

CHAPTER 2023-16

Committee Substitute for Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 1

An act relating to education; amending ss. 11.45, 212.099, and 327.371, F.S.; conforming cross-references; amending s. 1002.01, F.S.; defining the term “personalized education program”; amending s. 1002.394, F.S.; providing and revising definitions; revising student eligibility and ineligibility requirements for the Family Empowerment Scholarship Program; revising the approved uses of scholarship funds; providing that certain scholarships remain in force until certain criteria are met; requiring the closure of a scholarship account and the reversion of funds to the state under certain circumstances; authorizing reimbursements for certain expenditures until certain criteria are met; revising obligations of school districts, the Department of Education, private schools, and eligible nonprofit scholarship-funding organizations; revising responsibilities of parents; requiring scholarship funds to be deposited by funds transfers rather than through warrant endorsement; requiring certain criteria to be met before the funding of certain scholarships; revising provisions for the calculation of an award amount for certain students; prohibiting the transfer of funds to an eligible student’s account under certain conditions; deleting obsolete language; conforming provisions and cross-references to changes made by the act; amending s. 1002.395, F.S.; providing and revising definitions; revising student eligibility and ineligibility requirements for the Florida Tax Credit Scholarship Program; revising obligations of eligible nonprofit scholarship-funding organizations and the department; establishing certain limitations on the number of scholarships funded through the program; revising the approved uses of scholarship funds; revising requirements for the use of certain contributions for administrative expenses; revising the amount of funds that must be awarded through scholarships; requiring the development of specified guidelines; authorizing organizations to require the use of an online platform for specified purchases so long as such use does not limit specified choices; requiring an organization to provide reimbursement in specified circumstances; requiring organizations to submit specified quarterly reports; revising responsibilities of parents; requiring scholarship funds to be deposited by funds transfers rather than through warrant endorsement; requiring the department to annually publish a list of specified tests; revising the requirements of a specified annual report; requiring the department to notify school districts of specified estimates; prohibiting the transfer of funds to an eligible student’s account under certain conditions; providing that certain scholarships remain in force until certain criteria are met; authorizing reimbursements for certain expenditures until certain criteria are met; requiring the closure of a scholarship account and the reversion of funds to the state under certain circumstances; requiring the Office of Independent Education and Parental Choice to

provide a specified number of application periods for specified purposes; deleting obsolete language; conforming provisions and cross-references to changes made by the act; amending s. 1002.40, F.S.; conforming cross-references; amending s. 1002.421, F.S.; revising the eligibility criteria and obligations of private schools participating in certain educational scholarship programs; revising the criteria for the Commissioner of Education to permanently deny or revoke the authority of certain individuals to establish or operate a private school in the state; authorizing the commissioner to include specified individuals on a specified disqualification list; authorizing such individuals to be removed from such list if they provide specified reimbursements; conforming cross-references; creating s. 1002.44, F.S.; authorizing public schools, including charter schools, to enroll certain students on a part-time basis; providing funding for such students; prohibiting certain students from being reported for funding; providing that such students are not considered to be in regular attendance at such schools; amending s. 1003.01, F.S.; conforming provisions and cross-references to changes made by the act; requiring the State Board of Education to develop and recommend to the Governor and the Legislature for adoption during the 2024 legislative session repeals and revisions to the Florida Early Learning-20 Education Code by a specified date; providing requirements for the state board relating to such recommendations; amending s. 1001.10, F.S.; requiring the Commissioner of Education to develop an online portal for specified purpose; providing requirements for such portal; amending s. 1002.20, F.S.; conforming a cross-reference; amending s. 1003.25, F.S.; revising the timeframe in which student records must be transferred; amending s. 1003.4282, F.S.; deleting the online course requirement for a standard high school diploma; amending s. 1006.21, F.S.; authorizing a district school board to use other vehicles to transport students; amending s. 1006.22, F.S.; deleting a requirement that district school boards use school buses for all regular transportation; deleting provisions relating to circumstances in which students may be transported in privately owned motor vehicles; conforming a provision to changes made by the act; amending ss. 1006.25 and 1006.27, F.S.; conforming a cross-reference and provisions to changes made by the act; amending s. 1011.71, F.S.; authorizing a specified district school board levy to be used to pay salaries and benefits for specified employees; amending s. 1012.56, F.S.; exempting specified individuals from certain mastery of general knowledge requirements; revising the acceptable means of demonstrating mastery of subject area knowledge and mastery of professional preparation and education competence, respectively; revising requirements for the department to issue temporary certificates; revising the validity period for certain temporary certificates; amending s. 1013.64, F.S.; providing that certain construction projects are exempt from the total cost per student station requirements; amending ss. 1002.321, 1003.5716, 1003.499, 1003.27, 1003.485, and 1009.30, F.S.; conforming cross-references and provisions to changes made by the act; providing effective dates.

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

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

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

(2) DUTIES.—The Auditor General shall:

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

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

Section 2. Paragraph (c) of subsection (1) and paragraph (c) of subsection (7) of section 212.099, Florida Statutes, are amended to read:

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

(1) As used in this section, the term:

(c) “Eligible nonprofit scholarship-funding organization” or “organization” has the same meaning as provided in s. 1002.395(2) ~~s. 1002.395(2)(f)~~.

(7)

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

Section 3. Paragraph (c) of subsection (1) of section 327.371, Florida Statutes, is amended to read:

327.371 Human-powered vessels regulated.—

(1) A person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway as defined in s. 327.02:

(c) When participating in practices or competitions for interscholastic, intercollegiate, intramural, or club rowing teams affiliated with an educational institution identified in s. 1000.21, s. 1002.01(3) ~~s. 1002.01(2)~~, s. 1003.01(2), s. 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of the marked channel is not suitable for such practice or competition. The teams must use their best efforts to make use of the adjacent area outside of the marked channel. The commission must be notified in writing of the details of any such competition, and the notification must include, but need not be limited to, the date, time, and location of the competition.

Section 4. Section 1002.01, Florida Statutes, is amended to read:

1002.01 Definitions.—

(1) A “home education program” means the sequentially progressive instruction of a student directed by his or her parent ~~in order~~ to satisfy the attendance requirements of ss. 1002.41, 1003.01(13), and 1003.21(1).

(2) A “personalized education program” means the sequentially progressive instruction of a student directed by his or her parent to satisfy the attendance requirements of ss. 1003.01(13) and 1003.21(1) while registered with an eligible nonprofit scholarship-funding organization pursuant to s. 1002.395. A personalized education student shall be provided the same flexibility and opportunities as provided in s. 1002.41(3)-(12).

(3)(2) A “private school” is a nonpublic ~~(3)(2)~~ school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41.

Section 5. Paragraphs (b) through (m) of subsection (2) of section 1002.394, Florida Statutes, are redesignated as paragraphs (c) through (n), respectively, present paragraphs (e), (f), and (g) of subsection (2), paragraph (a) of subsection (3), subsection (4), paragraph (a) of subsection (5), paragraph (f) of subsection (6), paragraphs (b), (d), (f), and (g) of subsection (7), paragraph (a) of subsection (8), paragraphs (a) and (b) of subsection (10), paragraph (a) of subsection (11), and subsection (12) are amended, and a new paragraph (b) is added to subsection (2), paragraph (c) is added to subsection (8), and paragraph (d) is added to subsection (9) of that section, to read:

1002.394 The Family Empowerment Scholarship Program.—

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

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

(f)(e) “Eligible nonprofit scholarship-funding organization” or “organization” has the same meaning as provided in s. 1002.395(2) s. 1002.395(2)(f).

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

(h)(g) “Eligible private school” has the same meaning as provided in s. 1002.395(2) s. 1002.395(2)(g).

(3) SCHOLARSHIP ELIGIBILITY.—

(a)1. A parent of a student may request and receive from the state a scholarship for the purposes specified in paragraph (4)(a) if the student is a resident of this state and is eligible to enroll in kindergarten through grade 12 in a public school in this state.

