

1 A bill to be entitled
 2 An act relating to school choice; amending ss. 212.099
 3 and 327.371, F.S.; conforming cross-references;
 4 amending s. 1002.01, F.S.; defining the term
 5 "personalized education program"; amending s.
 6 1002.394, F.S.; providing and revising definitions;
 7 revising student eligibility and ineligibility
 8 requirements for the Family Empowerment Scholarship
 9 Program; revising the approved uses of scholarship
 10 funds; providing that certain scholarships remain in
 11 force until certain criteria are met; requiring the
 12 closure of a scholarship account and the reversion of
 13 funds to the state under certain circumstances;
 14 authorizing reimbursements for certain expenditures
 15 until certain criteria are met; revising obligations
 16 of school districts, the Department of Education,
 17 private schools, and eligible nonprofit scholarship-
 18 funding organizations; revising responsibilities of
 19 parents; requiring scholarship funds to be deposited
 20 by funds transfers rather than through warrant
 21 endorsement; requiring certain criteria to be met
 22 before the funding of certain scholarships; revising
 23 provisions for the calculation of an award amount for
 24 certain students; prohibiting the transfer of funds to
 25 an eligible student's account under certain

26 conditions; deleting obsolete language; conforming
 27 provisions and cross-references to changes made by the
 28 act; amending s. 1002.395, F.S.; providing and
 29 revising definitions; revising student eligibility and
 30 ineligibility requirements for the Florida Tax Credit
 31 Scholarship Program; revising obligations of eligible
 32 nonprofit scholarship-funding organizations and the
 33 department; establishing certain limitations on the
 34 number of scholarships funded through the program;
 35 revising the approved uses of scholarship funds;
 36 revising the amount of funds that must be expended
 37 through scholarships; revising responsibilities of
 38 parents; requiring scholarship funds to be deposited
 39 by funds transfers rather than through warrant
 40 endorsement; revising the requirements of a specified
 41 annual report; prohibiting the transfer of funds to an
 42 eligible student's account under certain conditions;
 43 providing that certain scholarships remain in force
 44 until certain criteria are met; authorizing
 45 reimbursements for certain expenditures until certain
 46 criteria are met; requiring the closure of a
 47 scholarship account and the reversion of funds to the
 48 state under certain circumstances; requiring the
 49 Office of Independent Education and Parental choice to
 50 provide a specified number of application periods for

51 specified purposes; deleting obsolete language;
 52 conforming provisions and cross-references to changes
 53 made by the act; amending ss. 1002.40 and 1002.421,
 54 F.S.; conforming cross-references; creating s.
 55 1002.44, F.S.; authorizing public schools, including
 56 charter schools, to enroll certain students on a part-
 57 time basis; providing funding for such students;
 58 providing that such students are not considered to be
 59 in regular attendance at such schools; amending ss.
 60 1003.01, 1003.27, and 1009.30, F.S.; conforming
 61 provisions to changes made by the act; providing an
 62 effective date.

63

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

65

66 Section 1. Paragraph (c) of subsection (1) of section
 67 212.099, Florida Statutes, is amended to read:

68 212.099 Credit for contributions to eligible nonprofit
 69 scholarship-funding organizations.—

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

71 (c) "Eligible nonprofit scholarship-funding organization"
 72 or "organization" has the same meaning as provided in s.
 73 1002.395(2) ~~s. 1002.395(2)(f)~~.

74 Section 2. Paragraph (c) of subsection (1) of section
 75 327.371, Florida Statutes, is amended to read:

76 327.371 Human-powered vessels regulated.—

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

80 (c) When participating in practices or competitions for
 81 interscholastic, intercollegiate, intramural, or club rowing
 82 teams affiliated with an educational institution identified in
 83 s. 1000.21, s. 1002.01(3) ~~s. 1002.01(2)~~, s. 1003.01(2), s.
 84 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of
 85 the marked channel is not suitable for such practice or
 86 competition. The teams must use their best efforts to make use
 87 of the adjacent area outside of the marked channel. The
 88 commission must be notified in writing of the details of any
 89 such competition, and the notification must include, but need
 90 not be limited to, the date, time, and location of the
 91 competition.

92 Section 3. Section 1002.01, Florida Statutes, is amended
 93 to read:

94 1002.01 Definitions.—

95 (1) A "home education program" means the sequentially
 96 progressive instruction of a student directed by his or her
 97 parent ~~in order~~ to satisfy the attendance requirements of ss.
 98 1002.41, 1003.01(13), and 1003.21(1).

99 (2) A "personalized education program" means the
 100 sequentially progressive instruction of a student directed by

101 his or her parent to satisfy the attendance requirements of ss.
 102 1003.01(13) and 1003.21(1) while registered with an eligible
 103 nonprofit scholarship-funding organization pursuant to s.
 104 1002.395. A personalized education student shall be provided the
 105 same flexibility and opportunities as provided in s. 1002.41(3) -
 106 (12).

107 (3)-(2) A "private school" is a nonpublic school defined as
 108 an individual, association, copartnership, or corporation, or
 109 department, division, or section of such organizations, that
 110 designates itself as an educational center that includes
 111 kindergarten or a higher grade or as an elementary, secondary,
 112 business, technical, or trade school below college level or any
 113 organization that provides instructional services that meet the
 114 intent of s. 1003.01(13) or that gives preemployment or
 115 supplementary training in technology or in fields of trade or
 116 industry or that offers academic, literary, or career training
 117 below college level, or any combination of the above, including
 118 an institution that performs the functions of the above schools
 119 through correspondence or extension, except those licensed under
 120 the provisions of chapter 1005. A private school may be a
 121 parochial, religious, denominational, for-profit, or nonprofit
 122 school. This definition does not include home education programs
 123 conducted in accordance with s. 1002.41.

124 Section 4. Paragraphs (b) through (m) of subsection (2) of
 125 section 1002.394, Florida Statutes, are redesignated as

126 paragraphs (c) through (n), respectively, present paragraphs
127 (e), (f), and (g) of subsection (2), paragraph (a) of subsection
128 (3), subsection (4), paragraph (a) of subsection (5), paragraph
129 (f) of subsection (6), paragraphs (f) and (g) of subsection (7),
130 paragraph (a) of subsection (8), paragraphs (a) and (b) of
131 subsection (10), paragraph (a) of subsection (11), and
132 subsection (12) are amended, and a new paragraph (b) is added to
133 subsection (2), paragraph (c) is added to subsection (8), and
134 paragraph (d) is added to subsection (9) of that section, to
135 read:

136 1002.394 The Family Empowerment Scholarship Program.—

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

138 (b) "Choice navigator" has the same meaning as in s.

139 1002.395(2).

140 (f)-(e) "Eligible nonprofit scholarship-funding
141 organization" or "organization" has the same meaning as ~~provided~~
142 in s. 1002.395(2) ~~s. 1002.395(2)(f)~~.

143 (g)-(f) "Eligible postsecondary educational institution"
144 means a Florida College System institution; a state university;
145 a school district technical center; a school district adult
146 general education center; an independent college or university
147 that is eligible to participate in the William L. Boyd, IV,
148 Effective Access to Student Education Grant Program under s.
149 1009.89; or an accredited independent postsecondary educational
150 institution, as defined in s. 1005.02, which is licensed to

151 operate in this state under part III of chapter 1005 or is
 152 approved to participate in a reciprocity agreement as defined in
 153 s. 1000.35(2).

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

156 (3) SCHOLARSHIP ELIGIBILITY.—

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

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

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

168 ~~3. The student's household income level does not exceed~~
 169 ~~375 percent of the federal poverty level or an adjusted maximum~~
 170 ~~percent of the federal poverty level that is increased by 25~~
 171 ~~percentage points in the fiscal year following any fiscal year~~
 172 ~~in which more than 5 percent of the available scholarships~~
 173 ~~authorized under paragraph (12)(a) have not been funded;~~

174 ~~4. The student is a sibling of a student who is~~
 175 ~~participating in the scholarship program under this subsection~~

176 ~~and such siblings reside in the same household;~~

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

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

181 2. Priority must be given to a student whose household
 182 income level does not exceed 185 percent of the federal poverty
 183 level or who is in foster care or out-of-home care.

184 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

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

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

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

194 4. Curriculum as defined in subsection (2).

195 5. Tuition and fees associated with full-time or part-time
 196 enrollment in a home education program; an eligible
 197 postsecondary educational institution or a program offered by
 198 the postsecondary educational institution, unless the program is
 199 subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an
 200 approved preapprenticeship program as defined in s. 446.021(5)

201 which is not subject to s. 1009.25; a private tutoring program
202 authorized under s. 1002.43; a virtual program offered by a
203 department-approved private online provider that meets the
204 provider qualifications specified in s. 1002.45(2)(a); the
205 Florida Virtual School as a private paying student; or an
206 approved online course offered pursuant to s. 1003.499 or s.
207 1004.0961.

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

212 7. Contracted services provided by a public school or
213 school district, including classes. A student who receives
214 contracted services under this subparagraph is not considered
215 enrolled in a public school for eligibility purposes as
216 specified in subsection (6).

217 8. Tuition and fees for part-time tutoring services or
218 fees for services provided by a choice navigator. Such services
219 must be provided by a person who holds a valid Florida
220 educator's certificate pursuant to s. 1012.56, a person who
221 holds an adjunct teaching certificate pursuant to s. 1012.57, a
222 person who has a bachelor's degree or a graduate degree in the
223 subject area in which instruction is given, a person who has
224 demonstrated a mastery of subject area knowledge pursuant to s.
225 1012.56(5), or a person certified by a nationally or

226 internationally recognized research-based training program as
227 approved by the department. As used in this subparagraph, the
228 term "part-time tutoring services" does not qualify as regular
229 school attendance as defined in s. 1003.01(13)(e) if the student
230 is determined eligible pursuant to subparagraph (3)(a)1. or
231 subparagraph (3)(a)2.

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

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

240 2. Curriculum as defined in subsection (2).

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

244 a. Applied behavior analysis services as provided in ss.
245 627.6686 and 641.31098.

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

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

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

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

255 4. Tuition and ~~or~~ fees associated with full-time or part-
 256 time enrollment in a home education program;; an eligible
 257 private school;; an eligible postsecondary educational
 258 institution or a program offered by the postsecondary
 259 educational institution, unless the program is subject to s.
 260 1009.25 or reimbursed pursuant to s. 1009.30; an approved
 261 preapprenticeship program as defined in s. 446.021 (5) which is
 262 not subject to s. 1009.25; a private tutoring program authorized
 263 under s. 1002.43;; a virtual program offered by a department-
 264 approved private online provider that meets the provider
 265 qualifications specified in s. 1002.45(2)(a);; the Florida
 266 Virtual School as a private paying student;; or an approved
 267 online course offered pursuant to s. 1003.499 or s. 1004.0961.

