergo background screening as provided in s. 1012.315. For~~
1239 ~~purposes of this paragraph, the term "owner or operator" means~~
1240 ~~an owner, an operator, a superintendent, or a principal of, or a~~
1241 ~~person with equivalent decisionmaking authority over, a private~~
1242 ~~school participating in a scholarship program established~~
1243 ~~pursuant to this chapter. The fingerprints for the background~~
1244 ~~screening must be electronically submitted to the Department of~~
1245 ~~Law Enforcement and may be taken by an authorized law~~
1246 ~~enforcement agency or a private company who is trained to take~~
1247 ~~fingerprints. However, the complete set of fingerprints of an~~

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1248 owner or operator may not be taken by the owner or operator. The
1249 cost of the background screening may be borne by the owner or
1250 operator.

1251 1. In addition to the offenses listed in s. 435.04, a
1252 person required to undergo background screening pursuant to this
1253 part or authorizing statutes may not have an arrest awaiting
1254 final disposition for, must not have been found guilty of, or
1255 entered a plea of nolo contendere to, regardless of
1256 adjudication, and must not have been adjudicated delinquent for,
1257 and the record must not have been sealed or expunged for, any of
1258 the following offenses or any similar offense of another
1259 jurisdiction:

1260 a. Any authorizing statutes, if the offense was a felony.

1261 b. This chapter, if the offense was a felony.

1262 c. Section 409.920, relating to Medicaid provider fraud.

1263 d. Section 409.9201, relating to Medicaid fraud.

1264 e. Section 741.28, relating to domestic violence.

1265 f. Section 817.034, relating to fraudulent acts through
1266 mail, wire, radio, electromagnetic, photoelectronic, or
1267 photooptical systems.

1268 g. Section 817.234, relating to false and fraudulent
1269 insurance claims.

1270 h. Section 817.505, relating to patient brokering.

1271 i. Section 817.568, relating to criminal use of personal
1272 identification information.

1273 j. Section 817.60, relating to obtaining a credit card
1274 through fraudulent means.

1275 k. Section 817.61, relating to fraudulent use of credit
1276 cards, if the offense was a felony.

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1277 1. Section 831.01, relating to forgery.

1278 m. Section 831.02, relating to uttering forged instruments.

1279 n. Section 831.07, relating to forging bank bills, checks,

1280 drafts, or promissory notes.

1281 o. Section 831.09, relating to uttering forged bank bills,

1282 checks, drafts, or promissory notes.

1283 p. Section 831.30, relating to fraud in obtaining medicinal

1284 drugs.

1285 q. Section 831.31, relating to the sale, manufacture,

1286 delivery, or possession with the intent to sell, manufacture, or

1287 deliver any counterfeit controlled substance, if the offense was

1288 a felony.

1289 2. At least 30 calendar days before a transfer of ownership

1290 of a private school, the owner or operator shall notify the

1291 parent of each scholarship student.

1292 3. The owner or operator of a private school that has been

1293 deemed ineligible to participate in a scholarship program

1294 pursuant to this chapter may not transfer ownership or

1295 management authority of the school to a relative in order to

1296 participate in a scholarship program as the same school or a new

1297 school. For purposes of this subparagraph, the term "relative"

1298 means father, mother, son, daughter, grandfather, grandmother,

1299 brother, sister, uncle, aunt, cousin, nephew, niece, husband,

1300 wife, father in law, mother in law, son in law, daughter in law,

1301 brother in law, sister in law, stepfather, stepmother, stepson,

1302 stepdaughter, stepbrother, stepsister, half brother, or half

1303 sister.

1304 (p) (q) Provide a report from an independent certified

1305 public accountant who performs the agreed-upon procedures

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1306 developed pursuant to s. 1002.395(6)(1) ~~s. 1002.395(6)(q)~~ if the
1307 private school receives more than \$250,000 in funds from
1308 scholarships awarded under this chapter in a state fiscal year.
1309 A private school subject to this subsection must annually submit
1310 the report by September 15 to the scholarship-funding
1311 organization that awarded the majority of the school's
1312 scholarship funds. The agreed-upon procedures must be conducted
1313 in accordance with attestation standards established by the
1314 American Institute of Certified Public Accountants.

1315 (q)(r) Prohibit education support employees, instructional
1316 personnel, and school administrators from employment in any
1317 position that requires direct contact with students if the
1318 personnel or administrators are ineligible for such employment
1319 pursuant to this section or s. 1012.315, or have been terminated
1320 or have resigned in lieu of termination for sexual misconduct
1321 with a student. If the prohibited conduct occurs subsequent to
1322 employment, the private school must report the person and the
1323 disqualifying circumstances to the department for inclusion on
1324 the disqualification list maintained pursuant to s.
1325 1001.10(4)(b).

1326 (r)(s) Not be owned or operated by a person or an entity
1327 domiciled in, owned by, or in any way controlled by a foreign
1328 country of concern or foreign principal as defined in s.
1329 288.860. A violation of this paragraph constitutes an imminent
1330 threat to the health, safety, and welfare of the school's
1331 students and to the public, sufficient to justify immediate
1332 suspension of payment of scholarship funds under paragraph
1333 (11)(e) paragraph (3)(e), as well as denial, suspension, or
1334 revocation of a school's participation in a scholarship program

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1335 under paragraph (11) (b) paragraph (3) (b).

1336 (s) The inclusion of eligible private schools within
1337 options available to Florida public school students does not
1338 expand the regulatory authority of the state, its officers, or
1339 any school district to impose any additional regulation of
1340 private schools beyond that reasonably necessary to enforce
1341 requirements expressly set forth in this section.

1342

1343 The department shall suspend the payment of funds to a private
1344 school that knowingly fails to comply with this subsection or
1345 subsection (8), and shall prohibit the school from enrolling new
1346 scholarship students, for 1 fiscal year and until the school
1347 complies. If a private school fails to meet the requirements of
1348 this subsection or subsection (8) or has consecutive years of
1349 material exceptions listed in the report required under
1350 paragraph (p) (q), the commissioner may determine that the
1351 private school is ineligible to participate in a scholarship
1352 program.

1353 (10) (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

1354 (a) The Department of Education shall:

1355 1. Annually verify the eligibility of private schools that
1356 meet the requirements of this section, specific requirements
1357 identified within respective scholarship program laws, and other
1358 provisions of state law that apply to private schools.

1359 2. Establish a toll-free hotline that provides parents and
1360 private schools with information on participation in the
1361 scholarship programs.

1362 3. Publish and update, as necessary, information on the
1363 department website about the educational scholarship programs

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1364 established under this chapter, including, but not limited to,
1365 student eligibility criteria, parental responsibilities, and
1366 relevant data. The information must include a list of approved
1367 providers as required by s. 1002.66, eligible postsecondary
1368 educational institutions, eligible private schools, and eligible
1369 organizations and may identify or provide links to lists of
1370 other approved providers.

1371 4. Establish a process by which individuals may notify the
1372 department of any violation by a parent, private school, or
1373 school district of state laws relating to program participation.
1374 If the department has reasonable cause to believe that a
1375 violation of this section or any rule adopted by the State Board
1376 of Education has occurred, it shall conduct an inquiry or make a
1377 referral to the appropriate agency for an investigation. A
1378 department inquiry is not subject to the requirements of chapter
1379 120.

1380 5. Investigate any written complaint of a violation of this
1381 section by a parent, a student, a participating private school,
1382 a public school, a school district, an organization, a provider,
1383 or another appropriate party in accordance with the process
1384 established under s. 1002.421.

1385 6. Investigate fraudulent activity on behalf of
1386 organizations, participating eligible private schools, or
1387 scholarship recipients to determine possible fraud or
1388 overpayment. If, by the department's own inquiries or as a
1389 result of a complaint, the commissioner has reason to believe
1390 that an organization, a private school, or a recipient has
1391 engaged in, or is engaging in, a fraudulent act, he or she shall
1392 investigate and determine whether any fraud or overpayment has

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1393 occurred. During the investigation, the department may examine
1394 all records and make inquiry of all persons who may have
1395 knowledge as to any irregularity incidental to the disbursement
1396 of state funds or other items or benefit authorizations to
1397 scholarship recipients. Based on the results of the
1398 investigation, the department may, in its discretion, refer the
1399 investigation to the Department of Financial Services for
1400 criminal investigation. Any suspected criminal violation
1401 identified by the department must be referred to the Department
1402 of Financial Services for criminal investigation. A person who
1403 commits an act of fraud is subject to the penalties provided in
1404 s. 414.39(5).

1405 7.4. Require an annual, notarized, sworn compliance
1406 statement from participating private schools certifying
1407 compliance with state laws, and retain such records.

1408 8.5. Coordinate with the entities conducting the health
1409 inspection for a private school to obtain copies of the
1410 inspection reports.

1411 9.6. Conduct site visits to private schools entering a
1412 scholarship program for the first time. Beginning with the 2019-
1413 2020 school year, a private school is not eligible to receive
1414 scholarship payments until a satisfactory site visit has been
1415 conducted and the school is in compliance with all other
1416 requirements of this section.

1417 10.7. Coordinate with the State Fire Marshal to obtain
1418 access to fire inspection reports for private schools. The
1419 authority conducting the fire safety inspection shall certify to
1420 the State Fire Marshal that the annual inspection has been
1421 completed and that the school is in full compliance. The

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1422 certification shall be made electronically or by such other
1423 means as directed by the State Fire Marshal.

1424 11.8. Upon the request of a participating private school
1425 authorized to administer statewide assessments, provide at no
1426 cost to the school the statewide assessments administered under
1427 s. 1008.22 and any related materials for administering the
1428 assessments. Students at a private school may be assessed using
1429 the statewide assessments if the addition of those students and
1430 the school does not cause the state to exceed its contractual
1431 caps for the number of students tested and the number of testing
1432 sites. The state shall provide the same materials and support to
1433 a private school that it provides to a public school. A private
1434 school that chooses to administer statewide assessments under s.
1435 1008.22 shall follow the requirements set forth in ss. 1008.22
1436 and 1008.24, rules adopted by the State Board of Education to
1437 implement those sections, and district-level testing policies
1438 established by the district school board.

1439 12. Maintain and annually publish a list of nationally
1440 norm-referenced tests identified for purposes of satisfying the
1441 testing requirements in subsection (7). The tests must meet
1442 industry standards of quality in accordance with state board
1443 rule.

1444 13. Develop a standard withdrawal form for parents who are
1445 withdrawing their students from public school to enroll in a
1446 scholarship program under this chapter. The form must include
1447 the student's Florida student identification number, full name,
1448 date of birth, school or program from which the student is
1449 withdrawing, and date of withdrawal.

1450 14. Annually report on the number of students withdrawing

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1451 from each scholarship program and enrolling in a public school,
1452 and the number of students withdrawing from a public school and
1453 enrolling in a scholarship program, by scholarship type.

1454 (b) The department may conduct site visits to any private
1455 school participating in a scholarship program pursuant to this
1456 chapter that has received a complaint about a violation of state
1457 law or state board rule pursuant to subparagraph (a)3. or has
1458 received a notice of noncompliance or a notice of proposed
1459 action within the previous 2 years.

1460 (c) At the direction of the Commissioner of Education, the
1461 department may:

1462 1. Suspend or revoke program participation or use of
1463 program funds by the student or participation or eligibility of
1464 an organization, eligible postsecondary educational institution,
1465 approved provider, or other party for a violation of this
1466 section.

1467 2. Determine the length of, and conditions for lifting, a
1468 suspension or revocation specified in this paragraph.

1469 3. Recover unexpended program funds or withhold payment of
1470 an equal amount of program funds to recover program funds that
1471 were not authorized for use.

1472
1473 In determining whether to suspend or revoke participation or
1474 lift a suspension or revocation in accordance with this
1475 paragraph, the department may consider factors that include, but
1476 are not limited to, acts or omissions that led to a previous
1477 suspension or revocation of participation in a state or federal
1478 program or an education scholarship program; failure to
1479 reimburse the organization for funds improperly received or

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1480 retained; failure to reimburse government funds improperly
1481 received or retained; imposition of a prior criminal sanction
1482 related to the person or entity or its officers or employees;
1483 imposition of a civil fine or administrative fine, license
1484 revocation or suspension, or program eligibility suspension,
1485 termination, or revocation related to a person's or entity's
1486 management or operation; or other types of criminal proceedings
1487 in which the person or entity or its officers or employees were
1488 found guilty of, regardless of adjudication, or entered a plea
1489 of nolo contendere or guilty to, any offense involving fraud,
1490 deceit, dishonesty, or moral turpitude.

1491 (d) The department, in consultation with the organization,
1492 shall develop a uniform reimbursement process that organizations
1493 must use, beginning with the 2026-2027 school year, when
1494 processing reimbursement requests, including invoices, pursuant
1495 to s. 1002.394(11)(b) or s. 1002.395(6)(p). An organization must
1496 approve, deny, or request more information relating to a
1497 reimbursement request within 30 days after receipt of such
1498 request. The department shall coordinate with each organization
1499 to develop a process to collect input and feedback from parents,
1500 private schools, and providers before an organization may
1501 implement substantial modifications or enhancements to the
1502 reimbursement process.

1503 (e) Annually, by December 15, the department shall report
1504 to the Governor, the President of the Senate, and the Speaker of
1505 the House of Representatives its actions in implementing
1506 accountability in the scholarship programs under this section,
1507 both Florida Empowerment Scholarships and Florida Tax Credit
1508 Scholarships, any substantiated allegations or violations of law

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1509 or rule by an eligible private school or organization under this
1510 section, and the corrective action taken.

1511 (11)(3) COMMISSIONER OF EDUCATION AUTHORITY AND
1512 OBLIGATIONS.—The Commissioner of Education:

1513 (a) Shall deny, suspend, or revoke a private school's
1514 participation in a scholarship program if it is determined that
1515 the private school has failed to comply with this section or
1516 exhibits a previous pattern of failure to comply. However, if
1517 the noncompliance is correctable within a reasonable amount of
1518 time, not to exceed 45 days, and if the health, safety, or
1519 welfare of the students is not threatened, the commissioner may
1520 issue a notice of noncompliance which provides the private
1521 school with a timeframe within which to provide evidence of
1522 compliance before taking action to suspend or revoke the private
1523 school's participation in the scholarship program.

1524 (b) May deny, suspend, or revoke a private school's
1525 participation in a scholarship program if the commissioner
1526 determines that an owner or operator of the private school is
1527 operating or has operated an educational institution in this
1528 state or in another state or jurisdiction in a manner contrary
1529 to the health, safety, or welfare of the public or if the owner
1530 or operator has exhibited a previous pattern of failure to
1531 comply with this section or specific requirements identified
1532 within respective scholarship program laws. ~~For purposes of this~~
1533 ~~subsection, the term "owner or operator" has the same meaning as~~
1534 ~~provided in paragraph (1)(p).~~

1535 (c) May permanently deny or revoke the authority of an
1536 owner, officer, or director to establish or operate a private
1537 school in the state and include such individual on the

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1538 disqualification list maintained by the department pursuant to
1539 s. 1001.10(4)(b) if the commissioner decides that the owner,
1540 officer, or director:

1541 1. Is operating or has operated an educational institution
1542 in the state or another state or jurisdiction in a manner
1543 contrary to the health, safety, or welfare of the public; or

1544 2. Has operated an educational institution that closed
1545 during the school year. An individual may be removed from the
1546 disqualification list if the individual reimburses the
1547 department or eligible nonprofit scholarship-funding
1548 organization the amount of scholarship funds received by the
1549 educational institution during the school year in which it
1550 closed.

1551 (d)1. In making such a determination, may consider factors
1552 that include, but are not limited to, acts or omissions by an
1553 owner or operator which led to a previous denial, suspension, or
1554 revocation of participation in a state or federal education
1555 scholarship program; an owner's or operator's failure to
1556 reimburse the department or scholarship-funding organization for
1557 scholarship funds improperly received or retained by a school;
1558 the imposition of a prior criminal sanction related to an
1559 owner's or operator's management or operation of an educational
1560 institution; the imposition of a civil fine or administrative
1561 fine, license revocation or suspension, or program eligibility
1562 suspension, termination, or revocation related to an owner's or
1563 operator's management or operation of an educational
1564 institution; or other types of criminal proceedings in which an
1565 owner or operator was found guilty of, regardless of
1566 adjudication, or entered a plea of nolo contendere or guilty to,

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1567 any offense involving fraud, deceit, dishonesty, or moral
1568 turpitude.

1569 2. The commissioner's determination is subject to the
1570 following:

1571 a. If the commissioner intends to deny, suspend, or revoke
1572 a private school's participation in the scholarship program, the
1573 department shall notify the private school of such proposed
1574 action in writing by certified mail and regular mail to the
1575 private school's address of record with the department. The
1576 notification shall include the reasons for the proposed action
1577 and notice of the timelines and procedures set forth in this
1578 paragraph.

1579 b. The private school that is adversely affected by the
1580 proposed action shall have 15 days after receipt of the notice
1581 of proposed action to file with the department's agency clerk a
1582 request for a proceeding pursuant to ss. 120.569 and 120.57. If
1583 the private school is entitled to a hearing under s. 120.57(1),
1584 the department shall forward the request to the Division of
1585 Administrative Hearings.

1586 c. Upon receipt of a request referred pursuant to this
1587 subparagraph, the director of the Division of Administrative
1588 Hearings shall expedite the hearing and assign an administrative
1589 law judge who shall commence a hearing within 30 days after the
1590 receipt of the formal written request by the division and enter
1591 a recommended order within 30 days after the hearing or within
1592 30 days after receipt of the hearing transcript, whichever is
1593 later. Each party shall be allowed 10 days in which to submit
1594 written exceptions to the recommended order. A final order shall
1595 be entered by the agency within 30 days after the entry of a

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1596 recommended order. The provisions of this sub-subparagraph may
1597 be waived upon stipulation by all parties.

