



PreK-12 Appropriations Subcommittee

Wednesday, January 17, 2024
8:00AM – 10:00AM
Morris Hall (17HOB)

MEETING PACKET

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

PreK-12 Appropriations Subcommittee

Start Date and Time: Wednesday, January 17, 2024 08:00 am
End Date and Time: Wednesday, January 17, 2024 10:00 am
Location: Morris Hall (17 HOB)
Duration: 2.00 hrs

Consideration of the following proposed committee substitute(s):

PCS for HB 929 -- School Readiness Program

Consideration of the following bill(s):

HB 1361 Education by Temple
CS/HB 1403 School Choice by Choice & Innovation Subcommittee, Tomkow

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at www.myfloridahouse.gov.

NOTICE FINALIZED on 01/12/2024 4:05PM by DAD

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 929 School Readiness Program

SPONSOR(S): PreK-12 Appropriations Subcommittee

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Appropriations Subcommittee		Bailey	Potvin

SUMMARY ANALYSIS

Established in 1999, the School Readiness program provides subsidies for child care services and early childhood education for children from low-income families as defined in statute; children in protective services who are at risk of abuse, neglect, abandonment, or homelessness; foster children; and children with disabilities.

The bill revises the definition of the term “economically disadvantaged” as used for the School Readiness program from having a family income that does not exceed 150 percent of the federal poverty level (FPL) to having a family income that does not exceed 55 percent of the state median income (SMI). This change will increase the number of children eligible for the School Readiness program.

The bill revises requirements for the sliding fee scale for families receiving School Readiness program services to include a new method to calculate parent co-payments at the time of eligibility determination and annually thereafter, regardless of the number of children.

The bill requires each early learning coalition (ELC) to use cost-of-care information collected by the Department of Education (DOE) when distributing the School Readiness program funds to eligible providers.

The bill revises a data element that the DOE is required to collect and report related to ELC delivery of early learning programs to align with the bill’s revised definition of “economically disadvantaged”. The bill also revises the report’s implementation date to July 1, 2025.

The bill requires the principals of the Early Learning Programs Estimating Conference to publish official cost-of-care information based on actual school readiness direct services program expenditures and information provided to the DOE pursuant to s. 1002.895(6), F.S., by June 1, 2024.

The bill specifies that beginning in Fiscal Year 2024-2025 and annually thereafter, the Early Learning Programs Estimating Conference must update the cost-of-care information based on any updates to the actual school readiness direct services program expenditures and information provided to the DOE pursuant to s. 1002.895(6), F.S.

For Fiscal Year 2024-2025, the bill provides the following two appropriations and places both in reserve:

- \$75,384,882 in nonrecurring funds from the Child Care and Development Block Grant Trust Fund to the DOE for the costs associated with the change of the income eligibility requirement to 55 percent of the SMI; and
- \$100 million in nonrecurring funds from the Child Care and Development Block Grant Trust Fund for the costs associated with the implementation of provider reimbursement rates based on the cost-of-care information.

Except as otherwise expressly provided, the bill takes effect July 1, 2024.

FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcs0929.PKA

DATE: 1/12/2024

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Established in 1999,¹ the School Readiness program provides subsidies for child care services and early childhood education for children from low-income families; children in protective services who are at risk of abuse, neglect, abandonment, or homelessness; foster children; and children with disabilities.² Additionally, the program provides developmental screening and referrals to health and education specialists where needed. These services are provided in conjunction with other programs for young children such as Head Start, Early Head Start, Migrant Head Start, Child Care Resource and Referral, and the Voluntary Prekindergarten Education (VPK) Program.³

The School Readiness program is a state-federal partnership between the DOE and the Office of Child Care of the United States Department of Health and Human Services.⁴ It is administered by the ELCs at the county or regional level.⁵ The DOE's Division of Early Learning (DEL) is the lead administrator of the program at the state level, including statewide coordination of the ELCs.⁶

Present Situation

School Readiness Program Eligibility

Federal regulations governing the Child Care and Development Block Grant Fund (CCDF),⁷ the primary funding source for the School Readiness program, authorize states to use grant funds for child care services if:

- the child is under 13 years of age or, at the state's option, under age 19 if the child is physically or mentally incapable of caring for himself or herself or under court supervision;
- the child's family income does not exceed 85 percent of the SMI for a family of the same size; and
- the child:
 - resides with a parent or parents who work or attend job training or educational programs; or
 - receives, or needs to receive, protective services.⁸

Within these broad federal eligibility categories, Florida law specifies that ELCs must admit children into the School Readiness program according to the following priorities:

- **First priority** is a child under 13 years of age from a family that includes a parent who is receiving temporary cash assistance and subject to federal work requirements⁹ or the parent

¹ Section 1, Ch. 99-357, Laws of Fla.