~~1. The student is on the direct certification list pursuant to s. 1002.395(2)(c) or the student’s household income level does not exceed 185 percent of the federal poverty level;~~

~~2. The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01;~~

~~3. The student’s household income level does not exceed 375 percent of the federal poverty level or an adjusted maximum percent of the federal poverty level that is increased by 25 percentage points in the fiscal year following any fiscal year in which more than 5 percent of the available scholarships authorized under paragraph (12)(a) have not been funded;~~

~~4. The student is a sibling of a student who is participating in the scholarship program under this subsection and such siblings reside in the same household;~~

~~5. The student is a dependent child of a member of the United States Armed Forces; or~~

~~6. The student is a dependent child of a law enforcement officer.~~

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

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

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

(4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

1. Tuition and fees at an eligible private school;~~;~~~~or~~

2. Transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned or to a lab school as defined in s. 1002.32.

3. Instructional materials, including digital materials and Internet resources.

4. Curriculum as defined in subsection (2).

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

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

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

8. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of

subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the department. As used in this subparagraph, the term “part-time tutoring services” does not qualify as regular school attendance as defined in s. 1003.01(13)(e) if the student is determined eligible pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2.

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

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

2. Curriculum as defined in subsection (2).

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

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

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

c. Occupational therapy as defined in s. 468.203.

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

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

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

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

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

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

8. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the department. As used in this subparagraph ~~paragraph~~, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13)(e).

9. Fees for specialized summer education programs.

10. Fees for specialized after-school education programs.

11. Transition services provided by job coaches.

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

13. Tuition and fees associated with programs offered by Voluntary Prekindergarten Education Program providers approved pursuant to s. 1002.55 and school readiness providers approved pursuant to s. 1002.88.

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

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

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

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

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

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

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

d. The student enrolls in a public school. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or

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

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

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

(II) Two consecutive fiscal years in which an account has been inactive.

~~b. Reimbursements for program expenditures may continue until the account balance is expended or remaining funds have reverted to the state student returns to a public school, graduates from high school, or reaches the age of 21, whichever occurs first. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship’s term. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.~~

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

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

(7) SCHOOL DISTRICT OBLIGATIONS.—

(b)1. The parent of a student with a disability who does not have an IEP in accordance with subparagraph (3)(b)4. or who seeks a reevaluation of an existing IEP may request an IEP meeting and evaluation from the school

district in order to obtain or revise a matrix of services. The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request. The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receipt of the parent's request in accordance with State Board of Education rules. The district must accept the diagnosis and consider the service plan of the licensed professional providing the diagnosis pursuant to subparagraph (3)(b)4. The school district must complete a matrix that assigns the student to one of the levels of service as they existed before the 2000-2001 school year. For a nonpublic school student without an IEP, the school district is authorized to use evaluation reports and plans of care developed by the licensed professionals under subparagraph (4)(b)3. to complete the matrix of services.

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

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

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

~~(d) The school district in which a participating student resides must notify the student and his or her parent about the locations and times to take all statewide assessments under s. 1008.22 if the student chooses to participate in such assessments.~~ Upon the request of the department, a school district shall coordinate with the department to provide to a participating private school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. For a student who participates in the Family Empowerment Scholarship Program whose parent requests that the student take the statewide assessments under s. 1008.22, the district in which the student attends a private school shall provide locations and times to take all statewide assessments. A school district is responsible for implementing test administrations at a participating private school, including the:

1. Provision of training for private school staff on test security and assessment administration procedures;
2. Distribution of testing materials to a private school;
3. Retrieval of testing materials from a private school;

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

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

~~(f) A school district shall report all students who are receiving a scholarship under this program. Students receiving a scholarship shall be reported separately from other students reported for purposes of the Florida Education Finance Program.~~

~~(g) A school district shall be held harmless for students who are receiving a scholarship under this program from the weighted enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.b. during the first school year in which the students are reported.~~

(8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The department shall:

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

2. Report, as part of the determination of full-time equivalent membership pursuant to s. 1011.62(1)(a), all students who are receiving a scholarship under the program and are funded through the Florida Education Finance Program, and cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication.

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

4. Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of students determined to be eligible for a scholarship. An eligible nonprofit scholarship-funding organization may not submit a student for funding after February 1.

~~5.— Notify each school district of a parent's participation in the scholarship program for purposes of paragraph (7)(f).~~

~~5.6.~~ Deny or terminate program participation upon a parent's failure to comply with subsection (10).

~~6.7.~~ Notify the parent and the organization when a scholarship account is closed and program funds revert to the state.

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

8.9. Maintain on its website a list of approved providers as required by s. 1002.66, eligible postsecondary educational institutions, eligible private schools, and eligible organizations and may identify or provide links to lists of other approved providers.

9.10. Require each organization to verify eligible expenditures before the distribution of funds for any expenditures made pursuant to subparagraphs (4)(b)1. and 2. Review of expenditures made for services specified in subparagraphs (4)(b)3.-15. may be completed after the purchase is made.

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

11.12. Require quarterly reports by an organization, which must include, at a minimum, the number of students participating in the program; the demographics of program participants; the disability category of program participants; the matrix level of services, if known; the program award amount per student; the total expenditures for the purposes specified in paragraph (4)(b); the types of providers of services to students; and any other information deemed necessary by the department.

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

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

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

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

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

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

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

(a) A parent who applies for program participation under paragraph (3)(a) ~~whose student will be enrolled full time is exercising his or her parental option to place his or her child~~ in a private school and must:

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

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

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

4. Require his or her student participating in the program to remain in attendance throughout the school year unless excused by the school for illness or other good cause.

5. Meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services customized educational programs, code of student conduct, and attendance policies before ~~prior to~~ enrollment.

6. Require that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to paragraph (7)(d). If the parent requests that the student participating in the program take all statewide assessments required pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

7. Approve each payment before the scholarship funds may be deposited by funds transfer ~~Restrictively endorse the warrant, issued in the name of the parent pursuant to subparagraph (12)(a)4. (12)(a)6., to the private school for deposit into the private school's account.~~ The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to approve a funds transfer. A participant who fails to comply with this paragraph forfeits the ~~endorse a~~ scholarship warrant.

8. Agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the private school before using empowerment account funds for

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

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

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

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

a. Affirming that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b), (c), or (d).

b. Affirming that the program funds are used only for authorized purposes serving the student's educational needs, as described in paragraph (4)(b); that any prepaid college plan or college savings plan funds contributed pursuant to subparagraph (4)(b)6. will not be transferred to another beneficiary while the plan contains funds contributed pursuant to this section; and that they will not receive a payment, refund, or rebate of any funds provided under this section.

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

(I) Requiring the student to take an assessment in accordance with paragraph (9)(c);

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

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

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

e. Enrolling his or her child in a program from a Voluntary Prekindergarten Education Program provider authorized under s. 1002.55, a school readiness provider authorized under s. 1002.88, or an eligible private school if either option is selected by the parent.

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

g. Procuring the services necessary to educate the student. If such services include enrollment in an eligible private school, the parent must meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before his or her student is enrolled ~~If a parent does not procure the necessary educational services for the student and the student's account has been inactive for 2 consecutive fiscal years, the student is ineligible for additional scholarship payments until the scholarship funding organization verifies that expenditures from the account have occurred. When the student receives a scholarship, the district school board is not obligated to provide the student with a free appropriate public education. For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an IEP or matrix level of services.~~

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

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

1. Must receive applications, determine student eligibility, notify parents in accordance with the requirements of this section, and provide the department with information on the student to enable the department to determine student funding in accordance with paragraph (12)(a).

2. Shall verify the household income level of students pursuant to ~~subparagraph (3)(a)1.~~ and submit the verified list of students and related documentation to the department when necessary.

3. Shall award scholarships in priority order pursuant to paragraph (3)(a).

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

5. May permit eligible students to use program funds for the purposes specified in paragraph (4)(a) by paying for the authorized use directly, then submitting a reimbursement request to the eligible nonprofit scholarship-funding organization. However, an eligible nonprofit scholarship-funding organization may require the use of an online platform for direct purchases of products so long as such use does not limit a parent's choice of curriculum or academic programs. If a parent purchases a product identical to one offered by an organization's online platform for a lower price, the organization shall reimburse the parent the cost of the product.