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

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

276 7. Contracted services provided by a public school or
 277 school district, including classes. A student who receives
 278 services under a contract under this paragraph is not considered
 279 enrolled in a public school for eligibility purposes as
 280 specified in subsection (6).

281 8. Tuition and fees for part-time tutoring services or
 282 fees for services provided by a choice navigator. Such services
 283 must be provided by a person who holds a valid Florida
 284 educator's certificate pursuant to s. 1012.56, a person who
 285 holds an adjunct teaching certificate pursuant to s. 1012.57, a
 286 person who has a bachelor's degree or a graduate degree in the
 287 subject area in which instruction is given, a person who has
 288 demonstrated a mastery of subject area knowledge pursuant to s.
 289 1012.56(5), or a person certified by a nationally or
 290 internationally recognized research-based training program as
 291 approved by the department. As used in this subparagraph
 292 ~~paragraph~~, the term "part-time tutoring services" does not
 293 qualify as regular school attendance as defined in s.
 294 1003.01(13)(e).

295 9. Fees for specialized summer education programs.

296 10. Fees for specialized after-school education programs.

297 11. Transition services provided by job coaches.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

337 b. Reimbursements for program expenditures may continue
338 until the account balance is expended or remaining funds have
339 reverted to the state ~~student returns to a public school,~~
340 ~~graduates from high school, or reaches the age of 21, whichever~~
341 ~~occurs first. A scholarship student who enrolls in a public~~
342 ~~school or public school program is considered to have returned~~
343 ~~to a public school for the purpose of determining the end of the~~
344 ~~scholarship's term. However, if a student enters a Department of~~
345 ~~Juvenile Justice detention center for a period of no more than~~
346 ~~21 days, the student is not considered to have returned to a~~
347 ~~public school for that purpose.~~

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

350 (f) Participating in virtual instruction pursuant to s.

351 | 1002.455 that receives state funding pursuant to the student's
 352 | participation.

353 | (7) SCHOOL DISTRICT OBLIGATIONS.—

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

358 | ~~(g) A school district shall be held harmless for students~~
 359 | ~~who are receiving a scholarship under this program from the~~
 360 | ~~weighted enrollment ceiling for group 2 programs in s.~~
 361 | ~~1011.62(1)(d)3.b. during the first school year in which the~~
 362 | ~~students are reported.~~

363 | (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

364 | (a) The department shall:

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

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

375 | 3. Maintain and annually publish a list of nationally

376 norm-referenced tests identified for purposes of satisfying the
377 testing requirement in subparagraph (9)(c)1. The tests must meet
378 industry standards of quality in accordance with state board
379 rule.

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

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

387 ~~5.6.~~ Deny or terminate program participation upon a
388 parent's failure to comply with subsection (10).

389 ~~6.7.~~ Notify the parent and the organization when a
390 scholarship account is closed and program funds revert to the
391 state.

392 ~~7.8.~~ Notify an eligible nonprofit scholarship-funding
393 organization of any of the organization's or other
394 organization's identified students who are receiving
395 scholarships under this chapter.

396 ~~8.9.~~ Maintain on its website a list of approved providers
397 as required by s. 1002.66, eligible postsecondary educational
398 institutions, eligible private schools, and eligible
399 organizations and may identify or provide links to lists of
400 other approved providers.

401 ~~9.10.~~ Require each organization to verify eligible
 402 expenditures before the distribution of funds for any
 403 expenditures made pursuant to subparagraphs (4) (b)1. and 2.
 404 Review of expenditures made for services specified in
 405 subparagraphs (4) (b)3.-15. may be completed after the purchase
 406 is made.

407 ~~10.11.~~ Investigate any written complaint of a violation of
 408 this section by a parent, a student, a private school, a public
 409 school, a school district, an organization, a provider, or
 410 another appropriate party in accordance with the process
 411 established under s. 1002.421.

412 ~~11.12.~~ Require quarterly reports by an organization, which
 413 must include, at a minimum, the number of students participating
 414 in the program; the demographics of program participants; the
 415 disability category of program participants; the matrix level of
 416 services, if known; the program award amount per student; the
 417 total expenditures for the purposes specified in paragraph
 418 (4) (b); the types of providers of services to students; and any
 419 other information deemed necessary by the department.

420 ~~12.13.~~ Notify eligible nonprofit scholarship-funding
 421 organizations that scholarships may not be awarded in a school
 422 district in which the award will exceed 99 percent of the school
 423 district's share of state funding through the Florida Education
 424 Finance Program as calculated by the department.

425 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-

426 funding organizations and, when the Florida Education Finance
 427 Program is recalculated, adjust the amount of state funds
 428 allocated to school districts through the Florida Education
 429 Finance Program based upon the results of the cross-check
 430 completed pursuant to subparagraph 2.

431 (c) The department shall notify each school district of
 432 the full-time equivalent student consensus estimate of students
 433 participating in the program developed pursuant to s.
 434 216.136(4)(a).

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

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

444
 445 If a private school fails to meet the requirements of this
 446 subsection or s. 1002.421, the commissioner may determine that
 447 the private school is ineligible to participate in the
 448 scholarship program.

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

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

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

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

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

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

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

471 6. Require that the student participating in the
 472 scholarship program takes the norm-referenced assessment offered
 473 by the private school. The parent may also choose to have the
 474 student participate in the statewide assessments pursuant to
 475 paragraph (7)(d). If the parent requests that the student

476 participating in the program take all statewide assessments
 477 required pursuant to s. 1008.22, the parent is responsible for
 478 transporting the student to the assessment site designated by
 479 the school district.

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

489 8. Use all scholarship funds for tuition and fees for
 490 which the parent is responsible for payment at the private
 491 school before using empowerment account funds for additional
 492 authorized uses under paragraph (4) (a). A parent is responsible
 493 for all eligible expenses in excess of the amount of the
 494 scholarship.

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

499 1. Apply to an eligible nonprofit scholarship-funding
 500 organization to participate in the program by a date set by the

501 organization. The request must be communicated directly to the
 502 organization in a manner that creates a written or electronic
 503 record of the request and the date of receipt of the request.

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

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

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

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

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

524 (II) Providing an annual evaluation in accordance with s.
 525 1002.41(1)(f); or

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

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

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

543 f. Renewing participation in the program each year. A
544 student whose participation in the program is not renewed may
545 continue to spend scholarship funds that are in his or her
546 account from prior years unless the account must be closed
547 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
548 the student's IEP, a student who was previously eligible for
549 participation in the program shall remain eligible to apply for
550 renewal. However, for a high-risk child to continue to

551 participate in the program in the school year after he or she
 552 reaches 6 years of age, the child's application for renewal of
 553 program participation must contain documentation that the child
 554 has a disability defined in paragraph (2)(e) ~~paragraph (2)(d)~~
 555 other than high-risk status.

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

575 (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING

576 ORGANIZATIONS.—

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

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

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

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

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

596 5. May permit eligible students to use program funds for
597 the purposes specified in paragraph (4) (a) by paying for the
598 authorized use directly, then submitting a reimbursement request
599 to the eligible nonprofit scholarship-funding organization.
600 However, an eligible nonprofit scholarship-funding organization

601 may require the use of an online platform for direct purchases
602 using program funds to purchase goods and services that are at
603 or below market rate.

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

615 ~~7.5.~~ Must, in a timely manner, submit any information
616 requested by the department relating to the scholarship under
617 this section.

618 ~~8.6.~~ Must notify the department about any violation of
619 this section ~~by a parent or a private school.~~

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

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

626 11. Must use funds available from remaining tax credit
627 revenue under ss. 1002.395 and 1002.40 to fund eligible students
628 on a wait list pursuant to sub-subparagraph (b)3.c.

629 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

630 (a)1. Scholarships for students determined eligible
631 pursuant to paragraph (3) (a) may be funded once all scholarships
632 have been funded in accordance with s. 1002.395(6)(k)2. are
633 ~~established for up to 18,000 students annually beginning in the~~
634 ~~2019-2020 school year. Beginning in the 2020-2021 school year,~~
635 ~~the maximum number of students participating in the scholarship~~
636 ~~program under this section shall annually increase by 1.0~~
637 ~~percent of the state's total full-time equivalent student~~
638 ~~membership. An eligible student who meets any of the following~~
639 ~~requirements shall be excluded from the maximum number of~~
640 ~~students if the student:~~

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

644 b. ~~Is determined eligible pursuant to subparagraph~~
645 ~~(3)(a)1. or subparagraph (3)(a)2. and either spent the prior~~
646 ~~school year in attendance at a Florida public school; or,~~
647 ~~beginning in the 2022-2023 school year, is eligible to enroll in~~
648 ~~kindergarten. For purposes of this subparagraph, the term "prior~~
649 ~~school year in attendance" means that the student was enrolled~~
650 ~~and reported by a school district for funding during either the~~

651 ~~preceding October or February full-time equivalent student~~
652 ~~membership surveys in kindergarten through grade 12, which~~
653 ~~includes time spent in a Department of Juvenile Justice~~
654 ~~commitment program if funded under the Florida Education Finance~~
655 ~~Program.~~

656 ~~2. The scholarship amount provided to a student for any~~
657 ~~single school year shall be for tuition and fees for an eligible~~
658 ~~private school, not to exceed annual limits, which shall be~~
659 ~~determined in accordance with this subparagraph. The calculated~~
660 ~~scholarship amount for a participating student determined~~
661 ~~eligible pursuant to paragraph (3)(a) shall be based upon the~~
662 ~~grade level and school district in which the student was~~
663 ~~assigned as 100 percent of the funds per unweighted full-time~~
664 ~~equivalent in the Florida Education Finance Program for a~~
665 ~~student in the basic program established pursuant to s.~~
666 ~~1011.62(1)(c)1., plus a per-full-time equivalent share of funds~~
667 ~~for all categorical programs, except for the exceptional student~~
668 ~~education guaranteed allocation established pursuant to s.~~
669 ~~1011.62(1)(e).~~

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

676 ~~2.4.~~ A scholarship of \$750 or an amount equal to the
677 school district expenditure per student riding a school bus, as
678 determined by the department, whichever is greater, may be
679 awarded to an eligible a student who is ~~determined eligible~~
680 ~~pursuant to subparagraph (3) (a)1. or subparagraph (3) (a)2.~~ and
681 enrolled in a Florida public school that is different from the
682 school to which the student was assigned or in a lab school as
683 defined in s. 1002.32 if the school district does not provide
684 the student with transportation to the school.