1598 (e) May immediately suspend payment of scholarship funds if
1599 it is determined that there is probable cause to believe that
1600 there is:

1601 1. An imminent threat to the health, safety, or welfare of
1602 the students;

1603 2. A previous pattern of failure to comply with this
1604 section; or

1605 3. Fraudulent activity on the part of the private school; or
1606 4. Fraudulent activity or failure to comply with this
1607 section on the part of an organization; or

1608 5. Fraudulent activity or failure to comply with this
1609 section on the part of a scholarship recipient. Notwithstanding
1610 s. 1002.22, in incidents of alleged fraudulent activity pursuant
1611 to this section, the department's Office of Inspector General is
1612 authorized to release personally identifiable records or reports
1613 of students to the following persons or organizations:

1614 a. A court of competent jurisdiction in compliance with an
1615 order of that court or the attorney of record in accordance with
1616 a lawfully issued subpoena, consistent with the Family
1617 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

1618 b. A person or entity authorized by a court of competent
1619 jurisdiction in compliance with an order of that court or the
1620 attorney of record pursuant to a lawfully issued subpoena,
1621 consistent with the Family Educational Rights and Privacy Act,
1622 20 U.S.C. s. 1232g.

1623 c. Any person, entity, or authority issuing a subpoena for
1624 law enforcement purposes when the court or other issuing agency

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1625 has ordered that the existence or the contents of the subpoena
1626 or the information furnished in response to the subpoena not be
1627 disclosed, consistent with the Family Educational Rights and
1628 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

1629

1630 The commissioner's order suspending payment pursuant to this
1631 paragraph may be appealed pursuant to the same procedures and
1632 timelines as the notice of proposed action set forth in
1633 subparagraph (d)2.

1634

(12) SCHOOL DISTRICT OBLIGATIONS.—

1635

(a) By January 1 of each year, a school district shall
1636 inform all households within the district receiving free or
1637 reduced-priced meals under the National School Lunch Act of
1638 their eligibility to apply for a scholarship program established
1639 under this chapter. The form of such notice shall be provided by
1640 the department, and the school district shall include the
1641 provided form in any normal correspondence with eligible
1642 households. If an organization requests a special communication
1643 to be issued to households within the district receiving free or
1644 reduced-price meals under the National School Lunch Act, the
1645 organization shall reimburse the district for the cost of
1646 postage. Such notice is limited to once a year.

1647

(b) Upon the request of the department, a school district
1648 shall coordinate with the department to provide to a
1649 participating private school the statewide assessments
1650 administered under s. 1008.22 and any related materials for
1651 administering the assessments. For a student participating in a
1652 scholarship program established under this chapter whose parent
1653 requests that the student take the statewide assessments under

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1654 s. 1008.22, the district in which the student attends a
1655 participating private school shall provide locations and times
1656 to take all statewide assessments. A school district is
1657 responsible for implementing test administrations at a
1658 participating private school, including:

- 1659 1. Providing training for private school staff on test
1660 security and assessment administration procedures;
- 1661 2. Distributing testing materials to a private school;
- 1662 3. Retrieving testing materials from a private school;
- 1663 4. Providing the required format for a private school to
1664 submit information to the district for test administration and
1665 enrollment purposes; and
- 1666 5. Providing any required assistance, monitoring, or
1667 investigation at a private school.

1668 (c) Each school district must publish information about a
1669 scholarship program established under this chapter on the
1670 district's website homepage. At a minimum, the published
1671 information must include a website link to the scholarship
1672 programs published on the department's website as well as a
1673 telephone number and e-mail address that students and parents
1674 may use to contact relevant personnel in the school district to
1675 obtain information about the scholarship.

1676 (d) A school district, upon the request of a parent, must
1677 provide the parent of a student enrolled in a school in the
1678 school district the standard withdrawal form developed by the
1679 department. The school district must sign a completed form
1680 within 10 days after receipt. The school district must also
1681 publish the withdrawal form on its website in a downloadable
1682 format no later than 10 days after adoption by the department.

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(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

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1712 Association; cerebral palsy, as defined in s. 393.063; Down
1713 syndrome, as defined in s. 393.063; an intellectual disability,
1714 as defined in s. 393.063; a speech impairment; a language
1715 impairment; an orthopedic impairment; any other health
1716 impairment; an emotional or a behavioral disability; a specific
1717 learning disability, including, but not limited to, dyslexia,
1718 dyscalculia, or developmental aphasia; Phelan-McDermid syndrome,
1719 as defined in s. 393.063; Prader-Willi syndrome, as defined in
1720 s. 393.063; spina bifida, as defined in s. 393.063; being a
1721 high-risk child, as defined in s. 393.063(23)(a); muscular
1722 dystrophy; Williams syndrome; rare diseases which affect patient
1723 populations of fewer than 200,000 individuals in the United
1724 States, as defined by the National Organization for Rare
1725 Disorders; anaphylaxis; a hearing impairment, including
1726 deafness; a visual impairment, including blindness; traumatic
1727 brain injury; hospital or homebound; or identification as dual
1728 sensory impaired, as defined by rules of the State Board of
1729 Education and evidenced by reports from local school districts.
1730 The term "hospital or homebound" includes a student who has a
1731 medically diagnosed physical or psychiatric condition or
1732 illness, as defined by the state board in rule, and who is
1733 confined to the home or hospital for more than 6 months.

1734 (f) "Eligible nonprofit scholarship funding organization"
1735 or "organization" has the same meaning as in s. 1002.395(2).

1736 (g) "Eligible postsecondary educational institution" means
1737 a Florida College System institution; a state university; a
1738 school district technical center; a school district adult
1739 general education center; an independent college or university
1740 that is eligible to participate in the William L. Boyd, IV,

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1741 Effective Access to Student Education Grant Program under s.
1742 1009.89; or an accredited independent postsecondary educational
1743 institution, as defined in s. 1005.02, which is licensed to
1744 operate in this state under part III of chapter 1005 or is
1745 approved to participate in a reciprocity agreement as defined in
1746 s. 1000.35(2).

1747 (h) "Eligible private school" has the same meaning as in s.
1748 1002.395(2).

1749 (i) "IEP" means an individual education plan, regardless of
1750 whether the plan has been reviewed or revised within the last 12
1751 months.

1752 (j) "Inactive" means that no eligible expenditures have
1753 been made from an account funded pursuant to paragraph (12)(b).

1754 (k) "Job coach" means an individual employed to help people
1755 with disabilities learn, accommodate to, and perform their work
1756 duties.

1757 (l) "Law enforcement officer" has the same meaning as
1758 provided in s. 943.10(1).

1759 (m) "Parent" means a resident of this state who is a
1760 parent, as defined in s. 1000.21.

1761 (b) (n) "Program" means the Family Empowerment Scholarship
1762 Program.

1763 (3) SCHOLARSHIP ELIGIBILITY.—

1764 (a) 1. A parent of a student may apply pursuant to s.
1765 1002.421 for and receive from the state a scholarship for the
1766 purposes specified in paragraph (4)(a) if the student:

1767 1.a. Is a resident of this state or the dependent child of
1768 an active duty member of the United States Armed Forces who has
1769 received permanent change of station orders to this state; and

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1770 2.b. Is eligible to enroll in kindergarten through grade 12
1771 in a public school in this state or received a scholarship under
1772 the former Hope Scholarship Program in the 2023-2024 school
1773 year.

1774 2. Priority must be given in the following order:

1775 a. A student whose household income level does not exceed
1776 ~~185 percent of the federal poverty level or who is in foster~~
1777 ~~care or out-of-home care.~~

1778 b. A student whose household income level exceeds 185
1779 ~~percent of the federal poverty level, but does not exceed 400~~
1780 ~~percent of the federal poverty level.~~

1781 (b) A parent of a student with a disability may apply
1782 pursuant to s. 1002.421 for and receive from the state a
1783 scholarship, which shall be referred to as the McKay-Gardiner
1784 Scholarship, for the purposes specified in paragraph (4) (b) if
1785 the student:

1786 1. Is a resident of this state or the dependent child of an
1787 active duty member of the United States Armed Forces who has
1788 received permanent change of station orders to this state or, at
1789 the time of renewal, whose home of record or state of legal
1790 residence is Florida;

1791 2. Is 3 or 4 years of age during the year in which the
1792 student applies for program participation or is eligible to
1793 enroll in kindergarten through grade 12 in a public school in
1794 this state;

1795 3. Has a disability ~~as defined in subsection (2); and~~

1796 4. Is the subject of an IEP written in accordance with
1797 rules of the State Board of Education or with the applicable
1798 rules of another state or has received a diagnosis of a

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1799 disability from a physician who is licensed under chapter 458 or
1800 chapter 459, a psychologist who is licensed under chapter 490,
1801 or a physician who holds an active license issued by another
1802 state or territory of the United States, the District of
1803 Columbia, or the Commonwealth of Puerto Rico.

1804 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

1805 (a) Program funds awarded to a student determined eligible
1806 pursuant to paragraph (3)(a) may be used for:
1807 1. Tuition and fees at an eligible private school.
1808 2. Instructional materials, including digital materials,
1809 digital devices, and Internet resources.

1810 3. Curriculum as defined in subsection (2).

1811 4. Tuition and fees associated with full-time or part-time
1812 enrollment in an eligible postsecondary educational institution
1813 or a program offered by the postsecondary educational
1814 institution, unless the program is subject to s. 1009.25 or
1815 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
1816 program as defined in s. 446.021(5) which is not subject to s.
1817 1009.25 and complies with all applicable requirements of the
1818 department pursuant to chapter 1005; a private tutoring program
1819 authorized under s. 1002.43; a virtual program offered by a
1820 department-approved private online provider that meets the
1821 provider qualifications specified in s. 1002.45(2)(a); the
1822 Florida Virtual School as a private paying student; or an
1823 approved online course offered pursuant to s. 1003.499 or s.
1824 1004.0961.

1825 5. Fees for nationally standardized, norm-referenced
1826 achievement tests, Advanced Placement Examinations, industry
1827 certification examinations, assessments related to postsecondary

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1828 education, or other assessments.

1829 6. Contracted services provided by a public school or
1830 school district, including classes. A student who receives
1831 contracted services under this subparagraph is not considered
1832 enrolled in a public school for eligibility purposes as
1833 specified in subsection (6) but rather attending a public school
1834 on a part-time basis as authorized under s. 1002.44.

1835 7. Tuition and fees for part-time tutoring services or fees
1836 for services provided by a choice navigator. Such services must
1837 be provided by a person who holds a valid Florida educator's
1838 certificate pursuant to s. 1012.56, a person who holds an
1839 adjunct teaching certificate pursuant to s. 1012.57, a person
1840 who has a bachelor's degree or a graduate degree in the subject
1841 area or related subject area in which instruction is given, a
1842 person who has demonstrated a mastery of subject area knowledge
1843 pursuant to s. 1012.56(5), or a person certified by a nationally
1844 or internationally recognized research-based training program as
1845 approved by the department. As used in this subparagraph, the
1846 term "part-time tutoring services" does not qualify as regular
1847 school attendance as defined in s. 1003.01(16)(e).

1848 8. Membership dues and related activity fees for
1849 participation in career and technical student organizations.

1850 (b) Program funds awarded to a student with a disability
1851 determined eligible pursuant to paragraph (3)(b) may be used for
1852 the following purposes:

1853 1. Instructional materials, including digital devices,
1854 digital periphery devices, and assistive technology devices that
1855 allow a student to access instruction or instructional content
1856 and training on the use of and maintenance agreements for these

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1857 devices.

1858 2. Curriculum as ~~defined in subsection (2)~~.

1859 3. Specialized services by approved providers or by a

1860 hospital in this state which are selected by the parent. These

1861 specialized services may include, but are not limited to:

1862 a. Applied behavior analysis services as provided in ss.

1863 627.6686 and 641.31098.

1864 b. Services provided by speech-language pathologists as

1865 defined in s. 468.1125(8).

1866 c. Occupational therapy as defined in s. 468.203.

1867 d. Services provided by physical therapists as defined in

1868 s. 486.021(8).

1869 e. Services provided by listening and spoken language

1870 specialists and an appropriate acoustical environment for a

1871 child who has a hearing impairment, including deafness, and who

1872 has received an implant or assistive hearing device.

1873 4. Tuition and fees associated with full-time or part-time

1874 enrollment in a home education program that meets all of the

1875 following requirements:

1876 a. Provides educational courses or activities.

1877 b. Has a publicly available description of courses and

1878 activities.

1879 c. Has a tuition and fee schedule.

1880 d. Makes the tuition and fees payable to a registered

1881 business entity.

1882 5. Tuition and fees associated with full-time or part-time

1883 enrollment in an eligible private school; an eligible

1884 postsecondary educational institution or a program offered by

1885 the postsecondary educational institution, unless the program is

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1886 subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an
1887 approved preapprenticeship program as defined in s. 446.021(5)
1888 which is not subject to s. 1009.25 and complies with all
1889 applicable requirements of the department pursuant to chapter
1890 1005; a private tutoring program authorized under s. 1002.43; a
1891 virtual program offered by a department-approved private online
1892 provider that meets the provider qualifications specified in s.
1893 1002.45(2) (a); the Florida Virtual School as a private paying
1894 student; or an approved online course offered pursuant to s.
1895 1003.499 or s. 1004.0961.

1896 6.5. Fees for nationally standardized, norm-referenced
1897 achievement tests, Advanced Placement Examinations, industry
1898 certification examinations, assessments related to postsecondary
1899 education, or other assessments.

1900 7.6. Contributions to the Stanley G. Tate Florida Prepaid
1901 College Program pursuant to s. 1009.98 or the Florida College
1902 Savings Program pursuant to s. 1009.981 for the benefit of the
1903 eligible student.

1904 8.7. Contracted services provided by a public school or
1905 school district, including classes. A student who receives
1906 services under a contract under this paragraph is not considered
1907 enrolled in a public school for eligibility purposes as
1908 specified in subsection (6) but rather attending a public school
1909 on a part-time basis as authorized under s. 1002.44.

1910 9.8. Tuition and fees for part-time tutoring services or
1911 fees for services provided by a choice navigator. Such services
1912 must be provided by a person who holds a valid Florida
1913 educator's certificate pursuant to s. 1012.56, a person who
1914 holds an adjunct teaching certificate pursuant to s. 1012.57, a

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1915 person who has a bachelor's degree or a graduate degree in the
1916 subject area or related subject area in which instruction is
1917 given, a person who has demonstrated a mastery of subject area
1918 knowledge pursuant to s. 1012.56(5), or a person certified by a
1919 nationally or internationally recognized research-based training
1920 program as approved by the department. As used in this
1921 subparagraph, the term "part-time tutoring services" does not
1922 qualify as regular school attendance as defined in s.
1923 1003.01(16) (e).

1924 10.9. Fees for specialized summer education programs.

1925 11.10. Fees for specialized after-school education
1926 programs.

1927 12.11. Transition services provided by job coaches.

1928 Transition services are a coordinated set of activities which
1929 are focused on improving the academic and functional achievement
1930 of a student with a disability to facilitate the student's
1931 movement from school to postschool activities and are based on
1932 the student's needs.

1933 13.12. Fees for an annual evaluation of educational
1934 progress by a state-certified teacher under s. 1002.41(1) (f), if
1935 this option is chosen for a home education student.

1936 14.13. Tuition and fees associated with programs offered by
1937 Voluntary Prekindergarten Education Program providers approved
1938 pursuant to s. 1002.55, school readiness providers approved
1939 pursuant to s. 1002.88, and prekindergarten programs offered by
1940 an eligible private school.

1941 15.14. Fees for services provided at a center that is a
1942 member of the Professional Association of Therapeutic
1943 Horsemanship International.

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1944 16.15. Fees for services provided by a therapist who is
1945 certified by the Certification Board for Music Therapists or
1946 credentialed by the Art Therapy Credentials Board, Inc.

1947 17. Membership dues and related activity fees for
1948 participation in career and technical student organizations.

1949 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of
1950 educational choice:

1951 (a)1. A scholarship funded to an eligible student pursuant
1952 to paragraph (3) (a) shall remain in force until:

1953 a. The organization determines that the student is not
1954 eligible for program renewal;

1955 b. The Commissioner of Education suspends or revokes
1956 program participation or use of funds;

1957 c. The student's parent has forfeited participation in the
1958 program for failure to comply with the scholarship program
1959 requirements subsection (10);

1960 d. The student, who uses the scholarship for tuition and
1961 fees pursuant to subparagraph (4) (a)1., enrolls in a public
1962 school. However, if a student enters a Department of Juvenile
1963 Justice detention center for a period of no more than 21 days,
1964 the student is not considered to have returned to a public
1965 school on a full-time basis for that purpose; or

1966 e. The student graduates from high school or attains 21
1967 years of age, whichever occurs first.

1968 2.a. The student's scholarship account must be closed and
1969 any remaining funds shall revert to the state after:

1970 a.(I) Denial or revocation of program eligibility by the
1971 commissioner for fraud or abuse, including, but not limited to,
1972 the student or student's parent accepting any payment, refund,

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1973 or rebate, in any manner, from a provider of any services
1974 received pursuant to paragraph (4)(a);
1975 b. (II) One fiscal year ~~Two consecutive fiscal years~~ in
1976 which an account has been inactive; ~~or~~
1977 c. (III) A student remains unenrolled in an eligible private
1978 school for 30 days while receiving a scholarship that requires
1979 full-time enrollment; or
1980 d. A student's scholarship no longer remains in force due
1981 to any of the reasons provided in subparagraph 1.
1982 3. An organization must notify the parent prior to closing
1983 a student's account regarding the reason the account will be
1984 closed and that the balance of funds will revert upon closure.
1985 4. An organization must annually report to the department
1986 the total number of scholarship accounts that were closed
1987 pursuant to subparagraph 2. and the amount of funds, by account,
1988 which
1989 b. Reimbursements for program expenditures may continue
1990 until the account balance is expended or remaining funds have
1991 reverted to the state.
1992 (b)1. A scholarship funded to an eligible student pursuant
1993 to paragraph (3)(b) shall remain in force until:
1994 a. The parent does not renew program eligibility;
1995 b. The organization determines that the student is not
1996 eligible for program renewal;
1997 c. The Commissioner of Education suspends or revokes
1998 program participation or use of funds;
1999 d. The student's parent has forfeited participation in the
2000 program for failure to comply with the scholarship requirements
2001 subsection (10);

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2002 e. The student enrolls full time in a public school; or
2003 f. The student graduates from high school or attains 22
2004 years of age, whichever occurs first.