6. May, from eligible contributions received pursuant to s. 1002.395(6)(l) ~~1. s. 1002.395(6)(j)1.~~, use an amount not to exceed 2.5 percent of the total amount of all scholarships funded under this section for administrative expenses associated with performing functions under this section. An eligible nonprofit scholarship-funding organization that has, for the prior fiscal year, complied with the expenditure requirements of s. 1002.395(6)(l) 2., may use an amount not to exceed 3 percent. Such administrative expense amount is considered within the 3 percent limit on the total amount an organization may use to administer scholarships under this chapter.

~~7.5.~~ Must, in a timely manner, submit any information requested by the department relating to the scholarship under this section.

~~8.6.~~ Must notify the department about any violation of this section by a parent or a private school.

9. Must document each student's eligibility for a fiscal year before granting a scholarship for that fiscal year. A student is ineligible for a scholarship if the student's account has been inactive for 2 consecutive fiscal years.

10. Must notify each parent that participation in the scholarship program does not guarantee enrollment.

11. Shall commit scholarship funds on behalf of the student for tuition and fees for which the parent is responsible for payment at the private school before using empowerment account funds for additional authorized uses under paragraph (4)(a).

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. Scholarships for students determined eligible pursuant to paragraph (3)(a) may be funded once all scholarships have been funded in

~~accordance with s. 1002.395(6)(1)2. are established for up to 18,000 students annually beginning in the 2019-2020 school year. Beginning in the 2020-2021 school year, the maximum number of students participating in the scholarship program under this section shall annually increase by 1.0 percent of the state's total full-time equivalent student membership. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:~~

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

~~b. Is determined eligible pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and either spent the prior school year in attendance at a Florida public school; or, beginning in the 2022-2023 school year, is eligible to enroll in kindergarten. For purposes of this subparagraph, the term "prior school year in attendance" means that the student was enrolled and reported by a school district for funding during either the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program.~~

~~2. The scholarship amount provided to a student for any single school year shall be for tuition and fees for an eligible private school, not to exceed annual limits, which shall be determined in accordance with this subparagraph. The calculated scholarship amount for a participating student determined eligible pursuant to paragraph (3)(a) shall be based upon the grade level and school district in which the student was assigned as 100 percent of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program established pursuant to s. 1011.62(1)(c)1., plus a per-full-time equivalent share of funds for all categorical programs, except for the exceptional student education guaranteed allocation established pursuant to s. 1011.62(1)(e).~~

~~3. The amount of the scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. The amount of any assessment fee required by the participating private school and any costs to provide a digital device, including Internet access, if necessary, to the student may be paid from the total amount of the scholarship.~~

~~2.4. A scholarship of \$750 or an amount equal to the school district expenditure per student riding a school bus, as determined by the department, whichever is greater, may be awarded to an eligible a student who is determined eligible pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and enrolled in a Florida public school that is different from the school to which the student was assigned or in a lab school as defined in s. 1002.32 if the school district does not provide the student with transportation to the school.~~

3.5. The organization must provide the department with the documentation necessary to verify the student's participation. Upon receiving the documentation, the department shall transfer, beginning August 1, from state funds only, the amount calculated pursuant to subparagraph 2. to the organization for quarterly disbursement to parents of participating students each school year in which the scholarship is in force. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the Family Empowerment Scholarship calculated pursuant to subparagraph 2. must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the organization must receive all documentation required for the student's participation, including the private school's and the student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

4.6. The initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be ~~by individual warrant made payable to the student's parent or~~ by funds transfer or any other means of payment that the department deems to be commercially viable or cost-effective. ~~If the payment is made by warrant, the warrant must be delivered by the organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school.~~ An organization shall ensure that the parent to whom the warrant is made has restrictively endorsed the warrant to the private school for deposit into the account of the private school or that the parent has approved a funds transfer before any scholarship funds are deposited.

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

(b)1. Scholarships for students determined eligible pursuant to paragraph (3)(b) are established for up to 26,500 students annually beginning in the 2022-2023 school year. Beginning in the 2023-2024 school year, the maximum number of students participating in the scholarship program under this section shall annually increase by 3.0 ~~1.0~~ percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

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

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

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

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

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

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

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

2. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount for a student participating in the program must be based upon the grade level and school district in which the student would have been enrolled as the total funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c)1. and (e)1.c., plus a per full-time equivalent share of funds for all categorical programs, as funded in the General Appropriations Act, except that for the exceptional student education guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and 2., the funds must be allocated based on the school district’s average exceptional student education guaranteed allocation funds per exceptional student education full-time equivalent student.

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

4. For a student who received a Gardiner Scholarship pursuant to s. 1002.385 in the 2020-2021 school year, the amount shall be the greater of the

amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

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

6. The organization must provide the department with the documentation necessary to verify the student's participation.

7. Upon receiving the documentation, the department shall release, from state funds only, the student's scholarship funds to the organization, to be deposited into the student's account in four equal amounts no later than September 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.

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

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

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

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

Section 6. Paragraphs (b) through (f), (g) through (i), and (j) and (k) of subsection (2) of section 1002.395, Florida Statutes, are redesignated as paragraphs (c) through (g), (i) through (k), and (o) and (p), respectively, paragraphs (e) through (f) and (g) through (q) of subsection (6) are redesignated as paragraphs (f) through (g) and (i) through (s), respectively, present paragraphs (e) and (g) of subsection (2), paragraph (b) of subsection (3), subsection (4), present paragraphs (b), (d), (f), (j), and (o) of subsection (6), subsection (7), paragraphs (a), (b), (c), (e), (f), and (j) of subsection (9), paragraph (b) of subsection (11), and subsection (15) are amended, and new paragraphs (b), (h), (l), (m), and (n) are added to subsection (2), paragraphs (e), (h), (t), (u), (v), (w), and (x) are added to subsection (6), paragraph (k) is added to subsection (9), and paragraphs (e) through (h) are added to subsection (11) of that section, to read:

1002.395 Florida Tax Credit Scholarship Program.—

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

(b) “Choice navigator” means an individual who meets the requirements of sub-subparagraph (6)(d)2.h. and who provides consultations, at a mutually agreed upon location, on the selection of, application for, and enrollment in educational options addressing the academic needs of a student; curriculum selection; and advice on career and postsecondary education opportunities. However, nothing in this section authorizes a choice navigator to oversee or exercise control over the curricula or academic programs of a personalized education program.

(f)(e) “Eligible contribution” means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization pursuant to ss. 212.099, 212.1832, 1002.395, and 1002.40. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution.

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

(i)(g) “Eligible private school” means a private school, as defined in s. 1002.01 s. ~~1002.01(2)~~, located in Florida which offers an education to students in any grades K-12 and that meets the requirements in subsection (8).

(l) “Personalized education program” has the same meaning as in s. 1002.01.

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

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

(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

(b)1. A student is eligible for a Florida tax credit scholarship under this section if the student is a resident of this state and is eligible to enroll in

kindergarten through grade 12 in a public school in this state meets one or more of the following criteria:

~~1. The student is on the direct certification list or the student's household income level does not exceed 375 percent of the federal poverty level or an adjusted maximum percent of the federal poverty level authorized under s. 1002.394(3)(a)3.; or~~

~~2. The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01.~~

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

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

b. A student whose household income level exceeds 185 percent of the federal poverty level, but does not exceed 400 percent of the federal poverty level, who initially receives a scholarship based on eligibility under this paragraph remains eligible to participate until he or she graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's household income level. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a scholarship while he or she is:

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

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

~~(b) Receiving a scholarship from another eligible nonprofit scholarship funding organization under this section;~~

~~(c) Receiving any other an educational scholarship pursuant to this chapter;~~

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

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

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

~~(g)(f)~~ Participating in a virtual instruction pursuant to s. 1002.455 school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation ~~unless the participation is limited to no more than two courses per school year; or~~

~~(g)~~ Enrolled in the Florida School for the Deaf and the Blind.