685 ~~3.5.~~ The organization must provide the department with the
686 documentation necessary to verify the student's participation.
687 Upon receiving the documentation, the department shall transfer,
688 from state funds only, the amount calculated pursuant to
689 subparagraph 2. to the organization for quarterly disbursement
690 to parents of participating students each school year in which
691 the scholarship is in force. For a student exiting a Department
692 of Juvenile Justice commitment program who chooses to
693 participate in the scholarship program, the amount of the Family
694 Empowerment Scholarship calculated pursuant to subparagraph 2.
695 must be transferred from the school district in which the
696 student last attended a public school before commitment to the
697 Department of Juvenile Justice. When a student enters the
698 scholarship program, the organization must receive all
699 documentation required for the student's participation,
700 including the private school's and the student's fee schedules,

701 at least 30 days before the first quarterly scholarship payment
 702 is made for the student.

703 ~~4.6.~~ The initial payment shall be made after the
 704 organization's verification of admission acceptance, and
 705 subsequent payments shall be made upon verification of continued
 706 enrollment and attendance at the private school. Payment must be
 707 ~~by individual warrant made payable to the student's parent or by~~
 708 ~~funds transfer or any other means of payment that the department~~
 709 ~~deems to be commercially viable or cost-effective. If the~~
 710 ~~payment is made by warrant, the warrant must be delivered by the~~
 711 ~~organization to the private school of the parent's choice, and~~
 712 ~~the parent shall restrictively endorse the warrant to the~~
 713 ~~private school.~~ An organization shall ensure that the parent ~~to~~
 714 ~~whom the warrant is made has restrictively endorsed the warrant~~
 715 ~~to the private school for deposit into the account of the~~
 716 ~~private school or that the parent~~ has approved a funds transfer
 717 before any scholarship funds are deposited.

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

721 (b)1. Scholarships for students determined eligible
 722 pursuant to paragraph (3) (b) are established for up to 26,500
 723 students annually beginning in the 2022-2023 school year.
 724 Beginning in the 2023-2024 school year, the maximum number of
 725 students participating in the scholarship program under this

726 section shall annually increase by 3.0 ~~4.0~~ percent of the
727 state's total exceptional student education full-time equivalent
728 student membership, not including gifted students. An eligible
729 student who meets any of the following requirements shall be
730 excluded from the maximum number of students if the student:

731 a. Received specialized instructional services under the
732 Voluntary Prekindergarten Education Program pursuant to s.
733 1002.66 during the previous school year and the student has a
734 current IEP developed by the district school board in accordance
735 with rules of the State Board of Education;

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

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

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

750 (II) The Florida School for the Deaf and the Blind during

751 the preceding October or February full-time equivalent student
752 membership surveys in kindergarten through grade 12;

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

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

759 d. Is funded from remaining tax credit revenue pursuant to
760 ss. 1002.395 and 1002.40 and would exceed the maximum number of
761 students established in this paragraph.

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

776 funds per exceptional student education full-time equivalent
777 student.

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

786 4. For a student who received a Gardiner Scholarship
787 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
788 shall be the greater of the amount calculated pursuant to
789 subparagraph 2. or the amount the student received for the 2020-
790 2021 school year.

791 5. For a student who received a John M. McKay Scholarship
792 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
793 shall be the greater of the amount calculated pursuant to
794 subparagraph 2. or the amount the student received for the 2020-
795 2021 school year.

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

798 7. Upon receiving the documentation, the department shall
799 release, from state funds only, the student's scholarship funds
800 to the organization, to be deposited into the student's account

801 in four equal amounts no later than September 1, November 1,
802 February 1, and April 1 of each school year in which the
803 scholarship is in force.

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

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

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

819 11.10. Moneys received pursuant to this section do not
820 constitute taxable income to the qualified student or the parent
821 of the qualified student.

822 Section 5. Paragraphs (b) through (f), (g) through (i),
823 and (j) and (k) of subsection (2) of section 1002.395, Florida
824 Statutes, are redesignated as paragraphs (c) through (g), (i)
825 through (k), and (o) and (p), respectively, paragraphs (e)

826 through (q) of subsection (6) are redesignated as paragraphs (f)
827 through (r), respectively, present paragraphs (e) and (g) of
828 subsection (2), paragraph (b) of subsection (3), subsection (4),
829 present paragraphs (b), (d), (j), and (o) of subsection (6),
830 subsection (7), paragraphs (a), (b), (e), and (f) of subsection
831 (9), paragraph (b) of subsection (11), and subsection (15) are
832 amended, and new paragraphs (b), (h), (l), (m), and (n) are
833 added to subsection (2), paragraphs (e), (s), (t), and (u) are
834 added to subsection (6), paragraph (k) is added to subsection
835 (9), and paragraphs (e) through (h) are added to subsection (11)
836 of that section, to read:

837 1002.395 Florida Tax Credit Scholarship Program.—

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

839 (b) "Choice navigator" means an individual who meets the
840 requirements of sub-subparagraph (6)(d)2.h. and who provides
841 consultations on the selection of, application for, and
842 enrollment in educational options addressing the academic needs
843 of a student; curriculum selection; and advice on career and
844 postsecondary education opportunities.

845 ~~(f)-(e)~~ "Eligible contribution" means a monetary
846 contribution from a taxpayer, subject to the restrictions
847 provided in this section, to an eligible nonprofit scholarship-
848 funding organization pursuant to ss. 212.099, 212.1832,
849 1002.395, and 1002.40. The taxpayer making the contribution may
850 not designate a specific child as the beneficiary of the

851 contribution.

852 (h) "Eligible postsecondary educational institution" means
 853 a Florida College System institution; a state university; a
 854 school district technical center; a school district adult
 855 general education center; an independent college or university
 856 eligible to participate in the William L. Boyd, IV, Effective
 857 Access to Student Education Grant Program under s. 1009.89; or
 858 an accredited independent postsecondary educational institution,
 859 as defined in s. 1005.02, which is licensed to operate in this
 860 state under part III of chapter 1005 or is approved to
 861 participate in a reciprocity agreement as defined in s.
 862 1000.35(2).

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

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

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

873 (n) "Student learning plan" means a customized learning
 874 plan developed by a parent, at least annually, to guide
 875 instruction for his or her student and to identify the goods and

876 services needed to address the academic needs of his or her
877 student.

878 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

879 (b)1. A student is eligible for a Florida tax credit
880 scholarship under this section if the student is a resident of
881 this state and is eligible to enroll in kindergarten through
882 grade 12 in a public school in this state ~~meets one or more of~~
883 ~~the following criteria:~~

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

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

891 2. Priority must be given to a student whose household
892 income level does not exceed 185 percent of the federal poverty
893 level or who is in foster care or out-of-home care. ~~A student~~
894 ~~who initially receives a scholarship based on eligibility under~~
895 ~~this paragraph remains eligible to participate until he or she~~
896 ~~graduates from high school or attains the age of 21 years,~~
897 ~~whichever occurs first, regardless of the student's household~~
898 ~~income level. A sibling of a student who is participating in the~~
899 ~~scholarship program under this subsection is eligible for a~~
900 ~~scholarship if the student resides in the same household as the~~

901 ~~sibling.~~

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

903 for a scholarship while he or she is:

904 (a) Enrolled in a public school, including, but not

905 limited to, the Florida School for the Deaf and the Blind, the

906 College-Preparatory Boarding Academy, a developmental research

907 school authorized under s. 1002.32, or a charter school

908 authorized under this chapter. For purposes of this paragraph, a

909 3- or 4-year-old child who receives services funded through the

910 Florida Education Finance Program is considered a student

911 enrolled in a public school;

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

913 providing educational services to youth in a Department of

914 Juvenile Justice commitment program ~~programs~~;

915 ~~(b) Receiving a scholarship from another eligible~~

916 ~~nonprofit scholarship-funding organization under this section;~~

917 (c) Receiving any other ~~an~~ educational scholarship

918 pursuant to this chapter;

919 (d) Not having regular and direct contact with his or her

920 private school teachers pursuant to s. 1002.421(1)(i) unless he

921 or she is enrolled in a home education program pursuant to s.

922 1002.41 or a personalized education program;

923 ~~(d) Participating in a home education program as defined~~

924 ~~in s. 1002.01(1);~~

925 (e) Participating in a private tutoring program pursuant

926 to s. 1002.43 unless he or she is enrolled in a home education
 927 program pursuant to s. 1002.41 or a personalized education
 928 program; or

929 (f) Participating in ~~a~~ virtual instruction pursuant to s.
 930 1002.455 school, correspondence school, or distance learning
 931 ~~program~~ that receives state funding pursuant to the student's
 932 participation ~~unless the participation is limited to no more~~
 933 ~~than two courses per school year; or~~

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

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

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

941 1. All owners and operators as defined in subparagraph
 942 (2)(j)1. ~~(2)(i)1.~~ are, before employment or engagement to
 943 provide services, subject to level 2 background screening as
 944 provided under chapter 435. The fingerprints for the background
 945 screening must be electronically submitted to the Department of
 946 Law Enforcement and can be taken by an authorized law
 947 enforcement agency or by an employee of the eligible nonprofit
 948 scholarship-funding organization or a private company who is
 949 trained to take fingerprints. However, the complete set of
 950 fingerprints of an owner or operator may not be taken by the

951 owner or operator. The results of the state and national
952 criminal history check shall be provided to the Department of
953 Education for screening under chapter 435. The cost of the
954 background screening may be borne by the eligible nonprofit
955 scholarship-funding organization or the owner or operator.

956 2. Every 5 years following employment or engagement to
957 provide services or association with an eligible nonprofit
958 scholarship-funding organization, each owner or operator must
959 meet level 2 screening standards as described in s. 435.04, at
960 which time the nonprofit scholarship-funding organization shall
961 request the Department of Law Enforcement to forward the
962 fingerprints to the Federal Bureau of Investigation for level 2
963 screening. If the fingerprints of an owner or operator are not
964 retained by the Department of Law Enforcement under subparagraph
965 3., the owner or operator must electronically file a complete
966 set of fingerprints with the Department of Law Enforcement. Upon
967 submission of fingerprints for this purpose, the eligible
968 nonprofit scholarship-funding organization shall request that
969 the Department of Law Enforcement forward the fingerprints to
970 the Federal Bureau of Investigation for level 2 screening, and
971 the fingerprints shall be retained by the Department of Law
972 Enforcement under subparagraph 3.