2005 2. Reimbursements for program expenditures may continue
2006 until the account balance is expended or the account is closed.

2007 3. A student's scholarship account must be closed and any
2008 remaining funds, including, but not limited to, contributions
2009 made to the Stanley G. Tate Florida Prepaid College Program or
2010 earnings from or contributions made to the Florida College
2011 Savings Program using program funds pursuant to subparagraph
2012 (4) (b) 7. (4) (b) 6., shall revert to the state after:

2013 a. Denial or revocation of program eligibility by the
2014 commissioner for fraud or abuse, including, but not limited to,
2015 the student or student's parent accepting any payment, refund,
2016 or rebate, in any manner, from a provider of any services
2017 received pursuant to subsection (4); or

2018 b. Any period of 3 consecutive years after high school
2019 completion or graduation during which the student has not been
2020 enrolled in an eligible postsecondary educational institution or
2021 a program offered by the institution; ~~or~~

2022 c. ~~Two consecutive fiscal years in which an account has
2023 been inactive.~~

2024 4. An organization must notify the parent prior to closing
2025 a student's account regarding the reason the account will be
2026 closed and that the balance of funds will revert upon closure.

2027 5. Upon a student reaching the age of 16, the organization
2028 must notify the parent if there is a balance in the student's
2029 account and provide the amount of the balance and information
2030 regarding how the funds may be used.

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2031 6. An organization must annually report to the department
2032 the total number of scholarship accounts that were closed
2033 pursuant to subparagraph 3. and the amount of funds by account
2034 that reverted to the state.

2035 (c) Upon reasonable notice to the organization and the
2036 school district, the student's parent may remove the student
2037 from the participating private school and place the student in a
2038 public school in accordance with this section. Upon receipt of
2039 notification from the parent, the organization must notify the
2040 department of the student's withdrawal from the scholarship
2041 program and may not provide payments into the student's account.
2042 A violation of this paragraph by the organization results in
2043 liability on behalf of the organization pursuant to s.
2044 1002.421(4)(d).

2045 (d) Upon reasonable notice to the organization, the
2046 student's parent may move the student from one participating
2047 private school to another participating private school.

2048 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
2049 a Family Empowerment Scholarship while he or she is:

2050 (a) Enrolled full time in a public school, including, but
2051 not limited to, the Florida School for the Deaf and the Blind,
2052 the College-Preparatory Boarding Academy, the Florida Virtual
2053 School, the Florida Scholars Academy, a developmental research
2054 school authorized under s. 1002.32, or a charter school
2055 authorized under this chapter. For purposes of this paragraph, a
2056 3- or 4-year-old child who receives services funded through the
2057 Florida Education Finance Program is considered to be a student
2058 enrolled in a public school;

2059 (b) Enrolled in a school operating for the purpose of

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2060 providing educational services to youth in a Department of
2061 Juvenile Justice commitment program;

2062 (c) Receiving any other educational scholarship pursuant to
2063 this chapter. ~~However, an eligible public school student~~
~~receiving a scholarship under s. 1002.411 may receive a stipend~~
2064 ~~for transportation pursuant to s. 1002.31(7);~~

2065 (d) Not having regular and direct contact with his or her
2066 private school teachers pursuant to s. 1002.421(9)(i) ~~s.~~
2067 ~~1002.421(1)(i)~~, unless he or she is eligible pursuant to
2068 paragraph (3)(b) ~~and enrolled in the participating private~~
2069 ~~school's transition to work program pursuant to subsection (16)~~
2070 ~~or a home education program pursuant to s. 1002.41;~~

2071 (e) Participating in a private tutoring program pursuant to
2072 s. 1002.43 unless he or she is determined eligible pursuant to
2073 paragraph (3)(b); or

2074 (f) Participating in virtual instruction pursuant to s.
2075 1002.455 that receives state funding pursuant to the student's
2076 participation.

2077 (7) SCHOOL DISTRICT OBLIGATIONS.—

2078 (a) ~~By January 1 of each year, a school district shall~~
2079 ~~inform all households within the district receiving free or~~
2080 ~~reduced-priced meals under the National School Lunch Act of~~
2081 ~~their eligibility to apply to the department for a Family~~
2082 ~~Empowerment Scholarship. The form of such notice shall be~~
2083 ~~provided by the department, and the school district shall~~
2084 ~~include the provided form in any normal correspondence with~~
2085 ~~eligible households. Such notice is limited to once a year.~~

2086 (b) 1. The parent of a student with a disability who does
2087 not have an IEP in accordance with subparagraph (3)(b) 4. or who

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2089 seeks a reevaluation of an existing IEP may request an IEP
2090 meeting and evaluation from the school district in order to
2091 obtain or revise a matrix of services. The school district shall
2092 notify a parent who has made a request for an IEP that the
2093 district is required to complete the IEP and matrix of services
2094 within 60 30 days after receiving notice of the parent's
2095 request. The school district shall conduct a meeting and develop
2096 an IEP and a matrix of services within 60 30 days after receipt
2097 of the parent's request in accordance with State Board of
2098 Education rules. The district must accept the diagnosis and
2099 consider the service plan of the licensed professional providing
2100 the diagnosis pursuant to subparagraph (3) (b) 4. The school
2101 district must complete a matrix that assigns the student to one
2102 of the levels of service as they existed before the 2000-2001
2103 school year. For a nonpublic school student without an IEP, the
2104 school district is authorized to use evaluation reports and
2105 plans of care developed by the licensed professionals under
2106 subparagraph (4) (b) 3. to complete the matrix of services.

2107 2.a. The school district must provide the student's parent
2108 and the department with the student's matrix level within 10
2109 calendar days after its completion.

2110 b. ~~The department shall notify the parent and the~~
2111 ~~organization of the amount of the funds awarded within 10 days~~
2112 ~~after receiving the school district's notification of the~~
2113 ~~student's matrix level.~~

2114 e. A school district may change a matrix of services only
2115 if the change is a result of an IEP reevaluation or to correct a
2116 technical, typographical, or calculation error.

2117 (b)1.~~(e)1.~~ Within 10 days after an IEP meeting is held, a

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2118 school district shall notify the parent of a student of all
2119 options available pursuant to this section and offer that
2120 student's parent an opportunity to enroll the student in another
2121 public school in the school district.

2122 2. The parent is not required to accept the offer of
2123 enrolling the student in another public school in lieu of
2124 requesting a scholarship. However, if the parent chooses the
2125 public school option, the student may continue attending the
2126 public school chosen by the parent until the student graduates
2127 from high school.

2128 3. The parent may choose another public school in the
2129 school district, and the school district shall provide
2130 transportation to the public school selected by the parent.

2131 4. The parent may choose, as an alternative, to enroll the
2132 student in and transport the student to a public school in an
2133 adjacent school district that has available space and has a
2134 program with the services agreed to in the student's IEP already
2135 in place, and that school district shall accept the student and
2136 report the student for purposes of the school district's funding
2137 pursuant to the Florida Education Finance Program.

2138 (d) Upon the request of the department, a school district
2139 shall coordinate with the department to provide to a
2140 participating private school the statewide assessments
2141 administered under s. 1008.22 and any related materials for
2142 administering the assessments. For a student who participates in
2143 the Family Empowerment Scholarship Program whose parent requests
2144 that the student take the statewide assessments under s.
2145 1008.22, the district in which the student attends a
2146 participating private school shall provide locations and times

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2147 to take all statewide assessments. A school district is
2148 responsible for implementing test administrations at a
2149 participating private school, including the:

- 2150 1. Provision of training for private school staff on test
2151 security and assessment administration procedures;
- 2152 2. Distribution of testing materials to a private school;
- 2153 3. Retrieval of testing materials from a private school;
- 2154 4. Provision of the required format for a private school to
2155 submit information to the district for test administration and
2156 enrollment purposes; and
- 2157 5. Provision of any required assistance, monitoring, or
2158 investigation at a private school.

2159 (e) Each school district must publish information about the
2160 Family Empowerment Scholarship Program on the district's website
2161 homepage. At a minimum, the published information must include a
2162 website link to the Family Empowerment Scholarship Program
2163 published on the Department of Education website as well as a
2164 telephone number and e-mail that students and parents may use to
2165 contact relevant personnel in the school district to obtain
2166 information about the scholarship.

2167 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

2168 (a) The department shall:

- 2169 1. Publish and update, as necessary, information on the
2170 department website about the Family Empowerment Scholarship
2171 Program, including, but not limited to, student eligibility
2172 criteria, parental responsibilities, and relevant data.

- 2173 2. Report, as part of the determination of full-time
2174 equivalent membership pursuant to s. 1011.62(1)(a), all
2175 scholarship students funded through the Florida Education

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2176 ~~Finance Program, and cross check the list of scholarship~~
2177 ~~students submitted by the eligible nonprofit scholarship funding~~
2178 ~~organization with the full-time equivalent student membership~~
2179 ~~survey data to avoid duplication.~~

2180 ~~3. Maintain and annually publish a list of nationally norm-~~
2181 ~~referenced tests identified for purposes of satisfying the~~
2182 ~~testing requirement in subparagraph (9)(c)1. The tests must meet~~
2183 ~~industry standards of quality in accordance with state board~~
2184 ~~rule.~~

2185 ~~4. Notify eligible nonprofit scholarship funding~~
2186 ~~organizations of the deadlines for submitting the verified list~~
2187 ~~of eligible scholarship students.~~

2188 ~~(a)5. Deny or terminate program participation upon a~~
2189 ~~parent's failure to comply with the scholarship program~~
2190 ~~requirements subsection (10).~~

2191 ~~6. Notify the parent and the organization when a~~
2192 ~~scholarship account is closed and program funds revert to the~~
2193 ~~state.~~

2194 ~~7. Notify an eligible nonprofit scholarship funding~~
2195 ~~organization of any of the organization's or other~~
2196 ~~organization's identified students who are receiving~~
2197 ~~scholarships under this chapter.~~

2198 ~~(b)8. Maintain on its website a list of approved providers~~
2199 ~~as required by s. 1002.66, eligible postsecondary educational~~
2200 ~~institutions, eligible private schools, and eligible~~
2201 ~~organizations and may identify or provide links to lists of~~
2202 ~~other approved providers.~~

2203 ~~9. Require each organization to verify eligible~~
2204 ~~expenditures before the distribution of funds for any~~

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2205 expenditures made pursuant to subparagraphs (4)(b)1. and 2.
2206 ~~Review of expenditures made for services specified in~~
2207 ~~subparagraphs (4)(b)3.-15. may be completed after the purchase~~
2208 ~~is made.~~

2209 (c)10. Investigate any written complaint of a violation of
2210 this section by a parent, a student, a participating private
2211 school, a public school, a school district, an organization, a
2212 provider, or another appropriate party in accordance with the
2213 process established under s. 1002.421.

2214 (d)11. Require quarterly reports by an organization, which
2215 must include, at a minimum, the number of students participating
2216 in the program; the demographics of program participants; the
2217 disability category of program participants; the matrix level of
2218 services, if known; the program award amount per student; the
2219 total expenditures for the purposes specified in paragraph
2220 (4)(b); the types of providers of services to students; the
2221 number of scholarship applications received, the number of
2222 applications processed within 30 days after receipt, and the
2223 number of incomplete applications received; data related to
2224 reimbursement submissions, including the average number of days
2225 for a reimbursement to be reviewed and the average number of
2226 days for a reimbursement to be approved; any parent input and
2227 feedback collected regarding the program; and any other
2228 information deemed necessary by the department.

2229 12. ~~Notify eligible nonprofit scholarship funding~~
2230 ~~organizations that scholarships may not be awarded in a school~~
2231 ~~district in which the award will exceed 99 percent of the school~~
2232 ~~district's share of state funding through the Florida Education~~
2233 ~~Finance Program as calculated by the department.~~

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2234 13. Adjust payments to eligible nonprofit scholarship-
2235 funding organizations and, when the Florida Education Finance
2236 Program is recalculated, adjust the amount of state funds
2237 allocated to school districts through the Florida Education
2238 Finance Program based upon the results of the cross check
2239 completed pursuant to subparagraph 2.

2240 (b) At the direction of the Commissioner of Education, the
2241 department may:

2242 1. Suspend or revoke program participation or use of
2243 program funds by the student or participation or eligibility of
2244 an organization, eligible postsecondary educational institution,
2245 approved provider, or other party for a violation of this
2246 section.

2247 2. Determine the length of, and conditions for lifting, a
2248 suspension or revocation specified in this paragraph.

2249 3. Recover unexpended program funds or withhold payment of
2250 an equal amount of program funds to recover program funds that
2251 were not authorized for use.

2252

2253 In determining whether to suspend or revoke participation or
2254 lift a suspension or revocation in accordance with this
2255 paragraph, the department may consider factors that include, but
2256 are not limited to, acts or omissions that led to a previous
2257 suspension or revocation of participation in a state or federal
2258 program or an education scholarship program; failure to
2259 reimburse the organization for funds improperly received or
2260 retained; failure to reimburse government funds improperly
2261 received or retained; imposition of a prior criminal sanction
2262 related to the person or entity or its officers or employees;

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2263 ~~imposition of a civil fine or administrative fine, license~~
2264 ~~revocation or suspension, or program eligibility suspension,~~
2265 ~~termination, or revocation related to a person's or entity's~~
2266 ~~management or operation; or other types of criminal proceedings~~
2267 ~~in which the person or entity or its officers or employees were~~
2268 ~~found guilty of, regardless of adjudication, or entered a plea~~
2269 ~~of nolo contendere or guilty to, any offense involving fraud,~~
2270 ~~deceit, dishonesty, or moral turpitude.~~

2271 ~~(e) (e) The department shall~~ Notify each school district of
2272 the full-time equivalent student consensus estimate of students
2273 participating in the program developed pursuant to s.

2274 216.136(4)(a).

2275 ~~(f) (d) The department may~~ Provide guidance to a
2276 participating private school that submits a transition-to-work
2277 program plan pursuant to subsection (15) ~~(16)~~.

2278 (g) Develop guidance for students eligible pursuant to
2279 paragraph (3)(b) which details the available transition
2280 services, including postsecondary education, employment, and
2281 independent living, for which scholarship funds may be used.

2282 ~~(9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. To be~~
2283 ~~eligible to participate in the Family Empowerment Scholarship~~
2284 ~~Program, a private school may be sectarian or nonsectarian and~~
2285 ~~must:~~

2286 ~~(a) Comply with all requirements for private schools~~
2287 ~~participating in state school choice scholarship programs~~
2288 ~~pursuant to s. 1002.421.~~

2289 ~~(b) Provide to the organization all documentation required~~
2290 ~~for a student's participation, including confirmation of the~~
2291 ~~student's admission to the private school, the private school's~~

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2292 and student's fee schedules, and any other information required
2293 by the organization to process scholarship payment under
2294 subparagraph (12) (a) 3. Such information must be provided by the
2295 deadlines established by the organization and in accordance with
2296 the requirements of this section. A student is not eligible to
2297 receive a quarterly scholarship payment if the private school
2298 fails to meet the deadline.

2299 (e) 1. Annually administer or make provision for students
2300 participating in the program in grades 3 through 10 to take one
2301 of the nationally norm-referenced tests that are identified by
2302 the department pursuant to paragraph (8) (a) or to take the
2303 statewide assessments pursuant to s. 1008.22. Students with
2304 disabilities for whom the physician or psychologist who issued
2305 the diagnosis or the IEP team determines that standardized
2306 testing is not appropriate are exempt from this requirement. A
2307 participating private school shall report a student's scores to
2308 his or her parent. By August 15 of each year, a participating
2309 private school must report the scores of all participating
2310 students to a state university as described in s.
2311 1002.395 (9) (f).

2312 2. Administer the statewide assessments pursuant to s.
2313 1008.22 if the private school chooses to offer the statewide
2314 assessments. A participating private school may choose to offer
2315 and administer the statewide assessments to all students who
2316 attend the private school in grades 3 through 10 and must submit
2317 a request in writing to the department by March 1 of each year
2318 in order to administer the statewide assessments in the
2319 subsequent school year.

2320 (d) For a student determined eligible pursuant to paragraph

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2321 (3) (b), discuss the school's academic programs and policies,
2322 specialized services, code of conduct, and attendance policies
2323 before enrollment with the parent to determine which programs
2324 and services may meet the student's individual needs.

2325
2326 If a private school fails to meet the requirements of this
2327 subsection or s. 1002.421, the commissioner may determine that
2328 the private school is ineligible to participate in the
2329 scholarship program.

2330 (9) (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
2331 PARTICIPATION.—

2332 (a) A parent who applies for a scholarship under paragraph
2333 (3) (a) whose student will be enrolled full time in an eligible
2334 private school must:

2335 1. Select an eligible private school and apply for the
2336 admission of his or her student.

2337 2. Request the scholarship by the date established by the
2338 organization in a manner that creates a written or electronic
2339 record of the request and the date of receipt of the request.

2340 3.a. Beginning with new applications for the 2025-2026
2341 school year and thereafter, notify the organization by December
2342 15 that the scholarship is being accepted or declined.

2343 b. Beginning with renewal applications for the 2025-2026
2344 school year and thereafter, notify the organization by May 31
2345 that the scholarship is being renewed or declined.

2346 4. Inform the applicable school district when the parent
2347 withdraws his or her student from a public school to attend an
2348 eligible private school using the standard withdrawal form
2349 developed by the department pursuant to s. 1002.421.

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2350 3.5. Require his or her student participating in the
2351 program to remain in attendance at the eligible private school
2352 throughout the school year unless excused by the school for
2353 illness or other good cause.

2354 4.6. Meet with the eligible private school's principal or
2355 the principal's designee to review the school's academic
2356 programs and policies, specialized services, code of student
2357 conduct, and attendance policies before enrollment.