² Sections 1002.81 and 1002.87, F.S.

³ Florida Department of Education (DOE), Division of Early Learning (DEL), *What is School Readiness (SR)?*, <https://www.fldoe.org/schools/early-learning/parents/school-readiness.stml> (last visited Jan. 11, 2024).

⁴ Section 1002.82(1), F.S. *See also* U.S. Department of Health and Human Services, Office of Child Care (OCC), *OCC Fact Sheet*, <https://www.acf.hhs.gov/occ/comms-fact-sheet/occ-fact-sheet> (last visited Jan. 11, 2024).

⁵ Section 1002.83(1), F.S.

⁶ Section 1002.82, F.S., *See also* DOE, DEL, *What is School Readiness (SR)?*, <https://www.fldoe.org/schools/early-learning/parents/school-readiness.stml> (last visited Jan. 11, 2024).

⁷ 45 C.F.R. parts 98 and 99.

⁸ 45 C.F.R. s. 98.20(a). Florida does not provide school readiness funding for children 13-18 years of age who are physically or mentally incapable of self-care or under court supervision. *See* DOE, DEL, *Child Care and Development Fund (CCDF) Plan for Florida FFY 2022-2024*, at 83, available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2022-2024-CCDF-State-Plan.pdf> [hereinafter *CCDF State Plan*].

⁹ Section 445.024(2), F.S. Recipients of assistance under a state's Temporary Assistance for Needy Families Block Grant must meet federal work requirements. These work requirements require a state to meet or exceed minimum rates of recipients participating in "work activities," e.g., employment, education, job search, community service, and vocational training. 42 U.S.C. s. 607(a)-(d). Under Florida law, the maximum number of hours a recipient of subsidized child care, who is not otherwise exempt from work activity, may be required to work is 40 hours per week.

has an Intensive Service Account or an Individual Training Account under Florida's workforce one-stop delivery system.¹⁰

- **Second priority** is a child under the age of 9 who is at-risk.¹¹
- **Subsequent priority is based on a local ELC's assessment based on the needs of families and provider capacity for the following:**
 - A child, from birth to the beginning of the school year for which the child is eligible for kindergarten, from a working family that is economically disadvantaged¹² and may include such a child's eligible siblings who are eligible to enter kindergarten through the summer before sixth grade, provided that the ELC uses local revenues first.
 - A child of a parent who transitions from the work program into employment from birth through the summer before kindergarten.
 - An at-risk child, ages 9 – younger than 13. Such a child is given priority over other children if his or her sibling is enrolled in the School Readiness program under eligibility priorities 1 or 2 or the first bullet point of this section.
 - A child younger than 13 years of age from a working family that is economically disadvantaged.
 - A child younger than 13 years of age whose parent transitions from the work program into employment.
 - A child who is not younger than 3 years of age who has been determined eligible as a student with a disability and has a current individual education plan with a Florida school district. Such a child is eligible until he or she is old enough for kindergarten admission.
 - An eligible child who is also concurrently enrolled in the Head Start program and the VPK Program.¹³

“Economically disadvantaged” means having a family income that does not exceed 150 percent of the FPL and includes being a child of a working migratory family as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.¹⁴

Eligibility for the program must be reevaluated annually. Upon reevaluation, a child may not continue to receive School Readiness program services if he or she has ceased to be eligible. A child who is ineligible due to a parent's job loss or cessation of education or job training will continue to receive School Readiness program services for at least three months to enable the parent to obtain employment or resume education or job training.¹⁵

School Readiness Program Funding

Overview

Florida's School Readiness program funding is derived from four sources:

- The CCDF¹⁶
- The Temporary Assistance for Needy Families (TANF) Block Grant¹⁷
- The Social Services Block Grant (SSBG)¹⁸

¹⁰ See s. 445.009, F.S.