973 3. Fingerprints submitted to the Department of Law
974 Enforcement as required by this paragraph must be retained by
975 the Department of Law Enforcement in a manner approved by rule

976 and entered in the statewide automated biometric identification
977 system authorized by s. 943.05(2)(b). The fingerprints must
978 thereafter be available for all purposes and uses authorized for
979 arrest fingerprints entered in the statewide automated biometric
980 identification system pursuant to s. 943.051.

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

999 5. A nonprofit scholarship-funding organization whose
1000 owner or operator fails the level 2 background screening is not

1001 eligible to provide scholarships under this section.

1002 6. A nonprofit scholarship-funding organization whose
 1003 owner or operator in the last 7 years has filed for personal
 1004 bankruptcy or corporate bankruptcy in a corporation of which he
 1005 or she owned more than 20 percent shall not be eligible to
 1006 provide scholarships under this section.

1007 7. In addition to the offenses listed in s. 435.04, a
 1008 person required to undergo background screening pursuant to this
 1009 part or authorizing statutes must not have an arrest awaiting
 1010 final disposition for, must not have been found guilty of, or
 1011 entered a plea of nolo contendere to, regardless of
 1012 adjudication, and must not have been adjudicated delinquent, and
 1013 the record must not have been sealed or expunged for, any of the
 1014 following offenses or any similar offense of another
 1015 jurisdiction:

- 1016 a. Any authorizing statutes, if the offense was a felony.
- 1017 b. This chapter, if the offense was a felony.
- 1018 c. Section 409.920, relating to Medicaid provider fraud.
- 1019 d. Section 409.9201, relating to Medicaid fraud.
- 1020 e. Section 741.28, relating to domestic violence.
- 1021 f. Section 817.034, relating to fraudulent acts through
 1022 mail, wire, radio, electromagnetic, photoelectronic, or
 1023 photooptical systems.
- 1024 g. Section 817.234, relating to false and fraudulent
 1025 insurance claims.

- 1026 h. Section 817.505, relating to patient brokering.
- 1027 i. Section 817.568, relating to criminal use of personal
- 1028 identification information.
- 1029 j. Section 817.60, relating to obtaining a credit card
- 1030 through fraudulent means.
- 1031 k. Section 817.61, relating to fraudulent use of credit
- 1032 cards, if the offense was a felony.
- 1033 l. Section 831.01, relating to forgery.
- 1034 m. Section 831.02, relating to uttering forged
- 1035 instruments.
- 1036 n. Section 831.07, relating to forging bank bills, checks,
- 1037 drafts, or promissory notes.
- 1038 o. Section 831.09, relating to uttering forged bank bills,
- 1039 checks, drafts, or promissory notes.
- 1040 p. Section 831.30, relating to fraud in obtaining
- 1041 medicinal drugs.
- 1042 q. Section 831.31, relating to the sale, manufacture,
- 1043 delivery, or possession with the intent to sell, manufacture, or
- 1044 deliver any counterfeit controlled substance, if the offense was
- 1045 a felony.
- 1046 (d)1. For the 2023-2024 school year, may fund no more than
- 1047 20,000 scholarships for students who are enrolled pursuant to
- 1048 paragraph (7)(b). The number of scholarships funded for such
- 1049 students may increase by 40,000 in each subsequent school year.
- 1050 This subparagraph is repealed July 1, 2027.

1051 2. Must establish and maintain separate empowerment
1052 accounts from eligible contributions for each eligible student.
1053 For each account, the organization must maintain a record of
1054 accrued interest retained in the student's account. The
1055 organization must verify that scholarship funds are used for
1056 ~~provide scholarships, from eligible contributions, to eligible~~
1057 ~~students for the cost of:~~
1058 a.1. Tuition and fees for full-time or part-time
1059 enrollment in an eligible private school.~~;~~~~or~~
1060 b.2. Transportation to a Florida public school in which a
1061 student is enrolled and that is different from the school to
1062 which the student was assigned or to a lab school as defined in
1063 s. 1002.32.
1064 c. Instructional materials, including digital materials
1065 and Internet resources.
1066 d. Curriculum as defined in s. 1002.394(2).
1067 e. Tuition and fees associated with full-time or part-time
1068 enrollment in a home education program; an eligible
1069 postsecondary educational institution or a program offered by
1070 the postsecondary educational institution, unless the program is
1071 subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an
1072 approved preapprenticeship program as defined in s. 446.021(5)
1073 which is not subject to s. 1009.35; a private tutoring program
1074 authorized under s. 1002.43; a virtual program offered by a
1075 department-approved private online provider that meets the

1076 provider qualifications specified in s. 1002.45(2)(a); the
1077 Florida Virtual School as a private paying student; or an
1078 approved online course offered pursuant to s. 1003.499 or s.
1079 1004.0961.

1080 f. Fees for nationally standardized, norm-referenced
1081 achievement tests, Advanced Placement Examinations, industry
1082 certification examinations, assessments related to postsecondary
1083 education, or other assessments.

1084 g. Contracted services provided by a public school or
1085 school district, including classes. A student who receives
1086 contracted services under this sub-subparagraph is not
1087 considered enrolled in a public school for eligibility purposes
1088 as specified in subsection (11).

1089 h. Tuition and fees for part-time tutoring services or
1090 fees for services provided by a choice navigator. Such services
1091 must be provided by a person who holds a valid Florida
1092 educator's certificate pursuant to s. 1012.56, a person who
1093 holds an adjunct teaching certificate pursuant to s. 1012.57, a
1094 person who has a bachelor's degree or a graduate degree in the
1095 subject area in which instruction is given, a person who has
1096 demonstrated a mastery of subject area knowledge pursuant to s.
1097 1012.56(5), or a person certified by a nationally or
1098 internationally recognized research-based training program as
1099 approved by the Department of Education. As used in this
1100 paragraph, the term "part-time tutoring services" does not

1101 qualify as regular school attendance as defined in s.
1102 1003.01(13)(e).

1103 (e) For students determined eligible pursuant to paragraph
1104 (7)(b), must:

1105 1. Maintain a signed agreement from the parent which
1106 constitutes compliance with the attendance requirements under
1107 ss. 1003.01(13) and 1003.21(1).

1108 2. Receive eligible student test scores and beginning with
1109 the 2027-2028 school year, by August 15, annually report test
1110 scores for students pursuant to subparagraph (7)(b)4. to a state
1111 university pursuant to paragraph (9)(f).

1112 3. Provide parents with information, guidance, and support
1113 to create and annually update a student learning plan for their
1114 student. The organization must maintain the plan and allow
1115 parents to electronically submit, access, and revise the plan
1116 continuously.

1117 4. Upon submission by the parent of an annual student
1118 learning plan, fund a scholarship for a student determined
1119 eligible.

1120 (k)-(j)1. May use eligible contributions received pursuant
1121 to this section and ss. 212.099, 212.1832, and 1002.40 during
1122 the state fiscal year in which such contributions are collected
1123 for administrative expenses if the organization has operated as
1124 an eligible nonprofit scholarship-funding organization for at
1125 least the preceding 3 fiscal years and did not have any findings

1126 of material weakness or material noncompliance in its most
1127 recent audit under paragraph (m) or is in good standing in each
1128 state in which it administers a scholarship program and the
1129 audited financial statements for the preceding 3 fiscal years
1130 are free of material misstatements and going concern issues.
1131 Administrative expenses from eligible contributions may not
1132 exceed 3 percent of the total amount of all scholarships funded
1133 by an eligible scholarship-funding organization under this
1134 chapter. Such administrative expenses must be reasonable and
1135 necessary for the organization's management and distribution of
1136 scholarships funded under this chapter. Administrative expenses
1137 may include developing or contracting with rideshare programs or
1138 facilitating carpool strategies for recipients of a
1139 transportation scholarship. No funds authorized under this
1140 subparagraph shall be used for lobbying or political activity or
1141 expenses related to lobbying or political activity. Up to one-
1142 third of the funds authorized for administrative expenses under
1143 this subparagraph may be used for expenses related to the
1144 recruitment of contributions from taxpayers. An eligible
1145 nonprofit scholarship-funding organization may not charge an
1146 application fee.

1147 2. Must expend for annual or partial-year scholarships an
1148 amount equal to or greater than 75 percent of all ~~the~~ net
1149 eligible contributions remaining after administrative expenses
1150 during the state fiscal year in which such contributions are

1151 collected before funding any scholarships to students determined
1152 eligible pursuant to s. 1002.394(3)(a). No more than 25 percent
1153 of such net eligible contributions may be carried forward to the
1154 following state fiscal year. All amounts carried forward, for
1155 audit purposes, must be specifically identified for particular
1156 students, by student name and the name of the school to which
1157 the student is admitted, subject to the requirements of ss.
1158 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable
1159 rules and regulations issued pursuant thereto. Any amounts
1160 carried forward shall be expended for annual or partial-year
1161 scholarships in the following state fiscal year. No later than
1162 September 30 of each year, net eligible contributions remaining
1163 on June 30 of each year that are in excess of the 25 percent
1164 that may be carried forward shall be used to provide
1165 scholarships to eligible students or transferred to other
1166 eligible nonprofit scholarship-funding organizations to provide
1167 scholarships for eligible students. All transferred funds must
1168 be deposited by each eligible nonprofit scholarship-funding
1169 organization receiving such funds into its scholarship account.
1170 All transferred amounts received by any eligible nonprofit
1171 scholarship-funding organization must be separately disclosed in
1172 the annual financial audit required under paragraph (m).

1173 3. Must, before granting a scholarship for an academic
1174 year, document each scholarship student's eligibility for that
1175 academic year. A scholarship-funding organization may not grant

1176 | multiyear scholarships in one approval process.

1177 | (p)~~(e)~~1.a. Must participate in the joint development of
1178 | agreed-upon procedures during the 2009-2010 state fiscal year.

1179 | The agreed-upon procedures must uniformly apply to all private
1180 | schools and must determine, at a minimum, whether the private
1181 | school has been verified as eligible by the Department of
1182 | Education under s. 1002.421; has an adequate accounting system,
1183 | system of financial controls, and process for deposit and
1184 | classification of scholarship funds; and has properly expended
1185 | scholarship funds for education-related expenses. During the
1186 | development of the procedures, the participating scholarship-
1187 | funding organizations shall specify guidelines governing the
1188 | materiality of exceptions that may be found during the
1189 | accountant's performance of the procedures. The procedures and
1190 | guidelines shall be provided to private schools and the
1191 | Commissioner of Education by March 15, 2011.