2358 ~~7. Require his or her student participating in the program
2359 to take the norm-referenced assessment offered by the eligible
2360 private school. The parent may also choose to have the student
2361 participate in the statewide assessments pursuant to paragraph
2362 (7) (d). If the parent requests that the student participating in
2363 the program take all statewide assessments required pursuant to
2364 s. 1008.22, the parent is responsible for transporting the
2365 student to the assessment site designated by the school
2366 district.~~

2367 ~~8. Approve each payment before the scholarship funds may be
2368 deposited by funds transfer pursuant to subparagraph (12) (a) 3.
2369 The parent may not designate any entity or individual associated
2370 with the participating private school as the parent's attorney
2371 in fact to approve a funds transfer. A participant who fails to
2372 comply with this paragraph forfeits the scholarship.~~

2373 ~~9. Agree to have the organization commit scholarship funds
2374 on behalf of his or her student for tuition and fees for which
2375 the parent is responsible for payment at the eligible private
2376 school before using scholarship account funds for additional
2377 authorized uses under paragraph (4) (a). A parent is responsible
2378 for all eligible expenses in excess of the amount of the~~

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2379 scholarship.

2380 10. ~~Comply with the scholarship application and renewal~~
2381 ~~processes and requirements established by the organization.~~

2382 (b) A parent who applies for a scholarship under paragraph
2383 (3) (b) is exercising his or her parental option to determine the
2384 appropriate placement or the services that best meet the needs
2385 of his or her child and must:

2386 1. ~~Apply to an eligible nonprofit scholarship funding~~
2387 ~~organization to participate in the program by a date set by the~~
2388 ~~organization. The request must be communicated directly to the~~
2389 ~~organization in a manner that creates a written or electronic~~
2390 ~~record of the request and the date of receipt of the request.~~

2391 2.a. ~~Beginning with new applications for the 2025-2026~~
2392 ~~school year and thereafter, notify the organization by December~~
2393 ~~15 that the scholarship is being accepted or declined.~~

2394 b. ~~Beginning with renewal applications for the 2025-2026~~
2395 ~~school year and thereafter, notify the organization by May 31~~
2396 ~~that the scholarship is being renewed or declined.~~

2397 3. sign an agreement with the organization and annually
2398 submit a sworn compliance statement to the organization to
2399 satisfy or maintain program eligibility, including eligibility
2400 to receive and spend program payments by:

2401 1.a. Affirming that the student is enrolled in a program
2402 that meets regular school attendance requirements as provided in
2403 s. 1003.01(16) (b), (c), or (d).

2404 2.b. Affirming that the program funds are used only for
2405 authorized purposes serving the student's educational needs, as
2406 described in paragraph (4) (b); that any prepaid college plan or
2407 college savings plan funds contributed pursuant to subparagraph

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2408 (4) (b) 7. ~~(4) (b) 6.~~ will not be transferred to
2409 another beneficiary while the plan contains funds contributed
2410 pursuant to this section; and that they will not receive a
2411 payment, refund, or rebate of any funds provided under this
2412 section.

2413 3.e. Affirming that the parent is responsible for all
2414 eligible expenses in excess of the amount of the scholarship and
2415 for the education of his or her student by, as applicable:

2416 a.(I) Requiring the student to take an assessment in
2417 accordance with s. 1002.421(7) ~~paragraph (9)(e)~~;

2418 b.(II) Providing an annual evaluation in accordance with s.
2419 1002.41(1)(f); or

2420 c.(III) Requiring the child to take any preassessments and
2421 postassessments selected by the provider if the child is 4 years
2422 of age and is enrolled in a program provided by an eligible
2423 Voluntary Prekindergarten Education Program provider. A student
2424 with disabilities for whom the physician or psychologist who
2425 issued the diagnosis or the IEP team determines that a
2426 preassessment and postassessment is not appropriate is exempt
2427 from this requirement. A participating provider shall report a
2428 student's scores to the parent.

2429 4.d. Affirming that the student remains in good standing
2430 with the provider or school if those options are selected by the
2431 parent.

2432 5.e. Enrolling his or her child in a program from a
2433 Voluntary Prekindergarten Education Program provider authorized
2434 under s. 1002.55, a school readiness provider authorized under
2435 s. 1002.88, a prekindergarten program offered by an eligible
2436 private school, or an eligible private school if selected by the

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2437 parent.

2438 6.f. Comply with the scholarship application and renewal
2439 processes and requirements established by the organization. A
2440 student whose participation in the program is not renewed may
2441 continue to spend scholarship funds that are in his or her
2442 account from prior years unless the account must be closed
2443 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
2444 the student's IEP, a student who was previously eligible for
2445 participation in the program shall remain eligible to apply for
2446 renewal. However, for a high-risk child to continue to
2447 participate in the program in the school year after he or she
2448 reaches 6 years of age, the child's application for renewal of
2449 program participation must contain documentation that the child
2450 has a disability ~~defined in paragraph (2)(e)~~ other than high-
2451 risk status.

2452 7.g. Procuring the services necessary to educate the
2453 student.

2454 a. If such services include enrollment in an eligible
2455 private school, the parent must meet with the private school's
2456 principal or the principal's designee to review the school's
2457 academic programs and policies, specialized services, code of
2458 student conduct, and attendance policies before his or her
2459 student is enrolled. ~~The parent must also approve each payment~~
2460 ~~to the eligible private school before the scholarship funds may~~
2461 ~~be deposited by funds transfer pursuant to subparagraph~~
2462 ~~(12)(a)3. The parent may not designate any entity or individual~~
2463 ~~associated with the eligible private school as the parent's~~
2464 ~~attorney in fact to approve a funds transfer.~~ When the student
2465 receives a scholarship, the district school board is not

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2466 obligated to provide the student with a free appropriate public
2467 education. For purposes of s. 1003.57 and the Individuals with
2468 Disabilities in Education Act, a participating student has only
2469 those rights that apply to all other unilaterally parentally
2470 placed students, except that, when requested by the parent,
2471 school district personnel must develop an IEP or matrix level of
2472 services.

2473 b. If such services include enrollment in Florida Virtual
2474 School as a private paying student, the parent must agree to
2475 have the organization commit scholarship funds on behalf of his
2476 or her student for tuition and fees for which the parent is
2477 responsible for payment to the Florida Virtual School before
2478 using scholarship account funds for additional uses under
2479 paragraph (4) (b).

2480 ~~(c) A parent may not apply for multiple scholarships under~~
2481 ~~this section and s. 1002.395 for an individual student at the~~
2482 ~~same time.~~

2483 ~~(d) A participant who fails to comply with this subsection~~
2484 ~~forfeits the scholarship.~~

2485 (10) (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
2486 ORGANIZATIONS.—

2487 ~~(a) An eligible nonprofit scholarship-funding organization~~
2488 ~~awarding scholarships to eligible students pursuant to this~~
2489 ~~section paragraph (3) (a) shall:~~

2490 ~~1. Establish a process for parents who are in compliance~~
2491 ~~with paragraph (10) (a) to renew their students' scholarships.~~
2492 ~~Renewal applications for the 2025-2026 school year and~~
2493 ~~thereafter must provide for a renewal timeline beginning~~
2494 ~~February 1 of the prior school year and ending April 30 of the~~

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2495 prior school year. A student's renewal is contingent upon an
2496 eligible private school providing confirmation of student
2497 admission pursuant to subsection (9). The process must require
2498 that parents confirm that the scholarship is being renewed or
2499 declined by May 31.

2500 2. Establish a process that allows a parent to apply for a
2501 new scholarship. The process may begin no earlier than February
2502 1 of the prior school year and must authorize submission of
2503 applications until November 15. The process must be in a manner
2504 that creates a written or electronic record of the application
2505 request and the date of receipt of the application request.
2506 Applications received after the deadline may be considered for
2507 scholarship award in the subsequent fiscal year. The process
2508 must require that parents confirm that the scholarship is being
2509 accepted or declined by December 15.

2510 (a) 3. Verify the household income level of students seeking
2511 priority eligibility and submit the verified list of students to
2512 the department.

2513 4. Award scholarships in priority order pursuant to
2514 paragraph (3)(a).

2515 5. Establish and maintain separate scholarship accounts for
2516 each eligible student. For each account, the organization must
2517 maintain a record of accrued interest that is retained in the
2518 student's account and available only for authorized program
2519 expenditures.

2520 6. Permit eligible students to use program funds for the
2521 purposes specified in paragraph (4)(a), as authorized in the
2522 organization's purchasing handbook, by paying for the authorized
2523 use directly, then submitting a reimbursement request to the

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2524 eligible nonprofit scholarship funding organization. However, an
2525 eligible nonprofit scholarship funding organization may require
2526 the use of an online platform for direct purchases of products
2527 so long as such use does not limit a parent's choice of
2528 curriculum or academic programs. If a parent purchases a product
2529 identical to one offered by an organization's online platform
2530 for a lower price, the organization must reimburse the parent
2531 the cost of the product.

2532 7. In a timely manner, submit the verified list of students
2533 and any information requested by the department relating to the
2534 scholarship under this section.

2535 8. Notify the department about any violation of this
2536 section.

2537 9. Document each student's eligibility for a fiscal year
2538 before granting a scholarship for that fiscal year. A student is
2539 ineligible for a scholarship if the student's account has been
2540 inactive for 2 consecutive fiscal years.

2541 10. Notify each parent that participation in the
2542 scholarship program does not guarantee enrollment.

2543 11. Commit scholarship funds on behalf of the student for
2544 tuition and fees for which the parent is responsible for payment
2545 at the participating private school before using scholarship
2546 account funds for additional authorized uses under paragraph
2547 (4)(a).

2548 (b) For students An eligible nonprofit scholarship funding
2549 organization awarding scholarships to eligible students pursuant
2550 to paragraph (3)(b) shall:

2551 1. Establish a process for parents who are in compliance
2552 with paragraph (10)(b) to renew their students' scholarships.

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2553 Renewal applications for the 2025-2026 school year and
2554 thereafter must provide for a renewal timeline beginning
2555 February 1 of the prior school year and ending April 30 of the
2556 prior school year. A student's renewal is contingent upon an
2557 eligible private school providing confirmation of student
2558 admission pursuant to subsection (9), if applicable. The process
2559 must require that parents confirm that the scholarship is being
2560 renewed or declined by May 31.

2561 2. Establish a process that allows a parent to apply for a
2562 new scholarship. The process may begin no earlier than February
2563 1 of the prior school year and must authorize the submission of
2564 applications until November 15. The process must be in a manner
2565 that creates a written or electronic record of the application
2566 request and the date of receipt of the application request.
2567 Applications received after the deadline may be considered for
2568 scholarship award in the subsequent fiscal year. The process
2569 must require that parents confirm that the scholarship is being
2570 accepted or declined by December 15.

2571 3. Review applications and award scholarships using the
2572 following priorities:

2573 a. Renewing students from the previous school year.
2574 b. An eligible student who meets the criteria for an
2575 initial award pursuant to paragraph (3) (b) on a first-come,
2576 first-served basis.

2577 4. Establish and maintain separate accounts for each
2578 eligible student. For each account, the organization must
2579 maintain a record of accrued interest that is retained in the
2580 student's account and available only for authorized program
2581 expenditures.

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2582 5. Verify qualifying educational expenditures pursuant to
2583 the requirements of paragraph (4)(b).

2584 6. Return any remaining program funds to the department
2585 pursuant to paragraph (6)(b).

2586 7. Notify the parent about the availability of, and the
2587 requirements associated with requesting, an initial IEP or IEP
2588 reevaluation every 3 years for each student participating in the
2589 program.

2590 2.8. Notify the parent of available state and local
2591 services, including, but not limited to, services under chapter
2592 413.

2593 9. In a timely manner, submit to the department the
2594 verified list of eligible scholarship students and any
2595 information requested by the department relating to the
2596 scholarship under this section.

2597 (c)10. Notify the department of any violation of this
2598 section.

2599 11. Document each scholarship student's eligibility for a
2600 fiscal year before granting a scholarship for that fiscal year
2601 pursuant to paragraph (3)(b). A student is ineligible for a
2602 scholarship if the student's account has been inactive for 2
2603 consecutive fiscal years.

2604 (d)(e) An eligible nonprofit scholarship funding
2605 organization may, from eligible contributions received pursuant
2606 to s. 1002.395(6)(1)1., Use an amount, from eligible
2607 contributions received pursuant to s. 1002.395(6)(1)1., not to
2608 exceed 1.5 2.5 percent of the total amount of all verified
2609 eligible scholarships funded under this section for
2610 administrative expenses associated with performing functions

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2611 under this section. An organization that, for the prior fiscal
2612 year, has complied with the expenditure requirements of s.
2613 1002.395(6)(i)3. ~~s. 1002.395(6)(l)3.~~ may use an amount not to
2614 exceed 2 ~~3~~ percent. Such administrative expense amount is
2615 considered within the 2-percent ~~3-percent~~ limit on the total
2616 amount an organization may use to administer scholarships under
2617 this chapter.

2618 (d) ~~An eligible nonprofit scholarship funding organization~~
2619 ~~shall establish a process to collect input and feedback from~~
2620 ~~parents, private schools, and providers before implementing~~
2621 ~~substantial modifications or enhancements to the reimbursement~~
2622 ~~process.~~

2623 (11) (12) SCHOLARSHIP FUNDING AND PAYMENT.—

2624 (a) 1. ~~The calculated scholarship amount for a participating~~
2625 ~~student determined eligible pursuant to paragraph (3)(a) shall~~
2626 ~~be based upon the grade level and school district in which the~~
2627 ~~student was assigned as 100 percent of the funds per unweighted~~
2628 ~~full-time equivalent in the Florida Education Finance Program~~
2629 ~~for a student in the basic program established pursuant to s.~~
2630 ~~1011.62(1)(c)1., plus a per full-time equivalent share of funds~~
2631 ~~for the categorical programs established in s. 1011.62(5),~~
2632 ~~(7)(a), and (16), as funded in the General Appropriations Act.~~

2633 2.a. ~~For renewing scholarship students, the organization~~
2634 ~~must verify the student's continued eligibility to participate~~
2635 ~~in the scholarship program at least 30 days before each payment.~~
2636 ~~Upon receiving the verified list of eligible scholarship~~
2637 ~~students, the department shall release, from state funds only,~~
2638 ~~the amount calculated pursuant to subparagraph 1. to the~~
2639 ~~organization for deposit into the student's account in quarterly~~

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2640 payments no later than August 1, November 1, February 1, and
2641 April 1 of each school year in which the scholarship is in
2642 force.

2643 b. For new scholarship students, the organization must
2644 verify the student's eligibility to participate in the
2645 scholarship program at least 30 days before each payment. Upon
2646 receiving the verified list of eligible scholarship students,
2647 the department shall release, from state funds only, the amount
2648 calculated pursuant to subparagraph 1. to the organization for
2649 deposit into the student's account in quarterly payments no
2650 later than September 1, November 1, February 1, and April 1 of
2651 each school year in which the scholarship is in force. For a
2652 student exiting a Department of Juvenile Justice commitment
2653 program who chooses to participate in the scholarship program,
2654 the amount calculated pursuant to subparagraph 1. must be
2655 transferred from the school district in which the student last
2656 attended a public school before commitment to the Department of
2657 Juvenile Justice.

2658 c. The department is authorized to release the state funds
2659 contingent upon verification that the organization will comply
2660 with s. 1002.395(6)(1) based upon the organization's submitted
2661 verified list of eligible scholarship students pursuant to s.
2662 1002.395.

2663 3. The initial payment shall be made after the
2664 organization's verification of admission acceptance, and
2665 subsequent payments shall be made upon verification of continued
2666 enrollment and attendance at the participating private school.
2667 Payments for tuition and fees for full-time enrollment shall be
2668 made within 7 business days after approval by the parent

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2669 pursuant to paragraph (10) (a) and the private school pursuant to
2670 paragraph (9) (b). Payment must be by funds transfer or any other
2671 means of payment that the department deems to be commercially
2672 viable or cost effective. An organization shall ensure that the
2673 parent has approved a funds transfer before any scholarship
2674 funds are deposited.

2675 4. An organization may not transfer any funds to an account
2676 of a student determined eligible pursuant to paragraph (3) (a)
2677 which has a balance in excess of \$24,000.

2678 (b)1. For the 2024-2025 school year, the maximum number of
2679 scholarships funded under paragraph (3) (b) shall be 72,615.
2680 Beginning in the 2025-2026 school year, the maximum number of
2681 scholarships funded under paragraph (3) (b) shall annually
2682 increase by 5 percent of the state's total exceptional student
2683 education full-time equivalent student membership, not including
2684 gifted students. The maximum number of scholarships funded shall
2685 increase by 1 percent of the state's total exceptional student
2686 education full-time equivalent student membership, not including
2687 gifted students, in the school year following any school year in
2688 which the number of scholarships funded exceeds 95 percent of
2689 the number of available scholarships for that school year. An
2690 eligible student who meets any of the following requirements
2691 shall be excluded from the maximum number of students if the
2692 student:

2693 (a)a. Received specialized instructional services under the
2694 Voluntary Prekindergarten Education Program pursuant to s.
2695 1002.66 during the previous school year and the student has a
2696 current IEP developed by the district school board in accordance
2697 with rules of the State Board of Education;

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2698 (b)b. Is a dependent child of a law enforcement officer or
2699 a member of the United States Armed Forces, a foster child, or
2700 an adopted child; or

2701 (c)e. Spent the prior school year in attendance at a
2702 Florida public school or the Florida School for the Deaf and the
2703 Blind. For purposes of this paragraph subparagraph, the term
2704 "prior school year in attendance" means that the student was
2705 enrolled and reported by:

2706 1.(I) A school district for funding during either the
2707 preceding October or February full-time equivalent student
2708 membership surveys in kindergarten through grade 12, which
2709 includes time spent in a Department of Juvenile Justice
2710 commitment program if funded under the Florida Education Finance
2711 Program;

2712 2.(II) The Florida School for the Deaf and the Blind during
2713 the preceding October or February full-time equivalent student
2714 membership surveys in kindergarten through grade 12;

2715 3.(III) A school district for funding during the preceding
2716 October or February full-time equivalent student membership
2717 surveys, was at least 4 years of age when enrolled and reported,
2718 and was eligible for services under s. 1003.21(1)(e); or

2719 4.(IV) Received a John M. McKay Scholarship for Students
2720 with Disabilities in the 2021-2022 school year.