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

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

1. All owners and operators as defined in subparagraph ~~(2)(k)1.~~ (2)(i)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 screening. If the fingerprints of an owner or operator are not retained by the Department of Law Enforcement under subparagraph 3., the owner or operator must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the eligible nonprofit scholarship-funding organization shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 3.

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

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

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

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

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

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

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

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

h. Section 817.505, relating to patient brokering.

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

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

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

l. Section 831.01, relating to forgery.

m. Section 831.02, relating to uttering forged instruments.

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

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

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

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

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

2. Must establish and maintain separate empowerment accounts from eligible contributions for each eligible student. For each account, the organization must maintain a record of accrued interest retained in the student’s account. The organization must verify that scholarship funds are used for provide scholarships, from eligible contributions, to eligible students for the cost of:

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

b.2. Transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned or to a lab school as defined in s. 1002.32.

c. Instructional materials, including digital materials and Internet resources.

d. Curriculum as defined in s. 1002.394(2).

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

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

g. Contracted services provided by a public school or school district, including classes. A student who receives contracted services under this subparagraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (11) but rather attending a public school on a part-time basis as authorized under s. 1002.44.

h. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the Department of Education. As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13)(e).

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

1. Maintain a signed agreement from the parent which constitutes compliance with the attendance requirements under ss. 1003.01(13) and 1003.21(1).

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

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

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

(g)(f) Must provide a renewal or initial scholarship to an eligible student on a first-come, first-served basis unless the student qualifies for priority pursuant to paragraph (f) (e).

(h) Each eligible nonprofit scholarship-funding organization must refer any student eligible for a scholarship pursuant to this section who did not receive a renewal or initial scholarship based solely on the lack of available funds under this section and s. 1002.40(11)(i) to another eligible nonprofit scholarship-funding organization that may have funds available.

(l)(j)1. May use eligible contributions received pursuant to this section and ss. 212.099, 212.1832, and 1002.40 during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under paragraph (o) or is in good standing in each state in which it administers a scholarship program and the audited financial statements for the preceding 3 fiscal years are free of material misstatements and going concern issues (m). Administrative expenses from eligible contributions may not exceed 3 percent of the total amount of all scholarships funded by an eligible scholarship-funding organization under this chapter. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships funded under this chapter. Administrative expenses may include developing or contracting with rideshare programs or facilitating carpool strategies for recipients of a transportation scholarship. No funds authorized under this subparagraph shall be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. An eligible nonprofit scholarship-funding organization may not charge an application fee.

2. Must award ~~expend~~ for annual or partial-year scholarships an amount equal to or greater than 75 percent of all estimated ~~the~~ net eligible contributions, as defined in subsection (2), and all funds carried forward from the prior state fiscal year remaining after administrative expenses before funding any scholarships to students determined eligible pursuant to s. 1002.394(3)(a) during the state fiscal year in which such contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular

students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. No later than September 30 of each year, net eligible contributions remaining on June 30 of each year that are in excess of the 25 percent that may be carried forward shall be used to provide scholarships to eligible students or transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under paragraph (o) ~~(m)~~.

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

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

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February of each biennium, if the scholarship-funding organization provided more than \$250,000 in scholarship funds to ~~an eligible private school~~ under this chapter during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15 of the year in which the revisions were completed. The revised agreed-upon procedures and guidelines shall take effect the subsequent school year. ~~For the 2018-2019 school year only, the joint review of the agreed-upon procedures must be completed and the revisions submitted to the commissioner no later than September 15, 2018. The revised procedures are applicable to the 2018-2019 school year.~~

c. Must monitor the compliance of a private school with s. 1002.421(1)(q) if the scholarship-funding organization provided the majority of the

scholarship funding to the school. For each private school subject to s. 1002.421(1)(q), the appropriate scholarship-funding organization shall annually notify the Commissioner of Education by October 30 of:

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

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

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

(t) Must participate in the joint development of agreed-upon purchasing guidelines for authorized uses of scholarship funds under this chapter. By December 31, 2023, and by each December 31 thereafter, the purchasing guidelines must be provided to the Commissioner of Education and published on the eligible nonprofit scholarship-funding organization's website. Published purchasing guidelines shall remain in effect until there is unanimous agreement to revise the guidelines and the revisions must be provided to the commissioner and published on the organization's website within 30 days after such revisions.

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

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

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

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

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides

an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

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

(a) A parent whose student will be enrolled full time in a private school must:

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

~~2.(b)~~ The parent must Inform the child's school district when the parent withdraws his or her child to attend an eligible private school.

~~3.(e)~~ Require his or her any student participating in the scholarship program ~~to~~ must remain in attendance throughout the school year unless excused by the school for illness or other good cause ~~and~~.

~~(d)~~ Each parent and each student has an obligation to the private school ~~to~~ comply with the private school's published policies.

4. Meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before enrollment in the private school.

~~5.(e)~~ Require his or her The parent shall ensure that the student participating in the scholarship program ~~to take~~ takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the scholarship program take statewide assessments pursuant to s. 1008.22 and the private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.

~~6.(f)~~ Upon receipt of a scholarship warrant from the eligible nonprofit scholarship funding organization, the parent to whom the warrant is made ~~must restrictively endorse the warrant to the private school for deposit into the account of the private school. If payments are made by funds transfer, the parent must~~ Approve each payment before the scholarship funds may be deposited by funds transfer. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to ~~endorse a scholarship warrant or~~ approve a funds transfer. A participant who fails to comply with this paragraph forfeits the scholarship.

~~7.(g)~~ The parent shall Authorize the nonprofit scholarship-funding organization to access information needed for income eligibility determination and verification held by other state or federal agencies, including the

Department of Revenue, the Department of Children and Families, the Department of Education, the Department of Economic Opportunity, and the Agency for Health Care Administration.

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

(b) A parent whose student will not be enrolled full time in a public or private school must:

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

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

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

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

c. Submitting a student learning plan to the organization and revising the plan at least annually before program renewal.

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

e. Renewing participation in the program each year. A student whose participation in the program is not renewed may continue to spend scholarship funds that are in his or her account from prior years unless the account must be closed pursuant to s. 1002.394(5)(a)2.

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

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

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

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

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

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

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

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

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

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

b. On an individual school basis for students enrolled full time in a private school. The annual report must include student performance for each participating private school in which ~~at least 51 percent of the total enrolled students in the private school participated in a scholarship program under~~

this section, s. 1002.394(12)(a), or s. 1002.40 ~~the Florida Tax Credit Scholarship Program~~ in the prior school year. The report shall be according to each participating private school, and for participating students, in which there are at least 30 participating students who have scores for tests administered. If the state university determines that the 30-participating-student cell size may be reduced without disclosing personally identifiable information, as described in 34 C.F.R. s. 99.12, of a participating student, the state university may reduce the participating-student cell size, but the cell size must not be reduced to less than 10 participating students. The department shall provide each private school's prior school year's student enrollment information to the state university no later than June 15 of each year, or as requested by the state university.

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

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

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

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

(11) SCHOLARSHIP AMOUNT AND PAYMENT.—

(b) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be ~~by individual warrant made payable to the student's parent or~~ by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. ~~If the payment is made by warrant, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school.~~ An eligible nonprofit scholarship-funding organization shall ensure that the parent to whom the warrant is made restrictively endorsed the warrant to the private school for deposit into the account of the private school or that the

parent has approved a funds transfer before any scholarship funds are deposited.

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

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

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

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

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

4. The student enrolls in a public school. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or

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

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

(h) A student's scholarship account must be closed and any remaining funds shall revert to the state after:

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

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

(15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS; APPLICATION.—In order to participate in the scholarship program created under this section, a charitable organization that seeks to be a nonprofit scholarship-funding organization must submit an application for initial approval or renewal to the Office of Independent Education and Parental Choice. The office shall provide at least two application periods in which charitable organizations may apply to participate in the program no later than September 1 of each year before the school year for which the organization intends to offer scholarships.