¹¹ Section 1002.81(1), F.S. The definition of an “at-risk child” includes, among other things, a child who is considered homeless or who may be experiencing abuse, neglect, abandonment, or exploitation.

¹² Section 1002.81(6), F.S.

¹³ Section 1002.87(1), F.S.

¹⁴ Section 1002.81(6), F.S. This definition is consistent with the requirements of 45 C.F.R. parts 98 and 99.

¹⁵ Section 1002.87(6), F.S.

¹⁶ A major purpose of the CCDF is to allow states to develop child care programs and policies that best suit the needs of children and parents. 45 C.F.R. s. 98.1.

¹⁷ Part A of Title IV of the Social Security Act, as codified in 42 U.S.C. ss. 601, et seq. The Temporary Assistance for Needy Families program provides states and territories with flexibility in operating programs designed to help low-income families with children to achieve economic self-sufficiency. USHHS, *Temporary Assistance for Needy Families (TANF)*.

¹⁸ Through the SSBG states provide essential social services that help achieve a myriad of goals to reduce dependency and promote self-sufficiency; protect children and adults from neglect, abuse and exploitation; and help individuals who are unable to take care of

- State General Revenue.¹⁹

The following chart shows the Fiscal Year 2023-2024 funding for Florida’s School Readiness program:

Funding Source	Amount
CCDF	\$874.2 million
TANF	\$94.1 million
SSBG	\$500,000
General Revenue	\$144.6 million

The School Readiness program funds are distributed to the ELCs based upon an allocation methodology established in statute.²⁰

Overview

School Readiness program funding for eligible providers comes primarily from reimbursements from the ELC and tuition payments by participating families.²¹ Each ELC reimburses participating providers with appropriated funds for each eligible child, either through child care certificates provided by parents or through contracted slots.²² The reimbursement and co-payment amounts are determined locally by ELCs, subject to approval by the DOE. Any additional amount a parent must pay is based on the difference between the provider’s tuition rate and the sum of the reimbursement rate and required parent co-payment. Reimbursement amounts vary based on provider type and level of care, and co-payments are determined using a sliding fee scale.²³

Parent Sliding Fee - Co-payment

Each ELC must assess a co-payment for each child that participates in the School Readiness program. The co-payment is determined using a sliding scale so that participating families have equitable access to child care.²⁴ Each sliding fee scale must be approved by the DOE, which reviews the scale to determine whether it reflects annually released income limits, has an effective date no later than July 1 of that year, and that co-payments do not exceed 10 percent of a family’s income, regardless of the number of children in care. If the co-payment does exceed 10 percent, the ELC must justify that the co-payment is affordable in order for the scale to be approved by the DOE.²⁵ The co-payment may not be equal to or greater than the provider’s private pay rate.²⁶ Co-payments may also be waived on a case-by-case basis for an at-risk child or temporarily waived for a child whose family’s income is at or below the federal poverty level or whose family experiences a natural disaster or other event specified in law.²⁷

There is currently a proposed rule change by the federal HHS to establish a new federal benchmark for affordable family co-payments of seven percent of family income and to allow lead agencies more flexibility to waive co-payments for vulnerable families.²⁸

themselves to stay in their homes or to find the best institutional arrangements. USHHS, Social Services Block Grant Program, <https://www.acf.hhs.gov/ocs/programs/ssbg> (last visited January 12, 2024).

¹⁹ The Florida Department of Education, *School Readiness Funding Allocation Methodology: Report and Recommendations* (Oct. 1, 2019).

²⁰ Section 1002.89(1), F.S.

²¹ See ss. 1002.84(9) and 1002.89, F.S.; Specific Appropriation 77, s. 2, Ch. 2023-239, Laws of Fla.

²² See Rule 6M-4.500(1), F.A.C.

²³ See Rule 6M-4.400(1), F.A.C. The federal government has a proposed rule change that family co-payments cannot be more than seven percent of a family’s income; however, it does allow lead agencies to waive co-payments for certain families. See 45 C.F.R. 98.

²⁴ Rule 6M-4.400(1), F.A.C.

²⁵ *Id.*

²⁶ Rule 6M-4.400(2)(d), F.A.C.