2721 ~~2. For a student who has a Level I to Level III matrix of
2722 services or a diagnosis by a physician or psychologist, the
2723 calculated scholarship amount for a student participating in the
2724 program must be based upon the grade level and school district
2725 in which the student would have been enrolled as the total funds
2726 per unweighted full-time equivalent in the Florida Education~~

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2727 Finance Program for a student in the basic exceptional student
2728 education program pursuant to s. 1011.62(1)(c) and (d), plus a
2729 per full-time equivalent share of funds for the categorical
2730 programs established in s. 1011.62(5), (7)(a), (8), and (16), as
2731 funded in the General Appropriations Act. For the categorical
2732 program established in s. 1011.62(8), the funds must be
2733 allocated based on the school district's average exceptional
2734 student education guaranteed allocation funds per exceptional
2735 student education full-time equivalent student.

2736 3. For a student with a Level IV or Level V matrix of
2737 services, the calculated scholarship amount must be based upon
2738 the school district to which the student would have been
2739 assigned as the total funds per full-time equivalent for the
2740 Level IV or Level V exceptional student education program
2741 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per full time
2742 equivalent share of funds for the categorical programs
2743 established in s. 1011.62(5), (7)(a), and (16), as funded in the
2744 General Appropriations Act.

2745 4. For a student who received a Gardiner Scholarship
2746 pursuant to former s. 1002.385 in the 2020-2021 school year, the
2747 amount shall be the greater of the amount calculated pursuant to
2748 subparagraph 2. or the amount the student received for the 2020-
2749 2021 school year.

2750 5. For a student who received a John M. McKay Scholarship
2751 pursuant to former s. 1002.39 in the 2020-2021 school year, the
2752 amount shall be the greater of the amount calculated pursuant to
2753 subparagraph 2. or the amount the student received for the 2020-
2754 2021 school year.

2755 6. The organization must verify the student's eligibility

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2756 to participate in the scholarship program at least 30 days
2757 before each payment.

2758 7.a. For renewing scholarship students, upon receiving the
2759 verified list of eligible scholarship students, the department
2760 shall release, from state funds only, the amount calculated
2761 pursuant to subparagraph 1. to the organization for deposit into
2762 the student's account in quarterly payments no later than August
2763 1, November 1, February 1, and April 1 of each school year in
2764 which the scholarship is in force.

2765 b. For new scholarship students, upon receiving the
2766 verified list of eligible scholarship students, the department
2767 shall release, from state funds only, the amount calculated
2768 pursuant to subparagraph 1. to the organization for deposit into
2769 the student's account in quarterly payments no later than
2770 September 1, November 1, February 1, and April 1 of each school
2771 year in which the scholarship is in force.

2772 8. If a scholarship student is attending an eligible
2773 private school full time, the initial payment shall be made
2774 after the organization's verification of admission acceptance,
2775 and subsequent payments shall be made upon verification of
2776 continued enrollment and attendance at the eligible private
2777 school. Payments for tuition and fees for full-time enrollment
2778 shall be made within 7 business days after approval by the
2779 parent pursuant to paragraph (10)(b) and the private school
2780 pursuant to paragraph (9)(b).

2781 9. Accrued interest in the student's account is in addition
2782 to, and not part of, the awarded funds. Program funds include
2783 both the awarded funds and accrued interest.

2784 10. The organization may develop a system for payment of

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2785 benefits by funds transfer, including, but not limited to, debit
2786 cards, electronic payment cards, or any other means of payment
2787 which the department deems to be commercially viable or cost-
2788 effective. A student's scholarship award may not be reduced for
2789 debit card or electronic payment fees. Commodities or services
2790 related to the development of such a system must be procured by
2791 competitive solicitation unless they are purchased from a state
2792 term contract pursuant to s. 287.056.

2793 11. An organization may not transfer any funds to an
2794 account of a student determined to be eligible pursuant to
2795 paragraph (3) (b) which has a balance in excess of \$50,000.

2796 12. Money received pursuant to this section do not
2797 constitute taxable income to the qualified student or the parent
2798 of the qualified student.

2799 (c) An organization may not submit a new scholarship
2800 student for funding after February 1.

2801 (d) Within 30 days after the release of state funds
2802 pursuant to paragraphs (a) and (b), the eligible scholarship-
2803 funding organization shall certify to the department the amount
2804 of funds distributed for student scholarships. If the amount of
2805 funds released by the department is more than the amount
2806 distributed by the organization, the department is authorized to
2807 adjust the amount of the overpayment in the subsequent quarterly
2808 payment release.

2809 Section 6. Subsections (2), (3), (4), and (6) through (11)
2810 and paragraph (e) of subsection (15) of section 1002.395,
2811 Florida Statutes, are amended to read:

2812 1002.395 Florida Tax Credit Scholarship Program.—

2813 (2) DEFINITIONS.—As used in this section, the term:

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2814 (a) "Annual tax credit amount" means, for any state fiscal
2815 year, the sum of the amount of tax credits approved under
2816 paragraph (5)(b), including tax credits to be taken under s.
2817 220.1875 or s. 624.51055, which are approved for a taxpayer
2818 whose taxable year begins on or after January 1 of the calendar
2819 year preceding the start of the applicable state fiscal year.

2820 (b) ~~"Choice navigator"~~ means an individual who meets the
2821 requirements of sub-subparagraph (6)(d)4.g. and who provides
2822 consultations, at a mutually agreed upon location, on the
2823 selection of, application for, and enrollment in educational
2824 options addressing the academic needs of a student; curriculum
2825 selection; and advice on career and postsecondary education
2826 opportunities. However, nothing in this section authorizes a
2827 choice navigator to oversee or exercise control over the
2828 curricula or academic programs of a personalized education
2829 program.

2830 (e) "Department" means the Department of Revenue.

2831 (c)~~(d)~~ "Direct certification list" means the certified list
2832 of children who qualify for the food assistance program, the
2833 Temporary Assistance to Needy Families Program, or the Food
2834 Distribution Program on Indian Reservations provided to the
2835 Department of Education by the Department of Children and
2836 Families.

2837 (d)~~(e)~~ "Division" means the Division of Alcoholic Beverages
2838 and Tobacco of the Department of Business and Professional
2839 Regulation.

2840 (e)~~(f)~~ "Eligible contribution" means a monetary
2841 contribution from a taxpayer, subject to the restrictions
2842 provided in this section, to an eligible nonprofit scholarship-

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2843 funding organization pursuant to this section and ss. 212.099,
2844 212.1831, and 212.1832. The taxpayer making the contribution may
2845 not designate a specific child as the beneficiary of the
2846 contribution.

2847 (f) ~~(g)~~ "Eligible nonprofit scholarship-funding
2848 organization" means a state university; or an independent
2849 college or university that is eligible to participate in the
2850 William L. Boyd, IV, Effective Access to Student Education Grant
2851 Program, located and chartered in this state, is not for profit,
2852 and is accredited by the Commission on Colleges of the Southern
2853 Association of Colleges and Schools; or is a charitable
2854 organization that:

2855 1. Is exempt from federal income tax pursuant to s.
2856 501(c) (3) of the Internal Revenue Code;

2857 2. Is a Florida entity formed under chapter 605, chapter
2858 607, or chapter 617 and whose principal office is located in the
2859 state; and

2860 3. Complies with subsections (6) and (13) ~~(15)~~.

2861 ~~(h) "Eligible postsecondary educational institution" means~~
2862 ~~a Florida College System institution; a state university; a~~
2863 ~~school district technical center; a school district adult~~
2864 ~~general education center; an independent college or university~~
2865 ~~eligible to participate in the William L. Boyd, IV, Effective~~
2866 ~~Access to Student Education Grant Program under s. 1009.89; or~~
2867 ~~an accredited independent postsecondary educational institution,~~
2868 ~~as defined in s. 1005.02, which is licensed to operate in this~~
2869 ~~state under part III of chapter 1005 or is approved to~~
2870 ~~participate in a reciprocity agreement as defined in s.~~
2871 ~~1000.35(2).~~

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2872 (i) "Eligible private school" means a private school, as
2873 defined in s. 1002.01, located in Florida which offers an
2874 education to students in any grades K-12 and that meets the
2875 requirements in subsection (8).

2876 (j) "Household income" has the same meaning as the term
2877 "income" as defined in the Income Eligibility Guidelines for
2878 free and reduced price meals under the National School Lunch
2879 Program in 7 C.F.R. part 210 as published in the Federal
2880 Register by the United States Department of Agriculture.

2881 (k) "Owner or operator" includes:

2882 1. An owner, president, officer, or director of an eligible
2883 nonprofit scholarship funding organization or a person with
2884 equivalent decisionmaking authority over an eligible nonprofit
2885 scholarship funding organization.

2886 2. An owner, operator, superintendent, or principal of an
2887 eligible private school or a person with equivalent
2888 decisionmaking authority over an eligible private school.

2889 (l) "Personalized education program" has the same meaning
2890 as in s. 1002.01.

2891 (m) "Personalized education student" means a student whose
2892 parent applies to an eligible nonprofit scholarship funding
2893 organization for participation in a personalized education
2894 program.

2895 (n) "Student learning plan" means a customized learning
2896 plan developed by a parent, at least annually, to guide
2897 instruction for his or her student and to identify the goods and
2898 services needed to address the academic needs of his or her
2899 student.

2900 (g) "Tax credit cap amount" means the maximum annual tax

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2901 credit amount that the department may approve for a state fiscal
2902 year.

2903 (h) (p) "Unweighted FTE funding amount" means the statewide
2904 average total funds per unweighted full-time equivalent funding
2905 amount that is incorporated by reference in the General
2906 Appropriations Act, or any subsequent special appropriations
2907 act, for the applicable state fiscal year.

2908 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

2909 (a) The Florida Tax Credit Scholarship Program is
2910 established.

2911 (b) 1. A student is eligible for a Florida tax credit
2912 scholarship under this section if the student:

2913 (a) a. Is a resident of this state or the dependent child of
2914 an active duty member of the United States Armed Forces who has
2915 received permanent change of station orders to this state or, at
2916 the time of renewal, whose home of record or state of legal
2917 residence is Florida; and

2918 (b) b. Is eligible to enroll in kindergarten through grade
2919 12 in a public school in this state or received a scholarship
2920 under the former Hope Scholarship Program in the 2023-2024
2921 school year.

2922 2. Priority must be given in the following order:

2923 a. A student whose household income level does not exceed
2924 185 percent of the federal poverty level or who is in foster
2925 care or out-of-home care.

2926 b. A student whose household income level exceeds 185
2927 percent of the federal poverty level, but does not exceed 400
2928 percent of the federal poverty level.

2929 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for

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2930 a scholarship while he or she is:

2931 (a) Enrolled full time in a public school, including, but
2932 not limited to, the Florida School for the Deaf and the Blind,
2933 the College-Preparatory Boarding Academy, the Florida Virtual
2934 School, the Florida Scholars Academy, a developmental research
2935 school authorized under s. 1002.32, or a charter school
2936 authorized under this chapter. For purposes of this paragraph, a
2937 3- or 4-year-old child who receives services funded through the
2938 Florida Education Finance Program is considered a student
2939 enrolled full time in a public school;

2940 (b) Enrolled in a school operating for the purpose of
2941 providing educational services to youth in a Department of
2942 Juvenile Justice commitment program;

2943 (c) Receiving any other educational scholarship pursuant to
2944 this chapter. ~~However, an eligible public school student~~
2945 ~~receiving a scholarship under s. 1002.411 may receive a stipend~~
2946 ~~for transportation pursuant to s. 1002.31(7);~~

2947 (d) Not having regular and direct contact with his or her
2948 private school teachers pursuant to s. 1002.421(9)(i) s.
2949 ~~1002.421(1)(i)~~ unless he or she is enrolled in a personalized
2950 education program;

2951 (e) Participating in a home education program as defined in
2952 s. 1002.01(1);

2953 (f) Participating in a private tutoring program pursuant to
2954 s. 1002.43 unless he or she is enrolled in a personalized
2955 education program; or

2956 (g) Participating in virtual instruction pursuant to s.
2957 1002.455 that receives state funding pursuant to the student's
2958 participation.

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(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

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2988 screening. If the fingerprints of an owner or operator are not
2989 retained by the Department of Law Enforcement under subparagraph
2990 3., the owner or operator must electronically file a complete
2991 set of fingerprints with the Department of Law Enforcement. Upon
2992 submission of fingerprints for this purpose, the eligible
2993 nonprofit scholarship funding organization shall request that
2994 the Department of Law Enforcement forward the fingerprints to
2995 the Federal Bureau of Investigation for level 2 screening, and
2996 the fingerprints shall be retained by the Department of Law
2997 Enforcement under subparagraph 3.

2998 3. Fingerprints submitted to the Department of Law
2999 Enforcement as required by this paragraph must be retained by
3000 the Department of Law Enforcement in a manner approved by rule
3001 and entered in the statewide automated biometric identification
3002 system authorized by s. 943.05(2)(b). The fingerprints must
3003 thereafter be available for all purposes and uses authorized for
3004 arrest fingerprints entered in the statewide automated biometric
3005 identification system pursuant to s. 943.051.

3006 4. The Department of Law Enforcement shall search all
3007 arrest fingerprints received under s. 943.051 against the
3008 fingerprints retained in the statewide automated biometric
3009 identification system under subparagraph 3. Any arrest record
3010 that is identified with an owner's or operator's fingerprints
3011 must be reported to the Department of Education. The Department
3012 of Education shall participate in this search process by paying
3013 an annual fee to the Department of Law Enforcement and by
3014 informing the Department of Law Enforcement of any change in the
3015 employment, engagement, or association status of the owners or
3016 operators whose fingerprints are retained under subparagraph 3.

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3017 The Department of Law Enforcement shall adopt a rule setting the
3018 amount of the annual fee to be imposed upon the Department of
3019 Education for performing these services and establishing the
3020 procedures for the retention of owner and operator fingerprints
3021 and the dissemination of search results. The fee may be borne by
3022 the owner or operator of the nonprofit scholarship funding
3023 organization.

3024 5. A nonprofit scholarship funding organization whose owner
3025 or operator fails the level 2 background screening is not
3026 eligible to provide scholarships under this section.

3027 6. A nonprofit scholarship funding organization whose owner
3028 or operator in the last 7 years has filed for personal
3029 bankruptcy or corporate bankruptcy in a corporation of which he
3030 or she owned more than 20 percent shall not be eligible to
3031 provide scholarships under this section.

3032 7. In addition to the offenses listed in s. 435.04, a
3033 person required to undergo background screening pursuant to this
3034 part or authorizing statutes must not have an arrest awaiting
3035 final disposition for, must not have been found guilty of, or
3036 entered a plea of nolo contendere to, regardless of
3037 adjudication, and must not have been adjudicated delinquent, and
3038 the record must not have been sealed or expunged for, any of the
3039 following offenses or any similar offense of another
3040 jurisdiction:

3041 a. Any authorizing statutes, if the offense was a felony.
3042 b. This chapter, if the offense was a felony.
3043 c. Section 409.920, relating to Medicaid provider fraud.
3044 d. Section 409.9201, relating to Medicaid fraud.
3045 e. Section 741.28, relating to domestic violence.

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3046 ~~f. Section 817.034, relating to fraudulent acts through
3047 mail, wire, radio, electromagnetic, photoelectronic, or
3048 photooptical systems.~~

3049 ~~g. Section 817.234, relating to false and fraudulent
3050 insurance claims.~~

3051 ~~h. Section 817.505, relating to patient brokering.~~

3052 ~~i. Section 817.568, relating to criminal use of personal
3053 identification information.~~

3054 ~~j. Section 817.60, relating to obtaining a credit card
3055 through fraudulent means.~~

3056 ~~k. Section 817.61, relating to fraudulent use of credit
3057 cards, if the offense was a felony.~~

3058 ~~l. Section 831.01, relating to forgery.~~

3059 ~~m. Section 831.02, relating to uttering forged instruments.~~

3060 ~~n. Section 831.07, relating to forging bank bills, checks,
3061 drafts, or promissory notes.~~

3062 ~~o. Section 831.09, relating to uttering forged bank bills,
3063 checks, drafts, or promissory notes.~~

3064 ~~p. Section 831.30, relating to fraud in obtaining medicinal
3065 drugs.~~

3066 ~~q. Section 831.31, relating to the sale, manufacture,
3067 delivery, or possession with the intent to sell, manufacture, or
3068 deliver any counterfeit controlled substance, if the offense was
3069 a felony.~~

3070 ~~(b) (e) Must not have an owner or operator, as defined in
3071 subparagraph (2)(k)1., who owns or operates an eligible private
3072 school that is participating in the scholarship program.~~

3073 ~~(c) (d)1. For the 2023-2024 school year, may fund no more
3074 than 20,000 scholarships for students who are enrolled pursuant~~

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3075 to subsection (7) paragraph (7)(b). The number of scholarships
3076 funded for such students may increase by 40,000 in each
3077 subsequent school year. This paragraph subparagraph is repealed
3078 July 1, 2027.

3079 ~~2. Shall establish a process for parents who are in~~
3080 ~~compliance with paragraph (7)(a) to renew their students'~~
3081 ~~scholarships. Renewal applications for the 2025-2026 school year~~
3082 ~~and thereafter must provide for a renewal timeline beginning~~
3083 ~~February 1 of the prior school year and ending April 30 of the~~
3084 ~~prior school year. A student's renewal is contingent upon an~~
3085 ~~eligible private school providing confirmation of admission~~
3086 ~~pursuant to subsection (8). The process must require that~~
3087 ~~parents confirm that the scholarship is being renewed or~~
3088 ~~declined by May 31.~~

3089 ~~3. Shall establish a process that allows a parent to apply~~
3090 ~~for a new scholarship. The process must be in a manner that~~
3091 ~~creates a written or electronic record of the application~~
3092 ~~request and the date of receipt of the application request. The~~
3093 ~~process must require that parents confirm that the scholarship~~
3094 ~~is being accepted or declined by a date set by the organization.~~

3095 ~~4. Must establish and maintain separate scholarship~~
3096 ~~accounts from eligible contributions for each eligible student.~~
3097 ~~For each account, the organization must maintain a record of~~
3098 ~~accrued interest retained in the student's account. The~~
3099 ~~organization~~

3100 (d) Must verify that scholarship funds are used for:
3101 1.a. Tuition and fees for full-time or part-time enrollment
3102 in an eligible private school.
3103 2.b. Instructional materials, including digital materials,

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3104 digital devices, and Internet resources.