(a) An application for initial approval must include:

1. A copy of the organization's incorporation documents and registration with the Division of Corporations of the Department of State.
2. A copy of the organization's Internal Revenue Service determination letter as a s. 501(c)(3) not-for-profit organization.
3. A description of the organization's financial plan that demonstrates sufficient funds to operate throughout the school year.
4. A description of the geographic region that the organization intends to serve and an analysis of the demand and unmet need for eligible students in that area.
5. The organization's organizational chart.
6. A description of the criteria and methodology that the organization will use to evaluate scholarship eligibility.
7. A description of the application process, including deadlines and any associated fees.
8. A description of the deadlines for attendance verification and scholarship payments.
9. A copy of the organization's policies on conflict of interest and whistleblowers.
10. A copy of a surety bond or letter of credit to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding organization in accordance with this section in an amount equal to 25 percent of the scholarship funds anticipated for each school year or \$100,000, whichever is greater. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of credit.

(b) In addition to the information required by subparagraphs (a)1.-9., an application for renewal must include:

1. A surety bond or letter of credit to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding organization in accordance with this section equal to the amount of undisbursed donations held by the organization based on the annual report submitted pursuant to paragraph ~~(6)(o)~~ ~~(6)(m)~~. The amount of the surety bond or letter of credit must be at least \$100,000, but not more than \$25 million. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had

scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of credit.

2. The organization's completed Internal Revenue Service Form 990 submitted no later than November 30 of the year before the school year that the organization intends to offer the scholarships, notwithstanding the department's September 1 application deadline.

3. A copy of the statutorily required audit to the Department of Education and Auditor General.

4. An annual report that includes:

a. The number of students who completed applications, by county and by grade.

b. The number of students who were approved for scholarships, by county and by grade.

c. The number of students who received funding for scholarships within each funding category, by county and by grade.

d. The amount of funds received, the amount of funds distributed in scholarships, and an accounting of remaining funds and the obligation of those funds.

e. A detailed accounting of how the organization spent the administrative funds allowable under paragraph (6)(l) ~~(6)(j)~~.

(c) In consultation with the Department of Revenue and the Chief Financial Officer, the Office of Independent Education and Parental Choice shall review the application. The Department of Education shall notify the organization in writing of any deficiencies within 30 days after receipt of the application and allow the organization 30 days to correct any deficiencies.

(d) Within 30 days after receipt of the finalized application by the Office of Independent Education and Parental Choice, the Commissioner of Education shall recommend approval or disapproval of the application to the State Board of Education. The State Board of Education shall consider the application and recommendation at the next scheduled meeting, adhering to appropriate meeting notice requirements. If the State Board of Education disapproves the organization's application, it shall provide the organization with a written explanation of that determination. The State Board of Education's action is not subject to chapter 120.

(e) If the State Board of Education disapproves the renewal of a nonprofit scholarship-funding organization, the organization must notify the affected eligible students and parents of the decision within 15 days after disapproval. An eligible student affected by the disapproval of an organization's participation remains eligible under this section until the end of the school year in which the organization was disapproved. The student must

apply and be accepted by another eligible nonprofit scholarship-funding organization for the upcoming school year. The student shall be given priority in accordance with paragraph ~~(6)~~(g) ~~(6)(f)~~.

(f) All remaining funds held by a nonprofit scholarship-funding organization that is disapproved for participation must be transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under subsection (6).

(g) A nonprofit scholarship-funding organization is a renewing organization if it maintains continuous approval and participation in the program. An organization that chooses not to participate for 1 year or more or is disapproved to participate for 1 year or more must submit an application for initial approval in order to participate in the program again.

(h) The State Board of Education shall adopt rules providing guidelines for receiving, reviewing, and approving applications for new and renewing nonprofit scholarship-funding organizations. The rules must include a process for compiling input and recommendations from the Chief Financial Officer, the Department of Revenue, and the Department of Education. The rules must also require that the nonprofit scholarship-funding organization make a brief presentation to assist the State Board of Education in its decision.

(i) A state university; or an independent college or university which is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, is exempt from the initial or renewal application process, but must file a registration notice with the Department of Education to be an eligible nonprofit scholarship-funding organization. The State Board of Education shall adopt rules that identify the procedure for filing the registration notice with the department. The rules must identify appropriate reporting requirements for fiscal, programmatic, and performance accountability purposes consistent with this section, but shall not exceed the requirements for eligible nonprofit scholarship-funding organizations for charitable organizations.

Section 7. Paragraphs (e) and (f) of subsection (2) and paragraphs (g) and (i) of subsection (11) of section 1002.40, Florida Statutes, are amended to read:

1002.40 The Hope Scholarship Program.—

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

(e) “Eligible nonprofit scholarship-funding organization” or “organization” has the same meaning as provided in s. 1002.395(2) ~~s. 1002.395(2)(f)~~.

(f) “Eligible private school” has the same meaning as provided in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.

(11) FUNDING AND PAYMENT.—

(g) An eligible nonprofit scholarship-funding organization, subject to the limitations of s. 1002.395(6)(1)1. ~~s. 1002.395(6)(j)1.~~, may use eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses.

(i) Notwithstanding s. 1002.395(6)(1)2. ~~s. 1002.395(6)(j)2.~~, no more than 5 percent of net eligible contributions may be carried forward to the following state fiscal year by an eligible scholarship-funding organization. For audit purposes, all amounts carried forward must be specifically identified for individual students by student name and by the name of the school to which the student is admitted, subject to the requirements of ss. 1002.21 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant to such requirements. Any amounts carried forward shall be expended for annual scholarships or partial-year scholarships in the following state fiscal year. Net eligible contributions remaining on June 30 of each year which are in excess of the 5 percent that may be carried forward shall be transferred to other eligible nonprofit scholarship-funding organizations participating in the Hope Scholarship Program to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into the scholarship account of eligible students. All transferred amounts received by an eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit requirement under s. 1002.395(6)(o) ~~s. 1002.395(6)(m)~~. If no other eligible nonprofit scholarship-funding organization participates in the Hope Scholarship Program, net eligible contributions in excess of the 5 percent may be used to fund scholarships for students eligible under s. 1002.395 only after fully exhausting all contributions made in support of scholarships under that section in accordance with the priority established in s. 1002.395(6)(f) before ~~s. 1002.395(6)(e)~~ prior to awarding any initial scholarships.

Section 8. Subsection (1) and paragraph (c) of subsection (3) of section 1002.421, Florida Statutes, are amended to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01 ~~s. 1002.01(2)~~ in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements

outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

- (a) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.
- (b) Notify the department of its intent to participate in a scholarship program.
- (c) Notify the department of any change in the school's name, school director, mailing address, or physical location within 15 days after the change.
- (d) Provide to the department or scholarship-funding organization all documentation required for a student's participation, including the private school's and student's individual fee schedule, and attendance verification as required by the department or scholarship-funding organization, prior to scholarship payment.
- (e) Annually complete and submit to the department a notarized scholarship compliance statement certifying that all school employees and contracted personnel with direct student contact have undergone background screening pursuant to s. 435.12 and have met the screening standards as provided in s. 435.04.
- (f) Demonstrate fiscal soundness and accountability by:
 - 1. Being in operation for at least 3 school years or obtaining a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter and filing the surety bond or letter of credit with the department.
 - 2. Requiring the parent of each scholarship student to personally restrictively endorse the scholarship warrant to the school or to approve a funds transfer before any funds are deposited for a student. The school may not act as attorney in fact for the parent of a scholarship student under the authority of a power of attorney executed by such parent, or under any other authority, to endorse a scholarship warrant or approve a funds transfer on behalf of such parent.
- (g) Meet applicable state and local health, safety, and welfare laws, codes, and rules, including:
 - 1. Firesafety.
 - 2. Building safety.
- (h) Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(i) Maintain a physical location in the state at which each student has regular and direct contact with teachers.