1192 | b. Must participate in a joint review of the agreed-upon
1193 | procedures and guidelines developed under sub-subparagraph a.,
1194 | by February of each biennium, if the scholarship-funding
1195 | organization provided more than \$250,000 in scholarship funds ~~to~~
1196 | ~~an eligible private school~~ under this chapter during the state
1197 | fiscal year preceding the biennial review. If the procedures and
1198 | guidelines are revised, the revisions must be provided to
1199 | private schools and the Commissioner of Education by March 15 of
1200 | the year in which the revisions were completed. The revised

1201 | agreed-upon procedures and guidelines shall take effect the
 1202 | subsequent school year. ~~For the 2018-2019 school year only, the~~
 1203 | ~~joint review of the agreed-upon procedures must be completed and~~
 1204 | ~~the revisions submitted to the commissioner no later than~~
 1205 | ~~September 15, 2018. The revised procedures are applicable to the~~
 1206 | ~~2018-2019 school year.~~

1207 | c. Must monitor the compliance of a private school with s.
 1208 | 1002.421(1)(q) if the scholarship-funding organization provided
 1209 | the majority of the scholarship funding to the school. For each
 1210 | private school subject to s. 1002.421(1)(q), the appropriate
 1211 | scholarship-funding organization shall annually notify the
 1212 | Commissioner of Education by October 30 of:

1213 | (I) A private school's failure to submit a report required
 1214 | under s. 1002.421(1)(q); or

1215 | (II) Any material exceptions set forth in the report
 1216 | required under s. 1002.421(1)(q).

1217 | 2. Must seek input from the accrediting associations that
 1218 | are members of the Florida Association of Academic Nonpublic
 1219 | Schools and the Department of Education when jointly developing
 1220 | the agreed-upon procedures and guidelines under sub-subparagraph
 1221 | 1.a. and conducting a review of those procedures and guidelines
 1222 | under sub-subparagraph 1.b.

1223 | (s) Must participate in the joint development of agreed-
 1224 | upon purchasing guidelines for authorized uses of scholarship
 1225 | funds under this chapter. By December 31, 2023, and by each

1226 December 31 thereafter, the purchasing guidelines must be
 1227 provided to the Commissioner of Education and posted on the
 1228 eligible nonprofit scholarship-funding organization's website.
 1229 If there is agreement to revise the guidelines, the revisions
 1230 must be provided to the commissioner and posted on the
 1231 organizations' website within 30 days after such revision.

1232 (t) May permit eligible students to use program funds for
 1233 the purposes specified in paragraph (d) by paying for the
 1234 authorized use directly, then submitting a reimbursement request
 1235 to the eligible nonprofit scholarship-funding organization.
 1236 However, an eligible nonprofit scholarship-funding organization
 1237 may require the use of an online platform for direct purchases
 1238 using program funds to purchase goods and services that are at
 1239 or below market rate.

1240 (u) Must notify each parent that participation in the
 1241 scholarship program does not guarantee enrollment.

1242
 1243 Information and documentation provided to the Department of
 1244 Education and the Auditor General relating to the identity of a
 1245 taxpayer that provides an eligible contribution under this
 1246 section shall remain confidential at all times in accordance
 1247 with s. 213.053.

1248 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 1249 PARTICIPATION.—

1250 (a) A parent whose student will be enrolled full time in a

1251 private school must:

1252 1. The parent must Select an eligible private school and
 1253 apply for the admission of his or her child.

1254 2.(b) The parent must Inform the child's school district
 1255 when the parent withdraws his or her child to attend an eligible
 1256 private school.

1257 3.(e) Require his or her any student participating in the
 1258 ~~scholarship~~ program to must remain in attendance throughout the
 1259 school year unless excused by the school for illness or other
 1260 good cause and-

1261 ~~(d) Each parent and each student has an obligation to the~~
 1262 ~~private school to~~ comply with the private school's published
 1263 policies.

1264 4. Meet with the private school's principal or the
 1265 principal's designee to review the school's academic programs
 1266 and policies, specialized services, code of student conduct, and
 1267 attendance policies before enrollment in the private school.

1268 5.(e) Require his or her The parent shall ensure that the
 1269 student participating in the ~~scholarship~~ program to take ~~takes~~
 1270 the norm-referenced assessment offered by the private school.
 1271 The parent may also choose to have the student participate in
 1272 the statewide assessments pursuant to s. 1008.22. If the parent
 1273 requests that the student participating in the scholarship
 1274 program take statewide assessments pursuant to s. 1008.22 and
 1275 the private school has not chosen to offer and administer the

1276 statewide assessments, the parent is responsible for
1277 transporting the student to the assessment site designated by
1278 the school district.

1279 ~~6.(f) Upon receipt of a scholarship warrant from the~~
1280 ~~eligible nonprofit scholarship-funding organization, the parent~~
1281 ~~to whom the warrant is made must restrictively endorse the~~
1282 ~~warrant to the private school for deposit into the account of~~
1283 ~~the private school. If payments are made by funds transfer, the~~
1284 ~~parent must~~ Approve each payment before the scholarship funds
1285 may be deposited by funds transfer. The parent may not designate
1286 any entity or individual associated with the participating
1287 private school as the parent's attorney in fact to ~~endorse a~~
1288 ~~scholarship warrant or~~ approve a funds transfer. A participant
1289 who fails to comply with this paragraph forfeits the
1290 scholarship.

1291 ~~7.(g) The parent shall~~ Authorize the nonprofit
1292 scholarship-funding organization to access information needed
1293 for income eligibility determination and verification held by
1294 other state or federal agencies, including the Department of
1295 Revenue, the Department of Children and Families, the Department
1296 of Education, the Department of Economic Opportunity, and the
1297 Agency for Health Care Administration.

1298 8. Use all scholarship funds for tuition and fees for
1299 which the parent is responsible for payment at the private
1300 school before using empowerment account funds for additional

1301 authorized uses under paragraph (6) (d). A parent is responsible
 1302 for all eligible expenses in excess of the amount of the
 1303 scholarship.

1304 (b) A parent whose student will not be enrolled full time
 1305 in a public or private school must:

1306 1. Apply to an eligible nonprofit scholarship-funding
 1307 organization to participate in the program as a personalized
 1308 education student by a date set by the organization. The request
 1309 must be communicated directly to the organization in a manner
 1310 that creates a written or electronic record of the request and
 1311 the date of receipt of the request.

1312 2. Sign an agreement with the organization and annually
 1313 submit a sworn compliance statement to the organization to
 1314 satisfy or maintain program eligibility, including eligibility
 1315 to receive and spend program payments, by:

1316 a. Affirming that the program funds are used only for
 1317 authorized purposes serving the student's educational needs, as
 1318 described in paragraph (6) (d), and that they will not receive a
 1319 payment, refund, or rebate of any funds provided under this
 1320 section.

1321 b. Affirming that the parent is responsible for all
 1322 eligible expenses in excess of the amount of the scholarship and
 1323 for the education of his or her student.

1324 c. Submitting a student learning plan to the organization
 1325 and revising the plan at least annually before program renewal.

1326 d. Requiring his or her student to take a nationally norm-
1327 referenced test identified by the Department of Education, or a
1328 statewide assessment under s. 1008.22, and provide assessment
1329 results to the organization before the student's program
1330 renewal.

1331 e. Renewing participation in the program each year. A
1332 student whose participation in the program is not renewed may
1333 continue to spend scholarship funds that are in his or her
1334 account from prior years unless the account must be closed
1335 pursuant to s. 1002.394(5)(a)2.

1336 f. Procuring the services necessary to educate the
1337 student. When the student receives a scholarship, the district
1338 school board is not obligated to provide the student with a free
1339 appropriate public education.

1340
1341 An eligible nonprofit scholarship-funding organization may not
1342 further regulate, exercise control over, or require
1343 documentation beyond the requirements of this subsection unless
1344 the regulation, control, or documentation is necessary for
1345 participation in the program.

1346 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1347 Education shall:

1348 (a) Annually submit to the department and division, by
1349 March 15, a list of eligible nonprofit scholarship-funding
1350 organizations that meet the requirements of paragraph (2)(g)

1351 ~~(2)(f).~~

1352 (b) Annually verify the eligibility of nonprofit
 1353 scholarship-funding organizations that meet the requirements of
 1354 paragraph (2)(g) ~~(2)(f)~~.

1355 (e) Maintain and annually publish a list of nationally
 1356 norm-referenced tests identified for purposes of satisfying the
 1357 testing requirement in subparagraph (8)(b)1. The tests must meet
 1358 industry standards of quality in accordance with State Board of
 1359 Education rule.

1360 (f) Issue a project grant award to a state university, to
 1361 which participating private schools and eligible nonprofit
 1362 scholarship-funding organizations must report the scores of
 1363 participating students on the nationally norm-referenced tests
 1364 or the statewide assessments administered ~~by the private school~~
 1365 in grades 3 through 10. The project term is 2 years, and the
 1366 amount of the project is up to \$250,000 per year. The project
 1367 grant award must be reissued in 2-year intervals in accordance
 1368 with this paragraph.

1369 1. The state university must annually report to the
 1370 Department of Education on the student performance of
 1371 participating students and, beginning with the 2027-2028 school
 1372 year, on the performance of personalized education students:

1373 a. On a statewide basis. The report shall also include, to
 1374 the extent possible, a comparison of scholarship students'
 1375 performance to the statewide student performance of public

1376 school students with socioeconomic backgrounds similar to those
1377 of students participating in the scholarship program. To
1378 minimize costs and reduce time required for the state
1379 university's analysis and evaluation, the Department of
1380 Education shall coordinate with the state university to provide
1381 data to the state university in order to conduct analyses of
1382 matched students from public school assessment data and
1383 calculate control group student performance using an agreed-upon
1384 methodology with the state university; and

1385 b. On an individual school basis for students enrolled
1386 full time in a private school. The annual report must include
1387 student performance for each participating private school in
1388 which ~~at least 51 percent of the total~~ enrolled students in the
1389 private school participated in a scholarship program under this
1390 section, s. 1002.394(12)(a), or s. 1002.40 ~~the Florida Tax~~
1391 ~~Credit Scholarship Program~~ in the prior school year. The report
1392 shall be according to each participating private school, and for
1393 participating students, in which there are at least 30
1394 participating students who have scores for tests administered.
1395 If the state university determines that the 30-participating-
1396 student cell size may be reduced without disclosing personally
1397 identifiable information, as described in 34 C.F.R. s. 99.12, of
1398 a participating student, the state university may reduce the
1399 participating-student cell size, but the cell size must not be
1400 reduced to less than 10 participating students. The department

1401 shall provide each private school's prior school year's student
 1402 enrollment information to the state university no later than
 1403 June 15 of each year, or as requested by the state university.