3105 3.e. Curriculum as defined in s. 1002.394(2).

3106 4.d. Tuition and fees associated with full-time or part-
3107 time enrollment in a home education instructional program that
3108 meets all of the following requirements:

3109 a. Provides educational courses or activities.

3110 b. Has a publicly available description of courses and
3111 activities.

3112 c. Has a tuition and fee schedule.

3113 d. Makes the tuition and fees payable to a registered
3114 business entity.

3115 5. Tuition and fees associated with full-time or part-time
3116 enrollment in, an eligible postsecondary educational institution
3117 or a program offered by the postsecondary educational
3118 institution, unless the program is subject to s. 1009.25 or
3119 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
3120 program as defined in s. 446.021(5) which is not subject to s.
3121 1009.25 and complies with all applicable requirements of the
3122 Department of Education pursuant to chapter 1005; a private
3123 tutoring program authorized under s. 1002.43; a virtual program
3124 offered by a department-approved private online provider that
3125 meets the provider qualifications specified in s. 1002.45(2)(a);
3126 the Florida Virtual School as a private paying student; or an
3127 approved online course offered pursuant to s. 1003.499 or s.
3128 1004.0961.

3129 6.e. Fees for nationally standardized, norm-referenced
3130 achievement tests, Advanced Placement Examinations, industry
3131 certification examinations, assessments related to postsecondary
3132 education, or other assessments.

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3133 7.f. Contracted services provided by a public school or
3134 school district, including classes. A student who receives
3135 contracted services under this subparagraph ~~sub-subparagraph~~ is
3136 not considered enrolled in a public school for eligibility
3137 purposes as specified in subsection (9) ~~(11)~~ but rather
3138 attending a public school on a part-time basis as authorized
3139 under s. 1002.44.

3140 8.g. Tuition and fees for part-time tutoring services or
3141 fees for services provided by a choice navigator. Such services
3142 must be provided by a person who holds a valid Florida
3143 educator's certificate pursuant to s. 1012.56, a person who
3144 holds an adjunct teaching certificate pursuant to s. 1012.57, a
3145 person who has a bachelor's degree or a graduate degree in the
3146 subject area or related subject area in which instruction is
3147 given, a person who has demonstrated a mastery of subject area
3148 knowledge pursuant to s. 1012.56(5), or a person certified by a
3149 nationally or internationally recognized research-based training
3150 program as approved by the Department of Education. As used in
3151 this paragraph, the term "part-time tutoring services" does not
3152 qualify as regular school attendance as defined in s.
3153 1003.01(16) (e).

3154 9. Membership dues and related activity fees for
3155 participation in career and technical student organizations.

3156 (e) For students determined eligible pursuant to subsection
3157 (7) ~~paragraph (7)(b)~~, must:

3158 1. ~~Establish a process for parents who are in compliance~~
3159 ~~with subparagraph (7)(b)1. to apply for a new scholarship. New~~
3160 ~~scholarship applications for the 2025-2026 school year and~~
3161 ~~thereafter must provide for an application timeline beginning~~

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3162 ~~February 1 of the prior school year and ending April 30 of the~~
3163 ~~prior school year. The process must require that parents confirm~~
3164 ~~that the scholarship is being accepted or declined by May 31.~~

3165 ~~2. Establish a process for parents who are in compliance~~
3166 ~~with paragraph (7)(b) to renew their students' scholarships.~~
3167 ~~Renewal scholarship applications for the 2025-2026 school year~~
3168 ~~and thereafter must provide for a renewal timeline beginning~~
3169 ~~February 1 of the prior school year and ending April 30 of the~~
3170 ~~prior school year. The process must require that parents confirm~~
3171 ~~that the scholarship is being renewed or declined by May 31.~~

3172 1.3. Maintain a signed agreement from the parent which
3173 constitutes compliance with the attendance requirements under
3174 ss. 1003.01(16) and 1003.21(1).

3175 2.4. Receive eligible student test scores and, beginning
3176 with the 2027-2028 school year, by August 15, annually report
3177 test scores for students pursuant to subsection (7) paragraph
3178 ~~(7)(b)~~ to a state university pursuant to paragraph (8)(d)
3179 ~~(9)(f).~~

3180 3.5. Provide parents with information, guidance, and
3181 support to create and annually update a student learning plan
3182 for their student. The organization must maintain the plan and
3183 allow parents to electronically submit, access, and revise the
3184 plan continuously.

3185 4.6. Upon submission by the parent of an annual student
3186 learning plan, fund a scholarship for a student determined
3187 eligible.

3188 (f) ~~Must give first priority to eligible renewal students~~
3189 ~~who received a scholarship from an eligible nonprofit~~
3190 ~~scholarship funding organization during the previous school~~

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3191 ~~year. The eligible nonprofit scholarship funding organization~~
3192 ~~must~~ fully apply and exhaust all funds available under this
3193 section for renewal scholarship awards before awarding any
3194 initial scholarships.

3195 ~~(g) Must provide a new scholarship to an eligible student~~
3196 ~~on a first-come, first-served basis unless the student is~~
3197 ~~seeking priority eligibility pursuant to subsection (3).~~

3198 (g)(h) Must refer any student eligible for a scholarship
3199 pursuant to this section who did not receive a renewal or
3200 initial scholarship based solely on the lack of available funds
3201 under this section to another eligible nonprofit scholarship-
3202 funding organization that may have funds available.

3203 ~~(i) May not restrict or reserve scholarships for use at a~~
3204 ~~particular eligible private school or provide scholarships to a~~
3205 ~~child of an owner or operator as defined in subparagraph~~
3206 ~~(2)(k)1.~~

3207 ~~(j) Must allow a student in foster care or out-of-home care~~
3208 ~~or a dependent child of a parent who is a member of the United~~
3209 ~~States Armed Forces to apply for a scholarship at any time.~~

3210 (h)(k) Must allow an eligible student to attend any
3211 eligible private school and must allow a parent to transfer a
3212 scholarship during a school year to any other eligible private
3213 school of the parent's choice.

3214 (i)1.(l)1. May use eligible contributions received pursuant
3215 to this section and ss. 212.099, 212.1831, and 212.1832 during
3216 the state fiscal year in which such contributions are collected
3217 for administrative expenses if the organization has operated as
3218 an eligible nonprofit scholarship-funding organization for at
3219 least the preceding 3 fiscal years and did not have any findings

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3220 of material weakness or material noncompliance in its most
3221 recent audit under paragraph (k) ~~to~~ or is in good standing in
3222 each state in which it administers a scholarship program and the
3223 audited financial statements for the preceding 3 fiscal years
3224 are free of material misstatements and going concern issues.
3225 Administrative expenses from eligible contributions may not
3226 exceed 2 ~~3~~ percent of the total amount of all scholarships and
3227 stipends funded by an eligible scholarship-funding organization
3228 under this chapter. Such administrative expenses must be
3229 reasonable and necessary for the organization's management and
3230 distribution of scholarships funded under this chapter.
3231 Administrative expenses may include developing or contracting
3232 with rideshare programs or facilitating carpool strategies for
3233 recipients of a transportation stipend under s. 1002.31(7). No
3234 funds authorized under this subparagraph shall be used for
3235 lobbying or political activity or expenses related to lobbying
3236 or political activity. Up to one-third of the funds authorized
3237 for administrative expenses under this subparagraph may be used
3238 for expenses related to the recruitment of contributions from
3239 taxpayers. ~~An eligible nonprofit scholarship funding~~
3240 ~~organization may not charge an application fee.~~

3241 2. Must expend for annual or partial-year scholarships 100
3242 percent of any eligible contributions from the prior fiscal
3243 year.

3244 3. Must expend for annual or partial-year scholarships an
3245 amount equal to or greater than 75 percent of all net eligible
3246 contributions, ~~as defined in subsection (2),~~ remaining after
3247 administrative expenses during the state fiscal year in which
3248 such eligible contributions are collected. No more than 25

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3249 percent of such net eligible contributions may be carried
3250 forward to the following state fiscal year. All amounts carried
3251 forward, for audit purposes, must be specifically identified for
3252 particular students, by student name and the name of the school
3253 to which the student is admitted, subject to the requirements of
3254 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the
3255 applicable rules and regulations issued pursuant thereto. Any
3256 amounts carried forward shall be expended for annual or partial-
3257 year scholarships in the following state fiscal year. Eligible
3258 contributions remaining on June 30 of each year that are in
3259 excess of the 25 percent that may be carried forward shall be
3260 used to provide scholarships to eligible students or transferred
3261 to other eligible nonprofit scholarship-funding organizations to
3262 provide scholarships for eligible students. All transferred
3263 funds must be deposited by each eligible nonprofit scholarship-
3264 funding organization receiving such funds into its scholarship
3265 account. All transferred amounts received by any eligible
3266 nonprofit scholarship-funding organization must be separately
3267 disclosed in the annual financial audit required under paragraph
3268 (k) ~~(e)~~.

3269 ~~4. Must, before granting a scholarship for an academic~~
3270 ~~year, document each scholarship student's eligibility for that~~
3271 ~~academic year. A scholarship funding organization may not grant~~
3272 ~~multiyear scholarships in one approval process.~~

3273 ~~(m) Must maintain separate accounts for scholarship funds~~
3274 ~~and operating funds.~~

3275 ~~(j) (n) With the prior approval of the Department of~~
3276 ~~Education, may transfer funds to another eligible nonprofit~~
3277 ~~scholarship-funding organization if additional funds are~~

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3278 required to meet scholarship demand at the receiving nonprofit
3279 scholarship-funding organization. A transfer is limited to the
3280 greater of \$500,000 or 20 percent of the total contributions
3281 received by the nonprofit scholarship-funding organization
3282 making the transfer. All transferred funds must be deposited by
3283 the receiving nonprofit scholarship-funding organization into
3284 its scholarship accounts. All transferred amounts received by
3285 any nonprofit scholarship-funding organization must be
3286 separately disclosed in the annual financial and compliance
3287 audit required in this section.

3288 (k) (e) Must provide to the Auditor General and the
3289 Department of Education access to its accounts and records and a
3290 report on the results of an annual financial audit of its
3291 accounts and records conducted by an independent certified
3292 public accountant in accordance with auditing standards
3293 generally accepted in the United States, government auditing
3294 standards, and rules promulgated by the Auditor General. The
3295 audit report must include a report on financial statements
3296 presented in accordance with generally accepted accounting
3297 principles. Audit reports must be provided to the Auditor
3298 General and the Department of Education within 180 days after
3299 completion of the eligible nonprofit scholarship-funding
3300 organization's fiscal year. The Auditor General shall review all
3301 audit reports submitted pursuant to this paragraph. The Auditor
3302 General shall request any significant items that were omitted in
3303 violation of a rule adopted by the Auditor General. The items
3304 must be provided within 45 days after the date of the request.
3305 If the scholarship-funding organization does not comply with the
3306 Auditor General's request, the Auditor General shall notify the

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3307 Legislative Auditing Committee.

3308 ~~(p) Must prepare and submit quarterly reports to the~~
3309 ~~Department of Education pursuant to paragraph (9)(i). In~~
3310 ~~addition, an eligible nonprofit scholarship funding organization~~
3311 ~~must submit in a timely manner the verified list of eligible~~
3312 ~~scholarship students and any information requested by the~~
3313 ~~Department of Education relating to the scholarship program.~~

3314 (1)1.a.~~(q)1.a.~~ Must participate in the joint development of
3315 agreed-upon procedures during the 2009-2010 state fiscal year.
3316 The agreed-upon procedures must uniformly apply to all private
3317 schools and must determine, at a minimum, whether the private
3318 school has been verified as eligible by the Department of
3319 Education under s. 1002.421; has an adequate accounting system,
3320 system of financial controls, and process for deposit and
3321 classification of scholarship funds; and has properly expended
3322 scholarship funds for education-related expenses. During the
3323 development of the procedures, the participating scholarship-
3324 funding organizations shall specify guidelines governing the
3325 materiality of exceptions that may be found during the
3326 accountant's performance of the procedures. The procedures and
3327 guidelines shall be provided to private schools and the
3328 Commissioner of Education by March 15, 2011.

3329 b. Must participate in a joint review of the agreed-upon
3330 procedures and guidelines developed under sub-subparagraph a.,
3331 by February of each biennium, if the scholarship-funding
3332 organization provided more than \$250,000 in scholarship funds
3333 under this chapter during the state fiscal year preceding the
3334 biennial review. If the procedures and guidelines are revised,
3335 the revisions must be provided to private schools and the

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3336 Commissioner of Education by March 15 of the year in which the
3337 revisions were completed. The revised agreed-upon procedures and
3338 guidelines shall take effect the subsequent school year.

3339 c. Must monitor the compliance of a participating private
3340 school with s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~ if the
3341 scholarship-funding organization provided the majority of the
3342 scholarship funding to the school. For each participating
3343 private school subject to s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~,
3344 the appropriate scholarship-funding organization shall annually
3345 notify the Commissioner of Education by October 30 of:

3346 (I) A private school's failure to submit a report required
3347 under s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~; or
3348 (II) Any material exceptions set forth in the report
3349 required under s. 1002.421(9)(p) ~~s. 1002.421(1)(q)~~.

3350 2. Must seek input from the accrediting associations that
3351 are members of the Florida Association of Academic Nonpublic
3352 Schools and the Department of Education when jointly developing
3353 the agreed-upon procedures and guidelines under sub subparagraph
3354 1.a. and conducting a review of those procedures and guidelines
3355 under sub subparagraph 1.b.

3356 (m) ~~(r)~~ Must maintain the surety bond or letter of credit
3357 required by subsection (13) ~~(15)~~. The amount of the surety bond
3358 or letter of credit may be adjusted quarterly to equal the
3359 actual amount of undisbursed funds based upon submission by the
3360 organization of a statement from a certified public accountant
3361 verifying the amount of undisbursed funds. The requirements of
3362 this paragraph are waived if the cost of acquiring a surety bond
3363 or letter of credit exceeds the average 10-year cost of
3364 acquiring a surety bond or letter of credit by 200 percent. The

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3365 requirements of this paragraph are waived for a state
3366 university; or an independent college or university which is
3367 eligible to participate in the William L. Boyd, IV, Effective
3368 Access to Student Education Grant Program, located and chartered
3369 in this state, is not for profit, and is accredited by the
3370 Commission on Colleges of the Southern Association of Colleges
3371 and Schools.

3372 (n)~~(s)~~ Must provide to the Auditor General any information
3373 or documentation requested in connection with an operational
3374 audit of a scholarship-funding organization conducted pursuant
3375 to s. 11.45.

3376 (o)1.~~(t)1.~~ Must develop a purchasing handbook that includes
3377 policies for authorized uses of scholarship funds under
3378 paragraph (d) and s. 1002.394(4)(a). The handbook must include,
3379 at a minimum, a routinely updated list of prohibited items and
3380 services, and items or services that require preauthorization or
3381 additional documentation. Annually, by August 1, 2024, and by
3382 ~~each~~ July 1 ~~thereafter~~, the purchasing handbook must be provided
3383 to the Commissioner of Education and published on the eligible
3384 nonprofit scholarship-funding organization's website. Any
3385 revisions must be provided to the commissioner and published on
3386 the organization's website within 30 days after such revisions.

3387 2. The organization shall assist the Florida Center for
3388 Students with Unique Abilities established under s. 1004.6495
3389 with the development of purchasing guidelines, which must
3390 include a routinely updated list of prohibited items and
3391 services, and items or services for which preauthorization or
3392 additional documentation is required, for authorized uses of
3393 scholarship funds under s. 1002.394(4)(b) and publish the

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3394 guidelines on the organization's website. Any approval or denial
3395 of items and services must be consistent with the purchasing
3396 guidelines developed by the center.

3397 3. If the organization fails to submit the purchasing
3398 handbook required by subparagraph 1., the Department of
3399 Education may assess a financial penalty, not to exceed \$10,000,
3400 as prescribed by State Board of Education rule. This
3401 subparagraph expires July 1, 2026.

3402 (p) (u) May permit eligible students to use program funds
3403 for the purposes specified in paragraph (d), as authorized in
3404 the organization's purchasing handbook, by paying for the
3405 authorized use directly, then submitting a reimbursement request
3406 to the eligible nonprofit scholarship-funding organization.
3407 However, an eligible nonprofit scholarship-funding organization
3408 may require the use of an online platform for direct purchases
3409 of products so long as such use does not limit a parent's choice
3410 of curriculum or academic programs. If a parent purchases a
3411 product identical to one offered by an organization's online
3412 platform for a lower price, the organization shall reimburse the
3413 parent the cost of the product.

3414 (v) Must notify each parent that participation in the
3415 scholarship program does not guarantee enrollment.

3416 (w) Shall commit scholarship funds on behalf of the student
3417 for tuition and fees for which the parent is responsible for
3418 payment at the participating private school before using
3419 scholarship account funds for additional authorized uses under
3420 paragraph (d).

3421 (q) (x) Beginning September 30, 2023, Must submit to the
3422 department quarterly reports that provide the estimated and

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3423 actual amounts of the net eligible contributions, as defined in
3424 subsection (2), and all funds carried forward from the prior
3425 state fiscal year.

3426 (r)(y) Must establish a process to collect input and
3427 feedback from parents, private schools, and providers before
3428 implementing substantial modifications or enhancements to the
3429 reimbursement process.

3430
3431 Information and documentation provided to the Department of
3432 Education and the Auditor General relating to the identity of a
3433 taxpayer that provides an eligible contribution under this
3434 section shall remain confidential at all times in accordance
3435 with s. 213.053.

3436 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
3437 PARTICIPATION.—

3438 ~~(a) A parent who applies for a scholarship whose student
3439 will be enrolled full time in an eligible private school must:~~
3440 ~~1. Select an eligible private school and apply for the
3441 admission of his or her child.~~

3442 ~~2. Request the scholarship by the date established by the
3443 organization in a manner that creates a written or electronic
3444 record of the request and the date of receipt of the request.~~

3445 ~~3.a. Beginning with new applications for the 2025-2026
3446 school year and thereafter, notify the organization by a date
3447 set by the organization that the scholarship is being accepted
3448 or declined.~~

3449 ~~b. Beginning with renewal applications for the 2025-2026
3450 school year and thereafter, notify the organization by May 31
3451 that the scholarship is being renewed or declined.~~

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3452 4. Inform the applicable school district when the parent
3453 withdraws his or her student from a public school to attend an
3454 eligible private school.