²⁷ Section 1002.84(9), F.S.; Rule 6M-4.400(6), F.A.C.

²⁸ See Improving Child Care Access, Affordability, and Stability of the Child Care Development Fund, 88 Fed. Reg. 45,022 (July 13, 2023) (To be codified in 45 CFR Part 98).

Distribution Methodology

For purposes of distributing the School Readiness program funds to the eligible providers, each ELC is required to adopt a payment schedule that encompasses all eligible programs and that takes into consideration the prevailing market rates or an alternative model that has been approved by the Administration for Children and Families pursuant to 45 C.F.R. s. 98.45(c), to include the projected number of children to be served.²⁹

In 2022, the Legislature established a new distribution methodology for the ELCs to allocate School Readiness program funds to eligible providers; this methodology requires the utilization of the cost-of-care information.³⁰ The distribution methodology is as follows:

- For each county in the ELC, the cost-of-care by care level is multiplied by the county's comparable wage factor provided in s. 1011.62(2), F.S. For counties with an ordinance enacted prior to January 1, 2022, that establishes a staff-to-children ratio for licensed child care facilities below the ratio established by rules of the Department of Children and Families, the provider reimbursement rate is adjusted as specified in the General Appropriations Act.
- The minimum provider reimbursement rate by care level for each provider type is then adjusted by the weight established by the Early Learning Programs Estimating Conference.
- The weighted provider reimbursement rate is then multiplied by 22 percent to calculate the amount an ELC is eligible to retain for any combination of administrative costs, quality activities, and nondirect services.³¹
- Each eligible provider must receive the minimum provider reimbursement rate, by provider type and care level, regardless of the provider's private pay rate.³²

Cost-of-Care Information

Current law establishes the Early Learning Programs Estimating Conference (conference) to develop, as needed to support the state planning, budgeting, and appropriations processes, estimates and forecasts of the unduplicated count of children eligible for the School Readiness program in accordance with the standards of eligibility established in s. 1002.87, F.S., and of children eligible for the VPK program in accordance with s. 1002.53(2), F.S.³³

In 2022, the Legislature required the principals of the conference to develop official cost-of-care information based on actual school readiness direct services program expenditures and information provided pursuant to s. 1002.895, F.S. Conference principals must agree on the cost-of-child care by care level and provider type, the provider type weights, and the methods of computation. The DOE must provide the conference principals with all requested and necessary data to develop such information. The data may include a matrix by early learning coalition of any full-time equivalent changes made by the DEL as part of its administration of the School Readiness program. The conference must provide the official cost-of-care information to the Legislature at least 90 days before the scheduled annual legislative session.³⁴

The last conference for the School Readiness program was held on November 8, 2004.³⁵

Data Collection and Reporting

In order to participate in the School Readiness program, each ELC must biennially submit a school readiness plan to the DOE for approval.³⁶ The plan must include, but is not limited to:

²⁹ Section 1002.84(17), F.S.

³⁰ See Ch. 2022-154, Laws of Fla.

³¹ Section 1002.89(4), F.S.

³² Sections 1002.84(17) and 1002.89(1)(a), F.S.

³³ Section 216.136(8), F.S.

³⁴ Section 1002.90, F.S. See Ch. 2022-154, Laws of Fla.

³⁵ See Office of Economic & Demographic Research, *Consensus Estimating Conferences*, <http://edr.state.fl.us/Content/conferences/index.cfm> (last visited January 11, 2024).

³⁶ Section 1002.85(2), F.S.

- The ELC’s operations, including its membership and articles of incorporation and bylaws, if applicable.
- The minimum number of children to be served by care level.
- The procedures for implementing program requirements such as single point of entry, uniform waiting list, eligibility and enrollment processes and local eligibility priorities, parent access and choice, sliding fee scale, payment rate, use of preassessments and postassessments, as applicable, and the use of contracted slots based on the ELC’s assessment of local priorities.
- A detailed description of the ELC’s quality activities and services, including resource and referral and school-age child care, infant and toddler early learning, inclusive early learning programs, and quality improvement strategies that strengthen teaching practices and increase child outcomes.
- A detailed budget outlining the estimated expenditures for state, federal, and local matching funds.
- A detailed accounting of all revenues and expenditures during the previous state fiscal year.
- Updated policies and procedures governing procurement, maintenance of tangible personal property, maintenance of records, information technology security, and disbursement controls.
- A description of the procedures for monitoring School Readiness program providers, including in response to a parental complaint, to determine that standards are met using a standard monitoring tool adopted by the DOE.
- Documentation that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.
- An assessment of local priorities within the county or multicounty region based on the needs of families and provider capacity using available community data.³⁷