1404 2. The sharing and reporting of student performance data
 1405 under this paragraph must be in accordance with requirements of
 1406 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
 1407 Educational Rights and Privacy Act, and the applicable rules and
 1408 regulations issued pursuant thereto, and shall be for the sole
 1409 purpose of creating the annual report required by subparagraph
 1410 1. All parties must preserve the confidentiality of such
 1411 information as required by law. The annual report must not
 1412 disaggregate data to a level that will identify individual
 1413 participating schools, except as required under sub-subparagraph
 1414 1.b., or disclose the academic level of individual students.

1415 3. The annual report required by subparagraph 1. shall be
 1416 published by the Department of Education on its website.

1417 (k) Notify each school district of the full-time
 1418 equivalent student consensus estimate of scholarship students
 1419 developed pursuant to s. 216.136(4)(a).

1420 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1421 (b) Payment of the scholarship by the eligible nonprofit
 1422 scholarship-funding organization shall be ~~by individual warrant~~
 1423 ~~made payable to the student's parent or~~ by funds transfer,
 1424 including, but not limited to, debit cards, electronic payment
 1425 cards, or any other means of payment that the department deems

1426 to be commercially viable or cost-effective. ~~If the payment is~~
1427 ~~made by warrant, the warrant must be delivered by the eligible~~
1428 ~~nonprofit scholarship-funding organization to the private school~~
1429 ~~of the parent's choice, and the parent shall restrictively~~
1430 ~~endorse the warrant to the private school.~~ An eligible nonprofit
1431 scholarship-funding organization shall ensure ~~that the parent to~~
1432 ~~whom the warrant is made restrictively endorsed the warrant to~~
1433 ~~the private school for deposit into the account of the private~~
1434 ~~school or~~ that the parent has approved a funds transfer before
1435 any scholarship funds are deposited.

1436 (e) An eligible nonprofit scholarship-funding organization
1437 may not transfer any funds to an account of a student determined
1438 eligible under this section which has a balance in excess of
1439 \$24,000.

1440 (f) A scholarship awarded to an eligible student shall
1441 remain in force until:

1442 1. The organization determines that the student is not
1443 eligible for program renewal;

1444 2. The Commissioner of Education suspends or revokes
1445 program participation or use of funds;

1446 3. The student's parent has forfeited participation in the
1447 program for failure to comply with subsection (7);

1448 4. The student enrolls in a public school. However, if a
1449 student enters a Department of Juvenile Justice detention center
1450 for a period of no more than 21 days, the student is not

1451 considered to have returned to a public school on a full-time
 1452 basis for that purpose; or

1453 5. The student graduates from high school or attains 21
 1454 years of age, whichever occurs first.

1455 (g) Reimbursements for program expenditures may continue
 1456 until the account balance is expended or remaining funds have
 1457 reverted to the state.

1458 (h) A student's scholarship account must be closed and any
 1459 remaining funds shall revert to the state after:

1460 1. Denial or revocation of program eligibility by the
 1461 commissioner for fraud or abuse, including, but not limited to,
 1462 the student or student's parent accepting any payment, refund,
 1463 or rebate, in any manner, from a provider of any services
 1464 received pursuant to paragraph (6)(d); or

1465 2. Two consecutive fiscal years in which an account has
 1466 been inactive.

1467 (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
 1468 APPLICATION.—In order to participate in the scholarship program
 1469 created under this section, a charitable organization that seeks
 1470 to be a nonprofit scholarship-funding organization must submit
 1471 an application for initial approval or renewal to the Office of
 1472 Independent Education and Parental Choice. The office shall
 1473 provide at least two application periods in which charitable
 1474 organizations may apply to participate in the program ~~no later~~
 1475 ~~than September 1 of each year before the school year for which~~

1476 ~~the organization intends to offer scholarships.~~
 1477 (a) An application for initial approval must include:
 1478 1. A copy of the organization's incorporation documents
 1479 and registration with the Division of Corporations of the
 1480 Department of State.
 1481 2. A copy of the organization's Internal Revenue Service
 1482 determination letter as a s. 501(c)(3) not-for-profit
 1483 organization.
 1484 3. A description of the organization's financial plan that
 1485 demonstrates sufficient funds to operate throughout the school
 1486 year.
 1487 4. A description of the geographic region that the
 1488 organization intends to serve and an analysis of the demand and
 1489 unmet need for eligible students in that area.
 1490 5. The organization's organizational chart.
 1491 6. A description of the criteria and methodology that the
 1492 organization will use to evaluate scholarship eligibility.
 1493 7. A description of the application process, including
 1494 deadlines and any associated fees.
 1495 8. A description of the deadlines for attendance
 1496 verification and scholarship payments.
 1497 9. A copy of the organization's policies on conflict of
 1498 interest and whistleblowers.
 1499 10. A copy of a surety bond or letter of credit to secure
 1500 the faithful performance of the obligations of the eligible

1501 nonprofit scholarship-funding organization in accordance with
 1502 this section in an amount equal to 25 percent of the scholarship
 1503 funds anticipated for each school year or \$100,000, whichever is
 1504 greater. The surety bond or letter of credit must specify that
 1505 any claim against the bond or letter of credit may be made only
 1506 by an eligible nonprofit scholarship-funding organization to
 1507 provide scholarships to and on behalf of students who would have
 1508 had scholarships funded if it were not for the diversion of
 1509 funds giving rise to the claim against the bond or letter of
 1510 credit.

1511 (b) In addition to the information required by
 1512 subparagraphs (a)1.-9., an application for renewal must include:

1513 1. A surety bond or letter of credit to secure the
 1514 faithful performance of the obligations of the eligible
 1515 nonprofit scholarship-funding organization in accordance with
 1516 this section equal to the amount of undisbursed donations held
 1517 by the organization based on the annual report submitted
 1518 pursuant to paragraph (6) (m). The amount of the surety bond or
 1519 letter of credit must be at least \$100,000, but not more than
 1520 \$25 million. The surety bond or letter of credit must specify
 1521 that any claim against the bond or letter of credit may be made
 1522 only by an eligible nonprofit scholarship-funding organization
 1523 to provide scholarships to and on behalf of students who would
 1524 have had scholarships funded if it were not for the diversion of
 1525 funds giving rise to the claim against the bond or letter of

1526 credit.

1527 2. The organization's completed Internal Revenue Service

1528 Form 990 submitted no later than November 30 of the year before

1529 the school year that the organization intends to offer the

1530 scholarships, notwithstanding the department's ~~September 1~~

1531 application deadline.

1532 3. A copy of the statutorily required audit to the

1533 Department of Education and Auditor General.

1534 4. An annual report that includes:

1535 a. The number of students who completed applications, by

1536 county and by grade.

1537 b. The number of students who were approved for

1538 scholarships, by county and by grade.

1539 c. The number of students who received funding for

1540 scholarships within each funding category, by county and by

1541 grade.

1542 d. The amount of funds received, the amount of funds

1543 distributed in scholarships, and an accounting of remaining

1544 funds and the obligation of those funds.

1545 e. A detailed accounting of how the organization spent the

1546 administrative funds allowable under paragraph (6) (j).

1547 (c) In consultation with the Department of Revenue and the

1548 Chief Financial Officer, the Office of Independent Education and

1549 Parental Choice shall review the application. The Department of

1550 Education shall notify the organization in writing of any

1551 deficiencies within 30 days after receipt of the application and
1552 allow the organization 30 days to correct any deficiencies.

1553 (d) Within 30 days after receipt of the finalized
1554 application by the Office of Independent Education and Parental
1555 Choice, the Commissioner of Education shall recommend approval
1556 or disapproval of the application to the State Board of
1557 Education. The State Board of Education shall consider the
1558 application and recommendation at the next scheduled meeting,
1559 adhering to appropriate meeting notice requirements. If the
1560 State Board of Education disapproves the organization's
1561 application, it shall provide the organization with a written
1562 explanation of that determination. The State Board of
1563 Education's action is not subject to chapter 120.

1564 (e) If the State Board of Education disapproves the
1565 renewal of a nonprofit scholarship-funding organization, the
1566 organization must notify the affected eligible students and
1567 parents of the decision within 15 days after disapproval. An
1568 eligible student affected by the disapproval of an
1569 organization's participation remains eligible under this section
1570 until the end of the school year in which the organization was
1571 disapproved. The student must apply and be accepted by another
1572 eligible nonprofit scholarship-funding organization for the
1573 upcoming school year. The student shall be given priority in
1574 accordance with paragraph (6)(f).

1575 (f) All remaining funds held by a nonprofit scholarship-

1576 funding organization that is disapproved for participation must
1577 be transferred to other eligible nonprofit scholarship-funding
1578 organizations to provide scholarships for eligible students. All
1579 transferred funds must be deposited by each eligible nonprofit
1580 scholarship-funding organization receiving such funds into its
1581 scholarship account. All transferred amounts received by any
1582 eligible nonprofit scholarship-funding organization must be
1583 separately disclosed in the annual financial audit required
1584 under subsection (6).

1585 (g) A nonprofit scholarship-funding organization is a
1586 renewing organization if it maintains continuous approval and
1587 participation in the program. An organization that chooses not
1588 to participate for 1 year or more or is disapproved to
1589 participate for 1 year or more must submit an application for
1590 initial approval in order to participate in the program again.

1591 (h) The State Board of Education shall adopt rules
1592 providing guidelines for receiving, reviewing, and approving
1593 applications for new and renewing nonprofit scholarship-funding
1594 organizations. The rules must include a process for compiling
1595 input and recommendations from the Chief Financial Officer, the
1596 Department of Revenue, and the Department of Education. The
1597 rules must also require that the nonprofit scholarship-funding
1598 organization make a brief presentation to assist the State Board
1599 of Education in its decision.

1600 (i) A state university; or an independent college or

1601 university which is eligible to participate in the William L.
 1602 Boyd, IV, Effective Access to Student Education Grant Program,
 1603 located and chartered in this state, is not for profit, and is
 1604 accredited by the Commission on Colleges of the Southern
 1605 Association of Colleges and Schools, is exempt from the initial
 1606 or renewal application process, but must file a registration
 1607 notice with the Department of Education to be an eligible
 1608 nonprofit scholarship-funding organization. The State Board of
 1609 Education shall adopt rules that identify the procedure for
 1610 filing the registration notice with the department. The rules
 1611 must identify appropriate reporting requirements for fiscal,
 1612 programmatic, and performance accountability purposes consistent
 1613 with this section, but shall not exceed the requirements for
 1614 eligible nonprofit scholarship-funding organizations for
 1615 charitable organizations.