3455 5. Require his or her student participating in the program
3456 to remain in attendance at the eligible private school
3457 throughout the school year unless excused by the school for
3458 illness or other good cause and comply with the private school's
3459 published policies.

3460 6. Meet with the eligible private school's principal or the
3461 principal's designee to review the school's academic programs
3462 and policies, specialized services, code of student conduct, and
3463 attendance policies before enrollment.

3464 7. Require his or her student participating in the program
3465 to take the norm-referenced assessment offered by the
3466 participating private school. The parent may also choose to have
3467 the student participate in the statewide assessments pursuant to
3468 s. 1008.22. If the parent requests that the student
3469 participating in the program take statewide assessments pursuant
3470 to s. 1008.22 and the participating private school has not
3471 chosen to offer and administer the statewide assessments, the
3472 parent is responsible for transporting the student to the
3473 assessment site designated by the school district.

3474 8. Approve each payment before the scholarship funds may be
3475 deposited by funds transfer. The parent may not designate any
3476 entity or individual associated with the participating private
3477 school as the parent's attorney in fact to approve a funds
3478 transfer. A participant who fails to comply with this paragraph
3479 forfeits the scholarship.

3480 9. Authorize the nonprofit scholarship funding organization

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3481 to access information needed for income eligibility
3482 determination and verification held by other state or federal
3483 agencies, including the Department of Revenue, the Department of
3484 Children and Families, the Department of Education, the
3485 Department of Commerce, and the Agency for Health Care
3486 Administration, for students seeking priority eligibility.

3487 10. Agree to have the organization commit scholarship funds
3488 on behalf of his or her student for tuition and fees for which
3489 the parent is responsible for payment at the participating
3490 private school before using scholarship account funds for
3491 additional authorized uses under paragraph (6) (d). A parent is
3492 responsible for all eligible expenses in excess of the amount of
3493 the scholarship.

3494 11. Comply with the scholarship application and renewal
3495 processes and requirements established by the organization.

3496 (b) A parent whose student is participating in the
3497 personalized education program and will not be enrolled full
3498 time in a public or private school must:

3499 1. Apply to an eligible nonprofit scholarship funding
3500 organization to participate in the program as a personalized
3501 education student by a date set by the organization. The request
3502 must be communicated directly to the organization in a manner
3503 that creates a written or electronic record of the request and
3504 the date of receipt of the request. Beginning with new and
3505 renewal applications for the 2025-2026 school year and
3506 thereafter, a parent must notify the organization by May 31 that
3507 the scholarship is being accepted, renewed, or declined.

3508 2. sign an agreement with the organization and annually
3509 submit a sworn compliance statement to the organization to

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3510 satisfy or maintain program eligibility, including eligibility
3511 to receive and spend program payments, by:

3512 (a) a. Affirming that the program funds are used only for
3513 authorized purposes serving the student's educational needs, as
3514 described in paragraph (6)(d), and that they will not receive a
3515 payment, refund, or rebate of any funds provided under this
3516 section.

3517 (b) If the student is enrolled in Florida Virtual School as
3518 a private paying student, agreeing to have the organization
3519 commit scholarship funds on behalf of his or her student for
3520 tuition and fees for which the parent is responsible for payment
3521 to the Florida Virtual School before using scholarship account
3522 funds for additional uses under paragraph (6)(d).

3523 (c) b. Affirming that the parent is responsible for all
3524 eligible expenses in excess of the amount of the scholarship and
3525 for the education of his or her student.

3526 (d) e. Submitting a student learning plan to the
3527 organization and revising the plan at least annually before
3528 program renewal.

3529 (e) d. Requiring his or her student to take a nationally
3530 norm-referenced test identified by the Department of Education,
3531 or a statewide assessment under s. 1008.22, and provide
3532 assessment results to the organization before the student's
3533 program renewal.

3534 ~~e. Complying with the scholarship application and renewal~~
3535 ~~processes and requirements established by the organization. A~~
3536 ~~student whose participation in the program is not renewed may~~
3537 ~~continue to spend scholarship funds that are in his or her~~
3538 ~~account from prior years unless the account must be closed~~

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3539 pursuant to s. 1002.394(5)(a)2.

3540 (f) f. Procuring the services necessary to educate the
3541 student. When the student receives a scholarship, the district
3542 school board is not obligated to provide the student with a free
3543 appropriate public education.

3544

3545 For purposes of this subsection paragraph, full-time enrollment
3546 does not include enrollment at a private school that addresses
3547 regular and direct contact with teachers through the student
3548 learning plan in accordance with s. 1002.421(9)(i) s.
3549 1002.421(1)(i).

3550 ~~(e) A parent may not apply for multiple scholarships under~~
3551 ~~this section and s. 1002.394 for an individual student at the~~
3552 ~~same time.~~

3553

3554 ~~An eligible nonprofit scholarship funding organization may not~~
3555 ~~further regulate, exercise control over, or require~~
3556 ~~documentation beyond the requirements of this subsection unless~~
3557 ~~the regulation, control, or documentation is necessary for~~
3558 ~~participation in the program.~~

3559 ~~(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.~~ An eligible
3560 ~~private school may be sectarian or nonsectarian and must:~~

3561 ~~(a) Comply with all requirements for private schools~~
3562 ~~participating in state school choice scholarship programs~~
3563 ~~pursuant to s. 1002.421.~~

3564 ~~(b) Provide to the organization all documentation required~~
3565 ~~for a student's participation, including confirmation of the~~
3566 ~~student's admission to the private school, the private school's~~
3567 ~~and student's fee schedules, and any other information required~~

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3568 by the organization to process scholarship payment pursuant to
3569 paragraph (11) (c). Such information must be provided by the
3570 deadlines established by the organization and in accordance with
3571 the requirements of this section. A student is not eligible to
3572 receive a quarterly scholarship payment if the private school
3573 fails to meet the deadline.

3574 (e)1. Annually administer or make provision for students
3575 participating in the scholarship program in grades 3 through 10
3576 to take one of the nationally norm-referenced tests identified
3577 by the department or the statewide assessments pursuant to s.
3578 1008.22. Students with disabilities for whom standardized
3579 testing is not appropriate are exempt from this requirement. A
3580 participating private school must report a student's scores to
3581 the parent. A participating private school must annually report
3582 by August 15 the scores of all participating students to a state
3583 university described in paragraph (9) (f).

3584 2. Administer the statewide assessments pursuant to s.
3585 1008.22 if a participating private school chooses to offer the
3586 statewide assessments. A participating private school may choose
3587 to offer and administer the statewide assessments to all
3588 students who attend the participating private school in grades 3
3589 through 10 and must submit a request in writing to the
3590 Department of Education by March 1 of each year in order to
3591 administer the statewide assessments in the subsequent school
3592 year.

3593
3594 If a participating private school fails to meet the requirements
3595 of this subsection or s. 1002.421, the commissioner may
3596 determine that the participating private school is ineligible to

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3597 ~~participate in the scholarship program.~~

3598 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
3599 Education shall:

3600 (a) Annually submit to the department and division, by
3601 March 15, a list of eligible nonprofit scholarship-funding
3602 organizations that meet the requirements of paragraph (2) (f)
3603 ~~(2) (g)~~.

3604 (b) Annually verify the eligibility of nonprofit
3605 scholarship-funding organizations that meet the requirements of
3606 paragraph (2) (f) ~~(2) (g)~~.

3607 (c) Annually verify the eligibility of expenditures as
3608 provided in paragraph (6) (d) or paragraph (6) (i) using the audit
3609 required by paragraph (6) (k) ~~(6) (e)~~.

3610 (d) ~~Notify eligible nonprofit scholarship funding~~
3611 ~~organizations of the deadlines for submitting the verified list~~
3612 ~~of eligible scholarship students; cross-check the verified list~~
3613 ~~with the public school enrollment lists to avoid duplication;~~
3614 ~~and, when the Florida Education Finance Program is recalculated,~~
3615 ~~adjust the amount of state funds allocated to school districts~~
3616 ~~through the Florida Education Finance Program based upon the~~
3617 ~~results of the cross check.~~

3618 (e) ~~Maintain and annually publish a list of nationally~~
3619 ~~norm-referenced tests identified for purposes of satisfying the~~
3620 ~~testing requirement in subparagraph (8) (c)1. The tests must meet~~
3621 ~~industry standards of quality in accordance with State Board of~~
3622 ~~Education rule.~~

3623 (f) Issue a project grant award to a state university, to
3624 which participating private schools and eligible nonprofit
3625 scholarship-funding organizations must report the scores of

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3626 participating students on the nationally norm-referenced tests
3627 or the statewide assessments administered in grades 3 through
3628 10. The project term is 2 years, and the amount of the project
3629 is up to \$250,000 per year. The project grant award must be
3630 reissued in 2-year intervals in accordance with this paragraph.

3631 1. The state university must annually report to the
3632 Department of Education on the student performance of
3633 participating students and, beginning with the 2027-2028 school
3634 year, on the performance of personalized education students:

3635 a. On a statewide basis. The report shall also include, to
3636 the extent possible, a comparison of scholarship students'
3637 performance to the statewide student performance of public
3638 school students with socioeconomic backgrounds similar to those
3639 of students participating in the scholarship program. To
3640 minimize costs and reduce time required for the state
3641 university's analysis and evaluation, the Department of
3642 Education shall coordinate with the state university to provide
3643 data to the state university in order to conduct analyses of
3644 matched students from public school assessment data and
3645 calculate control group student performance using an agreed-upon
3646 methodology with the state university; and

3647 b. On an individual school basis for students enrolled full
3648 time in a private school. The annual report must include student
3649 performance for each participating private school in which
3650 enrolled students in the private school participated in a
3651 scholarship program under this section ~~or s. 1002.394(12)(a)~~ in
3652 the prior school year. The report shall be according to each
3653 participating private school, and for participating students, in
3654 which there are at least 30 participating students who have

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3655 scores for tests administered. If the state university
3656 determines that the 30-participating-student cell size may be
3657 reduced without disclosing personally identifiable information,
3658 as described in 34 C.F.R. s. 99.12, of a participating student,
3659 the state university may reduce the participating-student cell
3660 size, but the cell size must not be reduced to less than 10
3661 participating students. The department shall provide each
3662 participating private school's prior school year's student
3663 enrollment information to the state university no later than
3664 June 15 of each year, or as requested by the state university.

3665 2. The sharing and reporting of student performance data
3666 under this paragraph must be in accordance with requirements of
3667 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
3668 Educational Rights and Privacy Act, and the applicable rules and
3669 regulations issued pursuant thereto, and shall be for the sole
3670 purpose of creating the annual report required by subparagraph
3671 1. All parties must preserve the confidentiality of such
3672 information as required by law. The annual report must not
3673 disaggregate data to a level that will identify individual
3674 participating schools, except as required under sub subparagraph
3675 1.b., or disclose the academic level of individual students.

3676 3. The annual report required by subparagraph 1. shall be
3677 published by the Department of Education on its website.

3678 (g) ~~Notify an eligible nonprofit scholarship funding~~
3679 ~~organization of any of the organization's identified students~~
3680 ~~who are receiving educational scholarships pursuant to this~~
3681 ~~chapter.~~

3682 (h) ~~Notify an eligible nonprofit scholarship funding~~
3683 ~~organization of any of the organization's identified students~~

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3684 who are receiving tax credit scholarships from other eligible
3685 nonprofit scholarship funding organizations.

3686 (i) Require quarterly reports by an eligible nonprofit
3687 scholarship funding organization regarding the number of
3688 students participating in the program; the private schools at
3689 which the students are enrolled; the number of scholarship
3690 applications received, the number of applications processed
3691 within 30 days after receipt, and the number of incomplete
3692 applications received; data related to reimbursement
3693 submissions, including the average number of days for a
3694 reimbursement to be reviewed and the average number of days for
3695 a reimbursement to be approved; any parent input and feedback
3696 collected regarding the program; and any other information
3697 deemed necessary by the Department of Education.

3698 (e) (j) Provide a process to match the direct certification
3699 list with the scholarship application data submitted by any
3700 nonprofit scholarship-funding organization eligible to receive
3701 the 3 percent ~~3 percent~~ administrative allowance under paragraph
3702 (6) (i) ~~(6) (1)~~.

3703 (f) (k) Notify each school district of the full-time
3704 equivalent student consensus estimate of scholarship students
3705 developed pursuant to s. 216.136(4)(a).

3706 (10) ~~SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.~~

3707 (a) Upon the request of any eligible nonprofit scholarship
3708 funding organization, a school district shall inform all
3709 households within the district receiving free or reduced priced
3710 meals under the National School Lunch Act of their eligibility
3711 to apply for a tax credit scholarship. The form of such notice
3712 shall be provided by the eligible nonprofit scholarship funding

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3713 organization, and the district shall include the provided form,
3714 if requested by the organization, in any normal correspondence
3715 with eligible households. If an eligible nonprofit scholarship-
3716 funding organization requests a special communication to be
3717 issued to households within the district receiving free or
3718 reduced price meals under the National School Lunch Act, the
3719 organization shall reimburse the district for the cost of
3720 postage. Such notice is limited to once a year.

3721 (b) Upon the request of the Department of Education, a
3722 school district shall coordinate with the department to provide
3723 to a participating private school the statewide assessments
3724 administered under s. 1008.22 and any related materials for
3725 administering the assessments. A school district is responsible
3726 for implementing test administrations at a participating private
3727 school, including the:

- 3728 1. Provision of training for participating private school
3729 staff on test security and assessment administration procedures;
- 3730 2. Distribution of testing materials to a participating
3731 private school;
- 3732 3. Retrieval of testing materials from a participating
3733 private school;
- 3734 4. Provision of the required format for a participating
3735 private school to submit information to the district for test
3736 administration and enrollment purposes; and
- 3737 5. Provision of any required assistance, monitoring, or
3738 investigation at a participating private school.

3739 (9) ~~(11)~~ SCHOLARSHIP AMOUNT AND PAYMENT.—

3740 (a) The scholarship amount provided to any student for any
3741 single school year by an eligible nonprofit scholarship-funding

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3742 organization from eligible contributions shall be for total
3743 costs authorized under paragraph (6)(c) ~~(6)(d)~~, not to exceed
3744 annual limits, which shall be determined as follows:

3745 1. For a student who received a scholarship in the 2018-
3746 2019 school year, who remains eligible, and who is enrolled in
3747 an eligible private school, the amount shall be the greater
3748 amount calculated pursuant to subparagraph 2. or a percentage of
3749 the unweighted FTE funding amount for the 2018-2019 state fiscal
3750 year and thereafter as follows:

3751 a. Eighty-eight percent for a student enrolled in
3752 kindergarten through grade 5.

3753 b. Ninety-two percent for a student enrolled in grade 6
3754 through grade 8.

3755 c. Ninety-six percent for a student enrolled in grade 9
3756 through grade 12.

3757 2. For students initially eligible in the 2019-2020 school
3758 year or thereafter, the calculated amount for a student to
3759 attend an eligible private school shall be calculated in
3760 accordance with s. 1002.394(12)(a).

3761 (b) Payment of the scholarship by the eligible nonprofit
3762 scholarship funding organization shall be by funds transfer,
3763 including, but not limited to, debit cards, electronic payment
3764 cards, or any other means of payment that the department deems
3765 to be commercially viable or cost effective. An eligible
3766 nonprofit scholarship funding organization shall ensure that the
3767 parent has approved a funds transfer before any scholarship
3768 funds are deposited.

3769 (c) If a scholarship student is attending an eligible
3770 private school full time, the initial payment shall be made

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3771 after the organization's verification of admission acceptance,
3772 and subsequent payments shall be made upon verification of
3773 continued enrollment and attendance at the eligible private
3774 school. Payments shall be made within 7 business days after
3775 approval by the parent pursuant to paragraph (7)(a) and the
3776 private school pursuant to paragraph (8)(b).

3777 (d) Payment of the scholarship shall be made by the
3778 eligible nonprofit scholarship funding organization no less
3779 frequently than on a quarterly basis.

3780 (e) An eligible nonprofit scholarship funding organization
3781 may not transfer any funds to an account of a student determined
3782 eligible under this section which has a balance in excess of
3783 \$24,000.

3784 (b)-(f) A scholarship awarded to an eligible student shall
3785 remain in force until:

3786 1. The organization determines that the student is not
3787 eligible for program renewal;

3788 2. The Commissioner of Education suspends or revokes
3789 program participation or use of funds;

3790 3. The student's parent has forfeited participation in the
3791 program for failure to comply with subsection (7);

3792 4. The student who uses the scholarship for full-time
3793 tuition and fees at an eligible private school pursuant to
3794 paragraph (7)(a) enrolls full time in a public school. However,
3795 if a student enters a Department of Juvenile Justice detention
3796 center for a period of no more than 21 days, the student is not
3797 considered to have returned to a public school on a full-time
3798 basis for that purpose; or

3799 5. The student graduates from high school, completes a home

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3800 education program as defined in the student's personalized
3801 education plan, or attains 21 years of age, whichever occurs
3802 first.

3803 ~~(g) Reimbursements for program expenditures may continue~~
3804 ~~until the account balance is expended or remaining funds have~~
3805 ~~reverted to the state.~~

3806 (c)-(h) A student's scholarship account must be closed and
3807 any remaining funds shall revert to the state or organization,
3808 as applicable, after:

3809 1. Denial or revocation of program eligibility by the
3810 commissioner for fraud or abuse, including, but not limited to,
3811 the student or student's parent accepting any payment, refund,
3812 or rebate, in any manner, from a provider of any services
3813 received pursuant to paragraph (6) (d);

3814 2. ~~One fiscal year Two consecutive fiscal years~~ in which an
3815 account has been inactive; ~~or~~

3816 3. The student remains unenrolled in an eligible private
3817 school for 30 days while receiving a scholarship that requires
3818 full-time enrollment; or

3819 4. A student's scholarship no longer remains in force due
3820 to any of the reasons provided in paragraph (b).