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

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

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

(m) Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to s. 943.0542, by electronically filing with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 435.04. Results of the screening shall be provided to the participating private school. For purposes of this paragraph:

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

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

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

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

5. All fingerprints submitted to the Department of Law Enforcement as required by this section shall be retained by the Department of Law Enforcement in a manner provided by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses

authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051.

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

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

8. Every 5 years following employment or engagement to provide services with a private school, employees or contracted personnel required to be screened under this section must meet screening standards under s. 435.04, at which time the private school shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for national processing. If the fingerprints of employees or contracted personnel are not retained by the Department of Law Enforcement under subparagraph 5., employees and contracted personnel must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the private school shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for national processing, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 5.

(n) Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; and include an

explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or employees, personnel, or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the employees, personnel, or administrators with employment references or discuss the employees', personnel's, or administrators' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

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

(p) Require each owner or operator of the private school, prior to employment or engagement to provide services, to undergo level 2 background screening as provided under chapter 435. For purposes of this paragraph, the term "owner or operator" means an owner, operator, superintendent, or principal of, or a person with equivalent decisionmaking authority over, a private school participating in a scholarship program established pursuant to this chapter. The fingerprints for the background screening must be electronically submitted to the Department of Law Enforcement and may be taken by an authorized law enforcement agency 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 owner or operator shall provide a copy of the results of the state and national criminal history check to the Department of Education. The cost of the background screening may be borne by the owner or operator.

1. Every 5 years following employment or engagement to provide services, each owner or operator must meet level 2 screening standards as described in s. 435.04, at which time the owner or operator shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening. If the fingerprints of an owner or operator are not retained by the Department of Law Enforcement under subparagraph 2., the owner or operator must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon

submission of fingerprints for this purpose, the owner or operator shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 2.

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

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

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

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

- a. Any authorizing statutes, if the offense was a felony.
- b. This chapter, if the offense was a felony.
- c. Section 409.920, relating to Medicaid provider fraud.
- d. Section 409.9201, relating to Medicaid fraud.
- e. Section 741.28, relating to domestic violence.
- f. Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.
- g. Section 817.234, relating to false and fraudulent insurance claims.
- h. Section 817.505, relating to patient brokering.

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

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

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

l. Section 831.01, relating to forgery.

m. Section 831.02, relating to uttering forged instruments.

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

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

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

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

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

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

(q) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed pursuant to s. 1002.395(6)(q) ~~s. 1002.395(6)(e)~~ if the private school receives more than \$250,000 in funds from scholarships awarded under this chapter in a state fiscal year. A private school subject to this subsection must annually submit the report by September 15 to the scholarship-funding organization that awarded the majority of the school’s scholarship funds. However, a school that receives more than \$250,000 in scholarship funds only through the John M. McKay Scholarship for Students with Disabilities Program pursuant to s. 1002.39 must submit the annual report by September 15 to the department. The agreed-upon procedures must be conducted in accordance with

attestation standards established by the American Institute of Certified Public Accountants.

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

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

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

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

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

2. ~~Has operated an educational institution that closed during the school year. An individual may be removed from the disqualification list if the individual reimburses the department or eligible nonprofit scholarship-funding organization the amount of scholarship funds received by the educational institution during the school year in which it closed, and shall include such individuals on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).~~

Section 9. Section 1002.44, Florida Statutes, is created to read:

1002.44 Part-time public school enrollment.—

(1) Any public school in this state, including a charter school, may enroll a student who meets the regular school attendance criteria in s. 1003.01(13)(b)-(f) on a part-time basis, subject to space and availability according to the school’s capacity determined pursuant to s. 1002.31(2)(b).

(2) A student attending a public school on a part-time basis pursuant to this section shall generate full-time equivalent student membership as described in s. 1011.61(1)(b). A student receiving a scholarship under this chapter who attends a public school on a part-time basis through contracted services provided by the public school or school district may not be reported for funding.

(3) A student attending a public school on a part-time basis pursuant to this section is not considered to be in regular attendance at a public school as defined in s. 1003.01(13)(a).

Section 10. Paragraphs (d) and (e) of subsection (13) and subsection (14) of section 1003.01, Florida Statutes, are amended, and paragraph (f) is added to subsection (13) of that section, to read:

1003.01 Definitions.—As used in this chapter, the term:

(13) “Regular school attendance” means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21 may be achieved by attendance in:

(d) A home education program that meets the requirements of chapter 1002; ~~or~~

(e) A private tutoring program that meets the requirements of chapter 1002; or:-

(f) A personalized education program that meets the requirements of s. 1002.395.

(14) “Core-curricula courses” means:

(a) Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding extracurricular courses pursuant to subsection (15);

(b) Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding extracurricular courses pursuant to subsection (15);

(c) Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding extracurricular courses pursuant to subsection (15);

(d) Exceptional student education courses; and

(e) English for Speakers of Other Languages courses.

The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. 1002.321(3)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and 1003.499 ~~ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and 1003.499.~~

Section 11. No later than November 1, 2023, the State Board of Education shall develop and recommend to the Governor and Legislature for adoption during the 2024 legislative session repeals and revisions to the Florida Early Learning-20 Education Code, chapters 1000-1013, Florida Statutes, to reduce regulation of public schools. The state board shall review the entirety of the Florida Early Learning-20 Education Code for potential repeals and revisions. The state board must make recommendations addressing repeals and revisions to the statutes governing the transportation of students. The state board shall consider input from teachers, superintendents, administrators, school boards, public and private postsecondary institutions, home educators, and other entities identified by the state board.

Section 12. Subsection (10) is added to section 1001.10, Florida Statutes, to read:

1001.10 Commissioner of Education; general powers and duties.—

(10) Due to the range of school choice options and the variety of ways students learn, the commissioner shall develop an online portal that enables parents to choose the best educational options for their student. The portal, at a minimum, must:

(a) Recommend educational options based on questions about the student, including the needs and interests of the student.

(b) Advise parents on the recommended educational options for their student.

(c) Enable schools to develop a school profile and connect directly with families who express interest in the school.

(d) Allow parents to complete the school enrollment process.

Section 13. Paragraph (c) of subsection (22) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(22) TRANSPORTATION.—

(c) Parental consent.—Each parent of a public school student must be notified in writing and give written consent before the student may be transported in a privately owned motor vehicle to a school function, in accordance with the provisions of s. 1006.22(2)(b).

Section 14. Subsection (2) of section 1003.25, Florida Statutes, is amended to read:

1003.25 Procedures for maintenance and transfer of student records.—

(2) The procedure for transferring and maintaining records of students who transfer from school to school shall be prescribed by rules of the State Board of Education. The transfer of records shall occur within 5 ~~3~~ school days. The records shall include:

(a) Verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services.

(b) Psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by school district or charter school staff, as appropriate.

Section 15. Subsection (4) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

~~(4) ONLINE COURSE REQUIREMENT.— At least one course within the 24 credits required under this section must be completed through online learning.~~

~~(a) An online course taken in grade 6, grade 7, or grade 8 fulfills the requirements of this subsection. The requirement is met through an online course offered by the Florida Virtual School, a virtual education provider approved by the State Board of Education, a high school, or an online dual enrollment course. A student who is enrolled in a full-time or part-time virtual instruction program under s. 1002.45 meets the requirement.~~

~~(b) A district school board or a charter school governing board, as applicable, may allow a student to satisfy the online course requirements of this subsection by completing a blended learning course or a course in which the student earns a nationally recognized industry certification in information technology that is identified on the CAPE Industry Certification Funding List pursuant to s. 1008.44 or passing the information technology certification examination without enrolling in or completing the corresponding course or courses, as applicable.~~

~~For purposes of this subsection, a school district may not require a student to take the online or blended learning course outside the school day or in addition to a student's courses for a given semester. This subsection does not apply to a student who has an individual education plan under s. 1003.57~~

~~which indicates that an online or blended learning course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school.~~

Section 16. Subsection (2) of section 1006.21, Florida Statutes, is amended to read:

1006.21 Duties of district school superintendent and district school board regarding transportation.—

(2) After considering recommendations of the district school superintendent, the district school board shall make provision for the transportation of students to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities, and, when authorized under rules of the State Board of Education and if more economical to do so, provide limited subsistence in lieu thereof; and adopt the necessary rules to ensure safety, economy, and efficiency in the operation of all buses and other vehicles used to transport students, as prescribed in this chapter.