1616 Section 6. Paragraphs (e) and (f) of subsection (2) of
 1617 section 1002.40, Florida Statutes, are amended to read:

1618 1002.40 The Hope Scholarship Program.—

1619 (2) DEFINITIONS.—As used in this section, the term:

1620 (e) "Eligible nonprofit scholarship-funding organization"
 1621 or "organization" has the same meaning as provided in s.
 1622 1002.395(2) ~~s. 1002.395(2)(f)~~.

1623 (f) "Eligible private school" has the same meaning as
 1624 provided in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.

1625 Section 7. Subsection (1) of section 1002.421, Florida

1626 Statutes, is amended to read:

1627 1002.421 State school choice scholarship program
1628 accountability and oversight.—

1629 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
1630 school participating in an educational scholarship program
1631 established pursuant to this chapter must be a private school as
1632 defined in s. 1002.01 ~~s. 1002.01(2)~~ in this state, be
1633 registered, and be in compliance with all requirements of this
1634 section in addition to private school requirements outlined in
1635 s. 1002.42, specific requirements identified within respective
1636 scholarship program laws, and other provisions of Florida law
1637 that apply to private schools, and must:

1638 (a) Comply with the antidiscrimination provisions of 42
1639 U.S.C. s. 2000d.

1640 (b) Notify the department of its intent to participate in
1641 a scholarship program.

1642 (c) Notify the department of any change in the school's
1643 name, school director, mailing address, or physical location
1644 within 15 days after the change.

1645 (d) Provide to the department or scholarship-funding
1646 organization all documentation required for a student's
1647 participation, including the private school's and student's
1648 individual fee schedule, and attendance verification as required
1649 by the department or scholarship-funding organization, prior to
1650 scholarship payment.

1651 (e) Annually complete and submit to the department a
 1652 notarized scholarship compliance statement certifying that all
 1653 school employees and contracted personnel with direct student
 1654 contact have undergone background screening pursuant to s.
 1655 435.12 and have met the screening standards as provided in s.
 1656 435.04.

1657 (f) Demonstrate fiscal soundness and accountability by:
 1658 1. Being in operation for at least 3 school years or
 1659 obtaining a surety bond or letter of credit for the amount equal
 1660 to the scholarship funds for any quarter and filing the surety
 1661 bond or letter of credit with the department.

1662 2. Requiring the parent of each scholarship student to
 1663 personally restrictively endorse the scholarship warrant to the
 1664 school or to approve a funds transfer before any funds are
 1665 deposited for a student. The school may not act as attorney in
 1666 fact for the parent of a scholarship student under the authority
 1667 of a power of attorney executed by such parent, or under any
 1668 other authority, to endorse a scholarship warrant or approve a
 1669 funds transfer on behalf of such parent.

1670 (g) Meet applicable state and local health, safety, and
 1671 welfare laws, codes, and rules, including:

- 1672 1. Firesafety.
- 1673 2. Building safety.

1674 (h) Employ or contract with teachers who hold
 1675 baccalaureate or higher degrees, have at least 3 years of

1676 teaching experience in public or private schools, or have
 1677 special skills, knowledge, or expertise that qualifies them to
 1678 provide instruction in subjects taught.

1679 (i) Maintain a physical location in the state at which
 1680 each student has regular and direct contact with teachers.

1681 (j) Publish on the school's website, or provide in a
 1682 written format, information for parents regarding the school,
 1683 including, but not limited to, programs, services, and the
 1684 qualifications of classroom teachers.

1685 (k) At a minimum, provide the parent of each scholarship
 1686 student with a written explanation of the student's progress on
 1687 a quarterly basis.

1688 (l) Cooperate with a student whose parent chooses to
 1689 participate in the statewide assessments pursuant to s. 1008.22.

1690 (m) Require each employee and contracted personnel with
 1691 direct student contact, upon employment or engagement to provide
 1692 services, to undergo a state and national background screening,
 1693 pursuant to s. 943.0542, by electronically filing with the
 1694 Department of Law Enforcement a complete set of fingerprints
 1695 taken by an authorized law enforcement agency or an employee of
 1696 the private school, a school district, or a private company who
 1697 is trained to take fingerprints and deny employment to or
 1698 terminate an employee if he or she fails to meet the screening
 1699 standards under s. 435.04. Results of the screening shall be
 1700 provided to the participating private school. For purposes of

1701 | this paragraph:

1702 | 1. An "employee or contracted personnel with direct
1703 | student contact" means any employee or contracted personnel who
1704 | has unsupervised access to a scholarship student for whom the
1705 | private school is responsible.

1706 | 2. The costs of fingerprinting and the background check
1707 | shall not be borne by the state.

1708 | 3. Continued employment of an employee or contracted
1709 | personnel after notification that he or she has failed the
1710 | background screening under this paragraph shall cause a private
1711 | school to be ineligible for participation in a scholarship
1712 | program.

1713 | 4. An employee or contracted personnel holding a valid
1714 | Florida teaching certificate who has been fingerprinted pursuant
1715 | to s. 1012.32 is not required to comply with the provisions of
1716 | this paragraph.

1717 | 5. All fingerprints submitted to the Department of Law
1718 | Enforcement as required by this section shall be retained by the
1719 | Department of Law Enforcement in a manner provided by rule and
1720 | entered in the statewide automated biometric identification
1721 | system authorized by s. 943.05(2)(b). Such fingerprints shall
1722 | thereafter be available for all purposes and uses authorized for
1723 | arrest fingerprints entered in the statewide automated biometric
1724 | identification system pursuant to s. 943.051.

1725 | 6. The Department of Law Enforcement shall search all

1726 arrest fingerprints received under s. 943.051 against the
1727 fingerprints retained in the statewide automated biometric
1728 identification system under subparagraph 5. Any arrest record
1729 that is identified with the retained fingerprints of a person
1730 subject to the background screening under this section shall be
1731 reported to the employing school with which the person is
1732 affiliated. Each private school participating in a scholarship
1733 program is required to participate in this search process by
1734 informing the Department of Law Enforcement of any change in the
1735 employment or contractual status of its personnel whose
1736 fingerprints are retained under subparagraph 5. The Department
1737 of Law Enforcement shall adopt a rule setting the amount of the
1738 annual fee to be imposed upon each private school for performing
1739 these searches and establishing the procedures for the retention
1740 of private school employee and contracted personnel fingerprints
1741 and the dissemination of search results. The fee may be borne by
1742 the private school or the person fingerprinted.

1743 7. Employees and contracted personnel whose fingerprints
1744 are not retained by the Department of Law Enforcement under
1745 subparagraphs 5. and 6. are required to be refingerprinted and
1746 must meet state and national background screening requirements
1747 upon reemployment or reengagement to provide services in order
1748 to comply with the requirements of this section.

1749 8. Every 5 years following employment or engagement to
1750 provide services with a private school, employees or contracted

1751 personnel required to be screened under this section must meet
 1752 screening standards under s. 435.04, at which time the private
 1753 school shall request the Department of Law Enforcement to
 1754 forward the fingerprints to the Federal Bureau of Investigation
 1755 for national processing. If the fingerprints of employees or
 1756 contracted personnel are not retained by the Department of Law
 1757 Enforcement under subparagraph 5., employees and contracted
 1758 personnel must electronically file a complete set of
 1759 fingerprints with the Department of Law Enforcement. Upon
 1760 submission of fingerprints for this purpose, the private school
 1761 shall request that the Department of Law Enforcement forward the
 1762 fingerprints to the Federal Bureau of Investigation for national
 1763 processing, and the fingerprints shall be retained by the
 1764 Department of Law Enforcement under subparagraph 5.

1765 (n) Adopt policies establishing standards of ethical
 1766 conduct for educational support employees, instructional
 1767 personnel, and school administrators. The policies must require
 1768 all educational support employees, instructional personnel, and
 1769 school administrators, as defined in s. 1012.01, to complete
 1770 training on the standards; establish the duty of educational
 1771 support employees, instructional personnel, and school
 1772 administrators to report, and procedures for reporting, alleged
 1773 misconduct by other educational support employees, instructional
 1774 personnel, and school administrators which affects the health,
 1775 safety, or welfare of a student; and include an explanation of

1776 the liability protections provided under ss. 39.203 and 768.095.
1777 A private school, or any of its employees, may not enter into a
1778 confidentiality agreement regarding terminated or dismissed
1779 educational support employees, instructional personnel, or
1780 school administrators, or employees, personnel, or
1781 administrators who resign in lieu of termination, based in whole
1782 or in part on misconduct that affects the health, safety, or
1783 welfare of a student, and may not provide the employees,
1784 personnel, or administrators with employment references or
1785 discuss the employees', personnel's, or administrators'
1786 performance with prospective employers in another educational
1787 setting, without disclosing the employees', personnel's, or
1788 administrators' misconduct. Any part of an agreement or contract
1789 that has the purpose or effect of concealing misconduct by
1790 educational support employees, instructional personnel, or
1791 school administrators which affects the health, safety, or
1792 welfare of a student is void, is contrary to public policy, and
1793 may not be enforced.

1794 (o) Before employing a person in any position that
1795 requires direct contact with students, conduct employment
1796 history checks of previous employers, screen the person through
1797 use of the screening tools described in s. 1001.10(5), and
1798 document the findings. If unable to contact a previous employer,
1799 the private school must document efforts to contact the
1800 employer. The private school may not employ a person whose

1801 educator certificate is revoked, who is barred from reapplying
 1802 for an educator certificate, or who is on the disqualification
 1803 list maintained by the department pursuant to s. 1001.10(4)(b).

1804 (p) Require each owner or operator of the private school,
 1805 prior to employment or engagement to provide services, to
 1806 undergo level 2 background screening as provided under chapter
 1807 435. For purposes of this paragraph, the term "owner or
 1808 operator" means an owner, operator, superintendent, or principal
 1809 of, or a person with equivalent decisionmaking authority over, a
 1810 private school participating in a scholarship program
 1811 established pursuant to this chapter. The fingerprints for the
 1812 background screening must be electronically submitted to the
 1813 Department of Law Enforcement and may be taken by an authorized
 1814 law enforcement agency or a private company who is trained to
 1815 take fingerprints. However, the complete set of fingerprints of
 1816 an owner or operator may not be taken by the owner or operator.
 1817 The owner or operator shall provide a copy of the results of the
 1818 state and national criminal history check to the Department of
 1819 Education. The cost of the background screening may be borne by
 1820 the owner or operator.