3821
3822 An organization must report to the Department of Education the
3823 total number of scholarship accounts that were closed pursuant
3824 to this paragraph and the amount of funds by account that
3825 reverted to the organization.

3826 (d)-(i) Moneys received pursuant to this section do not
3827 constitute taxable income to the qualified student or the parent
3828 of the qualified student.

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3829 (13) (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
3830 APPLICATION.—In order to participate in the scholarship program
3831 created under this section, a charitable organization that seeks
3832 to be a nonprofit scholarship-funding organization must submit
3833 an application for initial approval or renewal to the Office of
3834 Independent Education and Parental Choice. Charitable
3835 organizations may apply at any time to participate in the
3836 program.

3837 (e) If the State Board of Education disapproves the renewal
3838 of a nonprofit scholarship-funding organization, the
3839 organization must notify the affected eligible students and
3840 parents of the decision within 15 days after disapproval. An
3841 eligible student affected by the disapproval of an
3842 organization's participation remains eligible under this section
3843 until the end of the school year in which the organization was
3844 disapproved. The student must apply and be accepted by another
3845 eligible nonprofit scholarship-funding organization for the
3846 upcoming school year. The student shall be given priority in
3847 accordance with s. 1002.421(2)(d)3. paragraph (6)(g).

3848 Section 7. Paragraph (1) of subsection (4) of section
3849 1003.485, Florida Statutes, is amended to read:

3850 1003.485 The New Worlds Reading Initiative.—

3851 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
3852 shall:

3853 (1) Expend eligible contributions received only for the
3854 purchase and delivery of books and to implement the requirements
3855 of this section, as well as for administrative expenses not to
3856 exceed 2 percent of total eligible contributions.

3857 Notwithstanding s. 1002.395(6)(i)3. s. 1002.395(6)(1)3., the

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3858 administrator may carry forward up to 25 percent of eligible
3859 contributions made before January 1 of each state fiscal year
3860 and 100 percent of eligible contributions made on or after
3861 January 1 of each state fiscal year to the following state
3862 fiscal year for purposes authorized by this subsection. Any
3863 eligible contributions in excess of the allowable carry forward
3864 not used to provide additional books throughout the year to
3865 eligible students shall revert to the state treasury.

3866 Section 8. Paragraph (d) of subsection (5) of section
3867 1008.25, Florida Statutes, is amended to read:

3868 1008.25 Public school student progression; student support;
3869 coordinated screening and progress monitoring; reporting
3870 requirements.—

3871 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

3872 (d) The parent of any student who exhibits a substantial
3873 deficiency in reading, as described in paragraph (a), must be
3874 immediately notified in writing of the following:

3875 1. That his or her child has been identified as having a
3876 substantial deficiency in reading, including a description and
3877 explanation, in terms understandable to the parent, of the exact
3878 nature of the student's difficulty in learning and lack of
3879 achievement in reading.

3880 2. A description of the current services that are provided
3881 to the child.

3882 3. A description of the proposed intensive interventions
3883 and supports that will be provided to the child that are
3884 designed to remediate the identified area of reading deficiency.

3885 4. The student progression requirements under paragraph
3886 (2) (h) and that if the child's reading deficiency is not

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3887 remediated by the end of grade 3, the child must be retained
3888 unless he or she is exempt from mandatory retention for good
3889 cause.

3890 5. Strategies, including multisensory strategies and
3891 programming, through a read-at-home plan the parent can use in
3892 helping his or her child succeed in reading. The read-at-home
3893 plan must provide access to the resources identified in
3894 paragraph (e).

3895 6. That the statewide, standardized English Language Arts
3896 assessment is not the sole determiner of promotion and that
3897 additional evaluations, portfolio reviews, and assessments are
3898 available to the child to assist parents and the school district
3899 in knowing when a child is reading at or above grade level and
3900 ready for grade promotion.

3901 7. The district's specific criteria and policies for a
3902 portfolio as provided in subparagraph (7)(b)4. and the evidence
3903 required for a student to demonstrate mastery of Florida's
3904 academic standards for English Language Arts. A school must
3905 immediately begin collecting evidence for a portfolio when a
3906 student in grade 3 is identified as being at risk of retention
3907 or upon the request of the parent, whichever occurs first.

3908 8. The district's specific criteria and policies for
3909 midyear promotion. Midyear promotion means promotion of a
3910 retained student at any time during the year of retention once
3911 the student has demonstrated ability to read at grade level.

3912 9. Information about the student's eligibility for the New
3913 Worlds Reading Initiative under s. 1003.485 ~~and the New Worlds~~
3914 ~~Scholarship Accounts under s. 1002.411~~ and information on parent
3915 training modules and other reading engagement resources

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3916 available through the initiative.

3917

3918 After initial notification, the school shall apprise the parent
3919 at least monthly of the student's progress in response to the
3920 intensive interventions and supports. Such communications must
3921 be in writing and must explain any additional interventions or
3922 supports that will be implemented to accelerate the student's
3923 progress if the interventions and supports already being
3924 implemented have not resulted in improvement. Upon the request
3925 of the parent, the teacher or school administrator shall meet to
3926 discuss the student's progress. The parent may request more
3927 frequent notification of the student's progress, more frequent
3928 interventions or supports, and earlier implementation of the
3929 additional interventions or supports described in the initial
3930 notification.

3931 Section 9. Section 1010.305, Florida Statutes, is amended
3932 to read:

3933 1010.305 Audit of student enrollment.—

3934 (1) The Auditor General shall annually periodically examine
3935 the records of school districts, eligible nonprofit scholarship-
3936 funding organizations as defined in s. 1002.421, and other
3937 agencies as appropriate, to determine compliance with law and
3938 State Board of Education rules relating to the classification,
3939 assignment, and verification of full-time equivalent student
3940 enrollment and student transportation reported under the Florida
3941 Education Finance Program.

3942 (2) If it is determined that the approved criteria and
3943 procedures for the placement of students and the conduct of
3944 programs have not been followed by the district or eligible

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3945 nonprofit scholarship-funding organization, appropriate
3946 adjustments in the full-time equivalent student count for that
3947 district or eligible nonprofit scholarship-funding organization
3948 must be made, and any excess funds must be deducted from
3949 subsequent allocations of state funds to that district or
3950 eligible nonprofit scholarship-funding organization. As provided
3951 for by rule, if errors in a specific program of a district or
3952 eligible nonprofit scholarship-funding organization recur in
3953 consecutive years due to lack of corrective action by the
3954 district or eligible nonprofit scholarship-funding organization,
3955 adjustments may be made based upon statistical estimates of
3956 error projected to the overall district or scholarship program.

3957 Section 10. Subsection (4) of section 1011.61, Florida
3958 Statutes, is amended to read:

3959 1011.61 Definitions.—Notwithstanding the provisions of s.
3960 1000.21, the following terms are defined as follows for the
3961 purposes of the Florida Education Finance Program:

3962 (4) The "Florida Education Finance Program" includes all
3963 programs and costs as provided in ss. 1003.03, 1011.62, 1011.68,
3964 and 1011.685, 1011.687, and 1011.689, as applicable.

3965 Section 11. Paragraph (a) of subsection (1), paragraph (a)
3966 of subsection (15), and subsections (16) and (19) of section
3967 1011.62, Florida Statutes, are amended to read:

3968 1011.62 Funds for operation of schools.—If the annual
3969 allocation from the Florida Education Finance Program to each
3970 district for operation of schools is not determined in the
3971 annual appropriations act or the substantive bill implementing
3972 the annual appropriations act, it shall be determined as
3973 follows:

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3974 (1) COMPUTATION OF THE BASE FLORIDA EDUCATION FINANCE
3975 PROGRAM.—The following procedure shall be followed in
3976 determining the base Florida Education Finance Program funds for
3977 each district:

(a) *Determination of full-time equivalent membership.*—

1. During the fiscal year, including scheduled sessions of a year-round school program during the fiscal year, each district shall complete full-time equivalent surveys 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).

3997 (a) When the Florida Education Finance Program allocation
3998 is recalculated, if the gross state Florida Education Finance
3999 Program funds are not sufficient to pay the state requirement in
4000 full, the department shall prorate the available state funds to
4001 each district in the following manner:

1. To calculate the gross state and local Florida Education

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4003 Finance Program funding, add the base Florida Education Finance
4004 Program and the categorical funds, except for the categorical
4005 funding provided in subsection (16) and s. 1011.685.

4006 2. To calculate the gross state Florida Education Finance
4007 Program funding, subtract the required local effort in
4008 subsection (4) from the gross and local Florida Education
4009 Finance Program funding.

4010 3. To determine the amount that must be prorated among all
4011 school districts, subtract the gross state Florida Education
4012 Finance Program and any prior year adjustments pursuant to
4013 paragraph (b) from the corresponding amount of state funds
4014 appropriated in the General Appropriations Act.

4015 4. Each school district's amount of the proration is
4016 calculated based on its proportionate share of the gross state
4017 and local Florida Education Finance Program funding.

4018 (16) STATE FUNDED DISCRETIONARY SUPPLEMENT.

4019 (a) The state funded discretionary supplement is created to
4020 fund the nonvoted discretionary millage for operations pursuant
4021 to s. 1011.71(1) and (3) for students awarded a Family
4022 Empowerment Scholarship in accordance with s. 1002.394. To
4023 calculate the state funded discretionary supplement for
4024 inclusion in the amount of the scholarship funding:

4025 1. For fiscal year 2023-2024, multiply the maximum
4026 allowable nonvoted discretionary millage for operations pursuant
4027 to s. 1011.71(1) and (3) by the value of 96 percent of the
4028 current year's taxable value for school purposes for the school
4029 district where the student is reported for purposes of the
4030 Florida Education Finance Program as appropriated in the General
4031 Appropriations Act; divide the result by the school district's

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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

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4061 created to provide supplemental state funds as needed to
4062 maintain the stability of the operations of public schools in
4063 each school district and to protect districts, including charter
4064 schools, from financial instability as a result of changes in
4065 full-time equivalent student enrollment throughout the school
4066 year.

4067 (b) The Legislature shall annually appropriate funds in the
4068 General Appropriations Act to the Department of Education for
4069 this program in an amount necessary to maintain a projected
4070 minimum balance of \$250 million at the beginning of the upcoming
4071 fiscal year. The Department of Education shall use funds as
4072 appropriated to ensure that based on each recalculation of the
4073 Florida Education Finance Program pursuant to paragraph (1)(a),
4074 a school district's funds per unweighted full-time equivalent
4075 student are not less than the greater of either the school
4076 district's funds per unweighted full-time equivalent student as
4077 appropriated in the General Appropriations Act or the school
4078 district's funds per unweighted full-time equivalent student as
4079 recalculated based upon the receipt of the certified taxable
4080 value for school purposes pursuant to s. 1011.62(4).

4081 (c) Notwithstanding s. 216.301 and pursuant to s. 216.351,
4082 the unexpended balance of funds appropriated pursuant to this
4083 subsection which is not disbursed by June 30 of the fiscal year
4084 in which the funds are appropriated may be carried forward for
4085 up to 10 years after the effective date of the original
4086 appropriation.

4087 Section 12. Paragraph (1) of subsection (2) of section
4088 11.45, Florida Statutes, is amended, and paragraph (o) is added
4089 to that subsection, to read:

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4090 11.45 Definitions; duties; authorities; reports; rules.—

4091 (2) DUTIES.—The Auditor General shall:

4092 (1) At least once every 3 years, conduct operational audits
4093 of the accounts and records of eligible nonprofit scholarship-
4094 funding organizations receiving eligible contributions under s.
4095 1002.395, including any contracts for services with related
4096 entities, to determine compliance with the provisions of that
4097 section. Such audits shall include, but not be limited to, a
4098 determination of the eligible nonprofit scholarship-funding
4099 organization's compliance with s. 1002.395(6)(i), including
4100 whether the organization's expenditures are reasonable and
4101 necessary ~~s. 1002.395(6)(l)~~. The Auditor General shall provide
4102 its report on the results of the audits to the Governor, the
4103 President of the Senate, the Speaker of the House of
4104 Representatives, the Chief Financial Officer, and the
4105 Legislative Auditing Committee, within 30 days of completion of
4106 the audit.

4107 (o) Beginning July 1, 2027, annually conduct an audit of
4108 records of eligible nonprofit scholarship-funding organizations
4109 regarding the background screening results in s. 1002.421(8)(a).

4110
4111 The Auditor General shall perform his or her duties
4112 independently but under the general policies established by the
4113 Legislative Auditing Committee. This subsection does not limit
4114 the Auditor General's discretionary authority to conduct other
4115 audits or engagements of governmental entities as authorized in
4116 subsection (3).

4117 Section 13. Paragraph (c) of subsection (7) of section
4118 212.099, Florida Statutes, is amended to read:

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4119 212.099 Credit for contributions to eligible nonprofit
4120 scholarship-funding organizations.—

4121 (7)

4122 (c) The organization may, subject to the limitations of s.
4123 1002.395(6)(i)1. ~~s. 1002.395(6)(1)1.~~, use eligible contributions
4124 received during the state fiscal year in which such
4125 contributions are collected for administrative expenses.

4126 Section 14. Subsection (6) of section 402.22, Florida
4127 Statutes, is amended to read:

4128 402.22 Education program for students who reside in
4129 residential care facilities operated by the Department of
4130 Children and Families or the Agency for Persons with
4131 Disabilities.—

4132 (6) Notwithstanding the provisions of s. 1001.42(4)(m), the
4133 educational program at the Marianna Sunland Center in Jackson
4134 County shall be operated by the Department of Education, either
4135 directly or through grants or contractual agreements with other
4136 public educational agencies. The annual state allocation to any
4137 such agency shall be computed pursuant to s. 1011.62(1), (2),
4138 and (17) ~~(18)~~ and allocated in the amount that would have been
4139 provided the local school district in which the residential
4140 facility is located.

4141 Section 15. Paragraph (b) of subsection (6) of section
4142 1002.45, Florida Statutes, is amended to read:

4143 1002.45 Virtual instruction programs.—

4144 (6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
4145 FUNDING.—

4146 (b) Students enrolled in a virtual instruction program
4147 shall be funded in the Florida Education Finance Program as

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4148 provided in the General Appropriations Act. The calculation to
4149 determine the amount of funds for each student through the
4150 Florida Education Finance Program shall include the sum of the
4151 basic amount for current operations established in s.
4152 1011.62(1)(n) and all categorical programs except for the
4153 categorical programs established in ss. 1011.62(7) and, (12),
4154 ~~and (16)~~, 1011.68, and 1011.685, and 1011.687. Students residing
4155 outside of the school district reporting the full-time
4156 equivalent virtual student shall be funded from state funds
4157 only.

4158 Section 16. Subsection (3) of section 1003.4935, Florida
4159 Statutes, is amended to read:

4160 1003.4935 Middle grades career and professional academy
4161 courses and career-themed courses.—

4162 (3) CAPE industry certifications offered in the middle
4163 grades that are included on the CAPE Industry Certification
4164 Funding List, if earned by students, are eligible for additional
4165 funding pursuant to s. 1011.62(16) ~~s. 1011.62(17)~~.

4166 Section 17. Paragraph (a) of subsection (2) and paragraph
4167 (b) of subsection (3) of section 1010.20, Florida Statutes, are
4168 amended to read:

4169 1010.20 Cost accounting and reporting for school
4170 districts.—

4171 (2) COST REPORTING.—

4172 (a) Each district shall report on a district-aggregate
4173 basis expenditures for inservice training pursuant to s.
4174 1011.62(3) and for categorical programs as provided in s.
4175 1011.62(18).

4176 (3) PROGRAM EXPENDITURE REQUIREMENTS.—

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(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.

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- (b) The enrollment and verification process.
- (c) Student account management and requirements.
- (d) The payment or reimbursement process.
- (e) Communication with parents regarding the different scholarship programs and how to apply to a scholarship program.

(f) Assistance for parents with scholarship-related questions and issues.

(g) Administration of the contributions received pursuant to s. 1002.395(5), Florida Statutes.

(4) The department may, for any or all of the program components, recommend itself or any other state agency or public entity, such as school districts or educational consortiums, for implementation of the component. Any contract to implement a component must be awarded pursuant to chapter 287, Florida Statutes, through a competitive procurement process. At a minimum, the department must include an outline of the requirements for each program component which includes all of the following information, as applicable:

(a) An estimate of recurring and nonrecurring costs, including an estimate of any administrative costs the department deems reasonable and necessary, and for what purposes the administrative funds may be used.

(b) A description, justification, and detailed cost breakdown of any additional resources that the department requires to fully implement the program component.

(c) The business, functional, and technical requirements for the program component.

(d) A list of roles and responsibilities for the program component which delineates the functionality that will be

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4235 provided by the department or other entity, as applicable.

4236 (e) A proposed implementation timeline that identifies
4237 major milestones, dependencies, and the estimated completion
4238 dates for the program component.

4239 (f) A framework establishing a communication structure and
4240 accountability measures which will ensure coordinated,
4241 efficient, and transparent interaction among each project
4242 component.

4243 (g) An outcome-based contracting framework that will be
4244 used to measure each contract's success against specific,
4245 objective performance metrics and desired outcomes. This
4246 framework may incorporate a system of rewards for exceeding
4247 performance goals, and penalties for failing to meet them.

4248 (5) If the department recommends administration of any
4249 project component by a scholarship-funding organization, the
4250 department must include recommendations for eligibility
4251 requirements of the scholarship-funding organizations and any
4252 other changes to the application process or other procedural
4253 requirements it recommends.

4254 (6) The department shall also include in its report a plan
4255 to ensure that the results from required background screening
4256 for education providers who are licensed or who are exempt from
4257 licensure through the Department of Children and Families are
4258 shared with the Department of Education.

4259 (7) The department must submit the report to the Governor,
4260 the President of the Senate, and the Speaker of the House of
4261 Representatives no later than December 1, 2026, and must include
4262 any statutory changes that may be necessary to implement the
4263 department's recommendations.

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(8) This section expires July 1, 2027.

4265

Section 19. This act shall take effect July 1, 2026.