Section 17. Subsections (2) through (13) of section 1006.22, Florida Statutes, are renumbered as subsections (1) through (12), respectively, and present subsections (1), (2), (11), and (13) of that section are amended to read:

1006.22 Safety and health of students being transported.—Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

~~(1)(a) District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location. “Students” means, for the purposes of this section, students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12. District school boards may regularly use motor vehicles other than school buses only under the following conditions:~~

~~1. When the transportation is for physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.~~

~~2. When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a~~

service provider who provides instruction, transportation, and other services.

~~3.—When the transportation is provided through a public transit system.~~

~~4.—When the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions, but is not for customary transportation between a student's residence and such sites.~~

~~5.—When the transportation is for trips to and from school sites but is not for customary transportation between a student's residence and such sites.~~

~~(b)—When the transportation of students is provided, as authorized in this subsection, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by a school district or charter school, the following provisions shall apply:~~

~~1.—The vehicle must be designed to transport fewer than 10 students or be a multifunction school activity bus, as defined in 49 C.F.R. s. 571.3, if it is designed to transport more than 10 persons. Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.~~

~~2.—An authorized vehicle may not be driven by a student on a public right-of-way. An authorized vehicle may be driven by a student on school or private property as part of the student's educational curriculum if no other student is in the vehicle.~~

~~3.—The driver of an authorized vehicle transporting students must maintain a valid driver license and must comply with the requirements of the school district's locally adopted safe driver plan, which includes review of driving records for disqualifying violations.~~

~~4.—The district school board or charter school must adopt a policy that addresses procedures and liability for trips under this paragraph, including a provision that school buses are to be used whenever practical and specifying consequences for violation of the policy.~~

~~(1)(2) Except as provided in subsection (1), District school boards may authorize the transportation of students in privately owned motor vehicles on a case-by-case basis only in the following circumstances:~~

~~(a)—When a student is ill or injured and must be taken home or to a medical treatment facility under nonemergency circumstances; and~~

~~1.—The school has been unable to contact the student's parent or the parent or responsible adult designated by the parent is not available to provide the transportation;~~

~~2.— Proper adult supervision of the student is available at the location to which the student is being transported;~~

~~3.— The transportation is approved by the school principal, or a school administrator designated by the principal to grant or deny such approval, or in the absence of the principal and designee, by the highest ranking school administrator or teacher available under the circumstances; and~~

~~4.— If the school has been unable to contact the parent prior to the transportation, the school shall continue to seek to contact the parent until the school is able to notify the parent of the transportation and the pertinent circumstances.~~

~~(b)— When the transportation is in connection with a school function or event regarding which the district school board or school has undertaken to participate or to sponsor or provide the participation of students; and~~

~~1.— The function or event is a single event that is not part of a scheduled series or sequence of events to the same location, such as, but not limited to, a field trip, a recreational outing, an interscholastic competition or cooperative event, an event connected with an extracurricular activity offered by the school, or an event connected to an educational program, such as, but not limited to, a job interview as part of a cooperative education program;~~

~~2.— Transportation is not available, as a practical matter, using a school bus or school district passenger car; and~~

~~3.— Each student's parent is notified, in writing, regarding the transportation arrangement and gives written consent before a student is transported in a privately owned motor vehicle.~~

~~(c)— When a district school board requires employees such as school social workers and attendance officers to use their own motor vehicles to perform duties of employment, and such duties include the occasional transportation of students.~~

~~(10)(11)~~ The district school superintendent shall notify the district school board of any school bus or other vehicle used to transport students that does not meet all requirements of law and rules of the State Board of Education, and the district school board shall, if the school bus is in an unsafe condition, withdraw it from use as a school bus until the bus meets the requirements. The department may inspect or have inspected any school bus to determine whether the bus meets requirements of law and rules of the State Board of Education. The department may, after due notice to a district school board that any school bus does not meet certain requirements of law and rules of the State Board of Education, rule that the bus must be withdrawn from use as a school bus, this ruling to be effective immediately or upon a date specified in the ruling, whereupon the district school board shall withdraw the school bus from use as a school bus until it meets

requirements of law and rules of the State Board of Education and until the department has officially revoked the pertinent ruling. Notwithstanding any other provisions of this chapter, general purpose urban transit systems are declared qualified to transport students to and from school.

~~(12)(13)~~ The State Board of Education may adopt rules to implement this section as are necessary to protect ~~or desirable in the interest of~~ student health and safety.

Section 18. Subsection (4) of section 1006.25, Florida Statutes, is amended to read:

1006.25 School buses.—School buses shall be defined and meet specifications as follows:

(4) OCCUPANT PROTECTION SYSTEMS.—Students may be transported only in designated seating positions, except as provided in s. 1006.22(11) ~~s. 1006.22(12)~~, and must use the occupant crash protection system provided by the manufacturer, which system must comply with the requirements of 49 C.F.R. part 571 or with specifications of the State Board of Education.

Section 19. Subsection (1) of section 1006.27, Florida Statutes, is amended to read:

1006.27 Pooling of school buses and other vehicles and related purchases by district school boards; transportation services contracts.—

(1) The department shall assist district school boards in securing school buses and other vehicles for transporting students, contractual needs, equipment, and supplies at as reasonable prices as possible by providing a plan under which district school boards may voluntarily pool their bids for such purchases. The department shall prepare bid forms and specifications, obtain quotations of prices and make such information available to district school boards in order to facilitate this service. District school boards from time to time, as prescribed by State Board of Education rule, shall furnish the department with information concerning the prices paid for such items and the department shall furnish to district school boards periodic information concerning the lowest prices at which school buses and other vehicles, equipment, and related supplies are available based upon comparable specifications.

Section 20. Paragraph (k) is added to subsection (2) of section 1011.71, Florida Statutes, to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for charter schools pursuant to s. 1013.62(1) and (3) and for district schools to fund:

(k) Payment of salaries and benefits for employees whose job duties support activities funded by this subsection.

Section 21. Effective upon this act becoming a law, subsection (3), paragraphs (d), (g), and (h) of subsection (5), paragraph (f) of subsection (6), and paragraphs (d) and (e) of subsection (7) of section 1012.56, Florida Statutes, are amended, and paragraph (i) is added to subsection (5) of that section, to read:

1012.56 Educator certification requirements.—

(3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of demonstrating mastery of general knowledge are:

(a) Achievement of passing scores on the general knowledge examination required by state board rule;

(b) Documentation of a valid professional standard teaching certificate issued by another state;

(c) Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the State Board of Education;

(d) Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program;

(e) Achievement of passing scores, identified in state board rule, on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills, including, but not limited to, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination. Passing scores identified in state board rule must be at approximately the same level of rigor as is required to pass the general knowledge examinations; or

(f) Documentation of receipt of a master's or higher degree from an accredited postsecondary educational institution that the Department of Education has identified as having a quality program resulting in a baccalaureate degree or higher.

A school district that employs an individual who does not achieve passing scores on any subtest of the general knowledge examination must provide information regarding the availability of state-level and district-level supports and instruction to assist him or her in achieving a passing score. Such information must include, but need not be limited to, state-level test information guides, school district test preparation resources, and preparation courses offered by state universities and Florida College System

institutions. The requirement of mastery of general knowledge shall be waived for an individual who has been provided 3 years of supports and instruction and who has been rated effective or highly effective under s. 1012.34 for each of the last 3 years.

(5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of demonstrating mastery of subject area knowledge are:

(d) For a subject requiring a master's or higher degree, completion of the subject area specialization requirements specified in state board rule and achievement of a passing score on the Florida-developed subject area examination or a standardized examination that is directly related to the subject specified in state board rule;

(g) Documentation of successful completion of a United States Defense Language Institute Foreign Language Center program; ~~or~~

(h) Documentation of a passing score on the Defense Language Proficiency Test (DLPT); or

(i) For a subject requiring only a baccalaureate degree for which a Florida subject area examination has been developed, documentation of receipt of a master's or higher degree from an accredited postsecondary educational institution that the Department of Education has identified as having a quality program resulting in a baccalaureate degree or higher in the certificate subject area as identified by state board rule.