1821 1. Every 5 years following employment or engagement to
 1822 provide services, each owner or operator must meet level 2
 1823 screening standards as described in s. 435.04, at which time the
 1824 owner or operator shall request the Department of Law
 1825 Enforcement to forward the fingerprints to the Federal Bureau of

1826 Investigation for level 2 screening. If the fingerprints of an
1827 owner or operator are not retained by the Department of Law
1828 Enforcement under subparagraph 2., the owner or operator must
1829 electronically file a complete set of fingerprints with the
1830 Department of Law Enforcement. Upon submission of fingerprints
1831 for this purpose, the owner or operator shall request that the
1832 Department of Law Enforcement forward the fingerprints to the
1833 Federal Bureau of Investigation for level 2 screening, and the
1834 fingerprints shall be retained by the Department of Law
1835 Enforcement under subparagraph 2.

1836 2. Fingerprints submitted to the Department of Law
1837 Enforcement as required by this paragraph must be retained by
1838 the Department of Law Enforcement in a manner approved by rule
1839 and entered in the statewide automated biometric identification
1840 system authorized by s. 943.05(2)(b). The fingerprints must
1841 thereafter be available for all purposes and uses authorized for
1842 arrest fingerprints entered in the statewide automated biometric
1843 identification system pursuant to s. 943.051.

1844 3. The Department of Law Enforcement shall search all
1845 arrest fingerprints received under s. 943.051 against the
1846 fingerprints retained in the statewide automated biometric
1847 identification system under subparagraph 2. Any arrest record
1848 that is identified with an owner's or operator's fingerprints
1849 must be reported to the owner or operator, who must report to
1850 the Department of Education. Any costs associated with the

1851 search shall be borne by the owner or operator.

1852 4. An owner or operator who fails the level 2 background
1853 screening is not eligible to participate in a scholarship
1854 program under this chapter.

1855 5. In addition to the offenses listed in s. 435.04, a
1856 person required to undergo background screening pursuant to this
1857 part or authorizing statutes may not have an arrest awaiting
1858 final disposition for, must not have been found guilty of, or
1859 entered a plea of nolo contendere to, regardless of
1860 adjudication, and must not have been adjudicated delinquent for,
1861 and the record must not have been sealed or expunged for, any of
1862 the following offenses or any similar offense of another
1863 jurisdiction:

1864 a. Any authorizing statutes, if the offense was a felony.

1865 b. This chapter, if the offense was a felony.

1866 c. Section 409.920, relating to Medicaid provider fraud.

1867 d. Section 409.9201, relating to Medicaid fraud.

1868 e. Section 741.28, relating to domestic violence.

1869 f. Section 817.034, relating to fraudulent acts through
1870 mail, wire, radio, electromagnetic, photoelectronic, or
1871 photooptical systems.

1872 g. Section 817.234, relating to false and fraudulent
1873 insurance claims.

1874 h. Section 817.505, relating to patient brokering.

1875 i. Section 817.568, relating to criminal use of personal

1876 identification information.

1877 j. Section 817.60, relating to obtaining a credit card
1878 through fraudulent means.

1879 k. Section 817.61, relating to fraudulent use of credit
1880 cards, if the offense was a felony.

1881 l. Section 831.01, relating to forgery.

1882 m. Section 831.02, relating to uttering forged
1883 instruments.

1884 n. Section 831.07, relating to forging bank bills, checks,
1885 drafts, or promissory notes.

1886 o. Section 831.09, relating to uttering forged bank bills,
1887 checks, drafts, or promissory notes.

1888 p. Section 831.30, relating to fraud in obtaining
1889 medicinal drugs.

1890 q. Section 831.31, relating to the sale, manufacture,
1891 delivery, or possession with the intent to sell, manufacture, or
1892 deliver any counterfeit controlled substance, if the offense was
1893 a felony.

1894 6. At least 30 calendar days before a transfer of
1895 ownership of a private school, the owner or operator shall
1896 notify the parent of each scholarship student.

1897 7. The owner or operator of a private school that has been
1898 deemed ineligible to participate in a scholarship program
1899 pursuant to this chapter may not transfer ownership or
1900 management authority of the school to a relative in order to

1901 participate in a scholarship program as the same school or a new
 1902 school. For purposes of this subparagraph, the term "relative"
 1903 means father, mother, son, daughter, grandfather, grandmother,
 1904 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
 1905 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
 1906 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
 1907 stepdaughter, stepbrother, stepsister, half-brother, or half-
 1908 sister.

1909 (q) Provide a report from an independent certified public
 1910 accountant who performs the agreed-upon procedures developed
 1911 pursuant to s. 1002.395(6)(o) if the private school receives
 1912 more than \$250,000 in funds from scholarships awarded under this
 1913 chapter in a state fiscal year. A private school subject to this
 1914 subsection must annually submit the report by September 15 to
 1915 the scholarship-funding organization that awarded the majority
 1916 of the school's scholarship funds. However, a school that
 1917 receives more than \$250,000 in scholarship funds only through
 1918 the John M. McKay Scholarship for Students with Disabilities
 1919 Program pursuant to s. 1002.39 must submit the annual report by
 1920 September 15 to the department. The agreed-upon procedures must
 1921 be conducted in accordance with attestation standards
 1922 established by the American Institute of Certified Public
 1923 Accountants.

1924 (r) Prohibit education support employees, instructional
 1925 personnel, and school administrators from employment in any

1926 | position that requires direct contact with students if the
 1927 | personnel or administrators are ineligible for such employment
 1928 | pursuant to this section or s. 1012.315, or have been terminated
 1929 | or have resigned in lieu of termination for sexual misconduct
 1930 | with a student. If the prohibited conduct occurs subsequent to
 1931 | employment, the private school must report the person and the
 1932 | disqualifying circumstances to the department for inclusion on
 1933 | the disqualification list maintained pursuant to s.
 1934 | 1001.10 (4) (b).

1935 |
 1936 | The department shall suspend the payment of funds to a private
 1937 | school that knowingly fails to comply with this subsection, and
 1938 | shall prohibit the school from enrolling new scholarship
 1939 | students, for 1 fiscal year and until the school complies. If a
 1940 | private school fails to meet the requirements of this subsection
 1941 | or has consecutive years of material exceptions listed in the
 1942 | report required under paragraph (q), the commissioner may
 1943 | determine that the private school is ineligible to participate
 1944 | in a scholarship program.

1945 | Section 8. Section 1002.44, Florida Statutes, is created
 1946 | to read:

1947 | 1002.44 Part-time public school enrollment.—

1948 | (1) Any public school in this state, including a charter
 1949 | school, may enroll a student who meets the regular school
 1950 | attendance criteria in s. 1003.01(13)(b)-(e) on a part-time

1951 basis, subject to space and availability according to the
 1952 school's capacity determined pursuant to s. 1002.31(2)(b).

1953 (2) A student attending a public school on a part-time
 1954 basis pursuant to this section shall generate full-time
 1955 equivalent student membership as described in s. 1011.61(1)(b).

1956 (3) A student attending a public school on a part-time
 1957 basis pursuant to this section is not considered to be in
 1958 regular attendance at a public school as defined in s.
 1959 1003.01(13)(a).

1960 Section 9. Paragraphs (d) and (e) of subsection (13) of
 1961 section 1003.01, Florida Statutes, are amended, and paragraph
 1962 (f) is added to that subsection, to read:

1963 1003.01 Definitions.—As used in this chapter, the term:

1964 (13) "Regular school attendance" means the actual
 1965 attendance of a student during the school day as defined by law
 1966 and rules of the State Board of Education. Regular attendance
 1967 within the intent of s. 1003.21 may be achieved by attendance
 1968 in:

1969 (d) A home education program that meets the requirements
 1970 of chapter 1002; ~~or~~

1971 (e) A private tutoring program that meets the requirements
 1972 of chapter 1002; or

1973 (f) A personalized education program that meets the
 1974 requirements of s. 1002.395.

1975 Section 10. Paragraph (c) of subsection (2) of section

1976 | 1003.27, Florida Statutes, is amended to read:

1977 | 1003.27 Court procedure and penalties.—The court procedure
1978 | and penalties for the enforcement of the provisions of this
1979 | part, relating to compulsory school attendance, shall be as
1980 | follows:

1981 | (2) NONENROLLMENT AND NONATTENDANCE CASES.—

1982 | (c) Each designee of the governing body of each private
1983 | school and each parent whose child is enrolled in a home
1984 | education program or personalized education program may provide
1985 | the Department of Highway Safety and Motor Vehicles with the
1986 | legal name, sex, date of birth, and social security number of
1987 | each minor student under his or her jurisdiction who fails to
1988 | satisfy relevant attendance requirements and who fails to
1989 | otherwise satisfy the requirements of s. 322.091. The Department
1990 | of Highway Safety and Motor Vehicles may not issue a driver
1991 | license or learner's driver license to, and shall suspend any
1992 | previously issued driver license or learner's driver license of,
1993 | any such minor student pursuant to s. 322.091.

1994 | Section 11. Subsections (3) and (5) of section 1009.30,
1995 | Florida Statutes, are amended to read:

1996 | 1009.30 Dual Enrollment Scholarship Program.—

1997 | (3)(a) The program shall reimburse eligible postsecondary
1998 | institutions for tuition and related instructional materials
1999 | costs for dual enrollment courses taken during the fall or
2000 | spring terms by eligible students, consisting of:

2001 1. Private school students who take dual enrollment
 2002 courses pursuant to s. 1007.271(24) (b); ~~or~~

2003 2. Home education program secondary students; or

2004 3. Personalized education program secondary students.

2005 (b) ~~Beginning in the 2022 summer term,~~ The program shall
 2006 reimburse institutions for tuition and related instructional
 2007 materials costs for dual enrollment courses taken by public
 2008 school, private school, ~~or~~ home education program secondary
 2009 students, or personalized education program secondary students
 2010 during the summer term.

2011 (5) Each participating institution must report to the
 2012 department any ~~eligible~~ secondary students eligible pursuant to
 2013 subsection (3) ~~from private schools or home education programs~~
 2014 who were enrolled during the fall or spring terms within 30 days
 2015 after the end of regular registration. Each participating
 2016 institution must report to the department any secondary students
 2017 eligible pursuant to subsection (3) ~~public school, private~~
 2018 ~~school, or home education program students~~ who were enrolled
 2019 during the summer term within 30 days after the end of regular
 2020 registration. For each dual enrollment course in which the
 2021 student is enrolled, the report must include a unique student
 2022 identifier, the postsecondary institution name, the
 2023 postsecondary course number, and the postsecondary course name.
 2024 The department shall reimburse each participating institution no
 2025 later than 30 days after the institution has reported enrollment

2026 | for that term.

2027 | Section 12. This act shall take effect July 1, 2023.