School districts are encouraged to provide mechanisms for middle grades teachers holding only a K-6 teaching certificate to obtain a subject area coverage for middle grades through postsecondary coursework or district add-on certification.

(6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION COMPETENCE.—Acceptable means of demonstrating mastery of professional preparation and education competence are:

(f) Successful completion of professional preparation courses as specified in state board rule, successful completion of a professional preparation and education competence program pursuant to paragraph (8)(b), and documentation of 3 years of being rated effective or highly effective under s. 1012.34 while holding a temporary certificate ~~achievement of a passing score on the professional education competency examination required by state board rule;~~

The State Board of Education shall adopt rules to implement this subsection by December 31, 2014, including rules to approve specific teacher preparation programs that are not identified in this subsection which may be used to meet requirements for mastery of professional preparation and education competence.

(7) TYPES AND TERMS OF CERTIFICATION.—

(d) A person who is issued a temporary certificate under paragraph (b) subparagraph (b)2. must be assigned a teacher mentor for a minimum of 2 school years after commencing employment. Each teacher mentor selected by the school district, charter school, or charter management organization must:

1. Hold a valid professional certificate issued pursuant to this section;
2. Have earned at least 3 years of teaching experience in prekindergarten through grade 12; and
3. Have earned an effective or highly effective rating on the prior year's performance evaluation under s. 1012.34.

~~(e)1.~~ A temporary certificate issued under paragraph (b) subparagraph (b)1. is valid for 5 ~~3~~ school fiscal years and is nonrenewable.

~~2.—A temporary certificate issued under subparagraph (b)2. is valid for 5 school fiscal years, is limited to a one-time issuance, and is nonrenewable.~~

At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed. The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate were not completed due to the serious illness or injury of the applicant, the military service of an applicant's spouse, other extraordinary extenuating circumstances, or if the certificateholder is rated highly effective in the immediate prior year's performance evaluation pursuant to s. 1012.34 or has completed a 2-year mentorship program pursuant to subsection (8). The department shall extend the temporary certificate upon approval by the Commissioner of Education. A written request for extension of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Section 22. Paragraph (e) is added to subsection (6) of section 1013.64, Florida Statutes, to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(6)

(e) Notwithstanding the requirements of this subsection, an unfinished construction project for new construction of educational plant space that was

started on or before July 1, 2026, is exempt from the total cost per student station requirements established in paragraph (b).

Section 23. Subsection (3) of section 1002.321, Florida Statutes, is amended to read:

1002.321 Digital learning.—

~~(3) DIGITAL PREPARATION. As required under s. 1003.4282, A student entering grade 9 in the 2011-2012 school year and thereafter who seeks a high school diploma must take at least one online course.~~

Section 24. Paragraphs (a) and (b) of subsection (2) of section 1003.5716, Florida Statutes, are amended to read:

1003.5716 Transition to postsecondary education and career opportunities.—All students with disabilities who are 3 years of age to 21 years of age have the right to a free, appropriate public education. As used in this section, the term “IEP” means individual education plan.

(2) Beginning not later than the first IEP to be in effect when the student enters high school, attains the age of 14, or when determined appropriate by the parent and the IEP team, whichever occurs first, the IEP must include the following statements that must be updated annually:

(a) A statement of intent to pursue a standard high school diploma and a Scholar or Merit designation, pursuant to s. 1003.4285, as determined by the parent.

1. The statement must document discussion of the process for a student with a disability who meets the requirements for a standard high school diploma to defer the receipt of such diploma pursuant to s. 1003.4282(8)(c) s. 1003.4282(9)(e).

2. For the IEP in effect at the beginning of the school year the student is expected to graduate, the statement must include a signed statement by the parent, the guardian, or the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer the receipt of his or her standard high school diploma.

(b) A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, including, but not limited to, a portfolio pursuant to s. 1003.4282(8)(b) s. 1003.4282(9)(b) which meets the criteria specified in State Board of Education rule. The IEP must also specify the outcomes and additional benefits expected by the parent and the IEP team at the time of the student’s graduation.

Section 25. Subsection (2) of section 1003.499, Florida Statutes, is amended to read:

1003.499 Florida Approved Courses and Tests (FACT) Initiative.—

(2) FLORIDA APPROVED COURSES.—The Department of Education shall annually publish online a list of providers approved to offer Florida approved courses which shall be listed in the online catalog pursuant to s. 1002.321(5) ~~s. 1002.321(6)~~.

(a) As used in this section, the term “Florida approved courses” means online courses provided by individuals which include, but are not limited to, massive open online courses or remedial education associated with the courses that are measured pursuant to s. 1008.22. Massive open online courses may be authorized in the following subject areas: Algebra I, biology, geometry, and civics. Courses may be applied toward requirements for promotion or graduation in whole, in subparts, or in a combination of whole and subparts. A student may not be required to repeat subparts that are satisfactorily completed.

(b) A Florida approved course must be annually identified, approved, published, and shared for consideration by interested students and school districts. The Commissioner of Education shall approve each Florida approved course for application in K-12 public schools in accordance with rules of the State Board of Education.

Section 26. Paragraph (c) of subsection (2) of section 1003.27, Florida Statutes, is amended to read:

1003.27 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this part, relating to compulsory school attendance, shall be as follows:

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(c) Each designee of the governing body of each private school and each parent whose child is enrolled in a home education program or personalized education program may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner’s driver license to, and shall suspend any previously issued driver license or learner’s driver license of, any such minor student pursuant to s. 322.091.

Section 27. Paragraph (k) of subsection (4) of section 1003.485, Florida Statutes, is amended to read:

1003.485 The New Worlds Reading Initiative.—

(4) ADMINISTRATOR RESPONSIBILITIES.—The administrator shall:

(k) Expend eligible contributions received only for the purchase and delivery of books and to implement the requirements of this section, as well as for administrative expenses not to exceed 2 percent of total eligible contributions. Notwithstanding ~~s. 1002.395(6)(1)2.~~ ~~s. 1002.395(6)(j)2.~~, the administrator may carry forward up to 25 percent of eligible contributions made before January 1 of each state fiscal year and 100 percent of eligible contributions made on or after January 1 of each state fiscal year to the following state fiscal year for purposes authorized by this subsection. Any eligible contributions in excess of the allowable carry forward not used to provide additional books throughout the year to eligible students shall revert to the state treasury.

Section 28. Subsections (3) and (5) of section 1009.30, Florida Statutes, are amended to read:

1009.30 Dual Enrollment Scholarship Program.—

(3)(a) The program shall reimburse eligible postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses taken during the fall or spring terms by eligible students, consisting of:

1. Private school students who take dual enrollment courses pursuant to s. 1007.271(24)(b); ~~or~~
2. Home education program secondary students; or
3. Personalized education program secondary students.

(b) ~~Beginning in the 2022 summer term,~~ The program shall reimburse institutions for tuition and related instructional materials costs for dual enrollment courses taken by public school, private school, ~~or~~ home education program secondary students, or personalized education program secondary students during the summer term.

(5) Each participating institution must report to the department any ~~eligible secondary students~~ eligible pursuant to subsection (3) ~~from private schools or home education programs~~ who were enrolled during the fall or spring terms within 30 days after the end of regular registration. Each participating institution must report to the department any secondary students eligible pursuant to subsection (3) ~~public school, private school, or home education program~~ students who were enrolled during the summer term within 30 days after the end of regular registration. For each dual enrollment course in which the student is enrolled, the report must include a unique student identifier, the postsecondary institution name, the postsecondary course number, and the postsecondary course name. The department shall reimburse each participating institution no later than 30 days after the institution has reported enrollment for that term.

Section 29. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2023.

Approved by the Governor March 27, 2023.

Filed in Office Secretary of State March 27, 2023.