The DOE is required to collect and report data on ELC delivery of early learning programs. Elements must include, but are not limited to, measures related to progress towards reducing the number of children on the waiting list, the percentage of children served by the program as compared to the number of administrative staff and overhead, the percentage of children served compared to total number of children under the age of 5 years below 150 percent of the FPL, provider payment processes, fraud intervention, child attendance and stability, use of child care resource and referral, and kindergarten readiness outcomes for children in the VPK Program or the School Readiness program upon entry into kindergarten. The DOE must request input from the ELCs and School Readiness program providers before finalizing the format and data to be used. The results of the report must be included in the annual report under s. 1002.82, F.S.³⁸

Effect of Proposed Changes

The bill revises the definition of “economically disadvantaged” as used for the School Readiness program from having a family income that does not exceed 150 percent of the FPL to having a family income that does not exceed 55 percent of the SMI. This change will increase the eligible School Readiness program children by an estimated 10,131.08.

The bill requires each ELC to implement a parent sliding fee scale that provides for the calculation of a parent co-payment at the time of the eligibility determination and for an annual eligibility redetermination thereafter, which increases in percentage with a parent’s income, regardless of the number of children, as follows:

- A parent whose income is at or below 60 percent of the SMI is responsible for a co-payment of 3 percent of his or her income.
- A parent whose income is above 60 percent but at or below 65 percent of the SMI is responsible for a co-payment of 4 percent of his or her income.
- A parent whose income is above 65 percent but at or below 75 percent of the SMI is responsible for a co-payment of 5 percent of his or her income.
- A parent whose income is above 75 percent but at or below 80 percent of the SMI is responsible for a co-payment of 6 percent of his or her income.

³⁷ *Id.*

³⁸ Section 1002.85(5), F.S.

- A parent whose income is above 80 percent but at or below 85 percent of the SMI is responsible for a co-payment of 7 percent of his or her income.
- For a child receiving part-time care, the parent co-payment is 50 percent of the amount calculated above.

The bill requires each ELC to use cost-of-care information collected by the DOE when distributing School Readiness program funds to eligible providers.

The bill revises a data element that the DOE is required to collect and report related to the ELC delivery of early learning programs to align with the bill's revised definition of "economically disadvantaged" as having a family income that does not exceed 55 percent of the SMI. The bill also revises the report's implementation date to July 1, 2025.

The bill requires the principals of the conference to publish official cost-of-care information based on actual school readiness direct services program expenditures and information provided to the DOE pursuant to s. 1002.895(6), F.S. by June 1, 2024.

The bill specifies that beginning in Fiscal Year 2024-2025 and annually thereafter, the conference must update the cost-of-care information based on any updates to the actual school readiness direct services program expenditures and information provided to the DOE pursuant to s. 1002.895(6), F.S.

Furthermore, for Fiscal Year 2024-2025, the bill appropriates to the DOE from the Child Care and Development Block Grant Trust Fund and places in reserve:

- \$75,384,882 in nonrecurring funds for the costs associated with the change of the income eligibility requirement to 55 percent of the SMI as provided in the bill. The DOE is authorized to submit budget amendments requesting the release of funds pursuant to chapter 216, F.S., with release contingent upon the submission of an allocation plan in accordance with the requirements of s. 1002.89(1), F.S.
- \$100 million in nonrecurring funds for allocation to the ELCs in accordance with s. 1002.84(17), F.S. The DOE is authorized to submit budget amendments requesting the release of funds pursuant to chapter 216, F.S., with release contingent upon the submission of an allocation plan that is developed by the DOE in collaboration with the ELCs.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 1002.81, F.S., revising the definition of the term "economically disadvantaged".
- Section 2:** Amends s. 1002.84, F.S., revising requirements for the sliding fee scale for families receiving school readiness program services; requiring each ELC to use certain information collected by the DOE.
- Section 3:** Amends s. 1002.85, F.S., revising requirements for the data elements that must be collected and reported by the DOE; revising the date by which the report must be implemented.
- Section 4:** Amends s. 1002.90, F.S., requiring certain data to be used when establishing cost-of-care for school readiness.
- Section 5:** Providing an appropriation.
- Section 6:** Providing an appropriation.
- Section 7:** Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$75,384,882 in nonrecurring funds from the Child Care and Development Block Grant Trust Fund for the costs associated with the change of the income eligibility requirement to 55 percent of the SMI. This estimated amount is based on the Fiscal Year 2022-2023 number of School Readiness program full-time equivalent (FTE) children and ELC reimbursement rates which is the most recently available data.³⁹ It is estimated that the \$75,384,882 will fund an additional 10,131.08 FTE as follows:

Care Level	Number of School Readiness FTE
Infant	459.26
Toddler	1,229.31
2 Year Old	1,700.28
Preschool 3	1,887.59
Preschool 4	1,780.34
Preschool 5	749.00
School Age	2,317.19
Special Needs	8.11

The bill appropriates \$100 million in nonrecurring funds from the Child Care and Development Block Grant Trust Fund for allocation to the ELCs in accordance with the distribution methodology established in s. 1002.84(17), F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Based upon the alignment of the provider reimbursement rates to the cost-of-care, for some ELCs and their eligible providers there may be an increase in funding for eligible School Readiness program children.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide any additional rulemaking authority; however, rules adopted under existing authority will need to be amended to conform with the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to the school readiness program;
 3 amending s. 1002.81, F.S.; revising the definition of
 4 the term "economically disadvantaged"; amending s.
 5 1002.84, F.S.; revising requirements for the sliding
 6 fee scale for families receiving school readiness
 7 program services to include a new method to calculate
 8 parent copayments at the time of eligibility
 9 determination and annually thereafter, regardless of
 10 the number of children; requiring certain information
 11 collected by the Department of Education to be used
 12 for a specified purposes until certain information is
 13 published; amending s. 1002.85, F.S.; revising
 14 requirements for the data elements that must be
 15 collected and reported by the department; revising the
 16 date by which the report must be implemented; amending
 17 s. 1002.90, F.S.; requiring official cost-of-care
 18 information to be published by the Early Learning
 19 Programs Estimating Conference by a specified date;
 20 requiring certain data to be used when establishing
 21 cost-of-care information for the school readiness
 22 program; providing appropriations; providing effective
 23 dates.

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

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Section 1. Subsection (6) of section 1002.81, Florida Statutes, is amended to read:

1002.81 Definitions.—Consistent with the requirements of 45 C.F.R. parts 98 and 99 and as used in this part, the term:

(6) "Economically disadvantaged" means having a family income that does not exceed 55 percent of the state median income ~~150 percent of the federal poverty level~~ and includes being a child of a working migratory family as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.

Section 2. Subsection (9) and paragraph (a) of subsection (17) of section 1002.84, Florida Statutes, are amended to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(9) Implement ~~Establish~~ a parent sliding fee scale that provides for the calculation of a parent copayment at the time of the eligibility determination and for an annual eligibility redetermination thereafter, which increases in percentage with a parent's income, regardless of the number of children, as follows:

(a) A parent whose income is at or below 60 percent of the state median income is responsible for a copayment of 3 percent

51 of his or her income.

52 (b) A parent whose income is above 60 percent but at or
 53 below 65 percent of the state median income is responsible for a
 54 copayment of 4 percent of his or her income.

55 (c) A parent whose income is above 65 percent but at or
 56 below 75 percent of the state median income is responsible for a
 57 copayment of 5 percent of his or her income.

58 (d) A parent whose income is above 75 percent but at or
 59 below 80 percent of the state median income is responsible for a
 60 copayment of 6 percent of his or her income.

61 (e) A parent whose income is above 80 percent but at or
 62 below 85 percent of the state median income is responsible for a
 63 copayment of 7 percent of his or her income.

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 65 The parent copayment for a child who receives part-time care is
 66 50 percent of the copayment amount calculated in paragraphs (a)-
 67 (e) that is not a barrier to families receiving school readiness
 68 program services. A coalition may waive the copayment for an at-
 69 risk child or temporarily waive the copayment for a child whose
 70 family's income is at or below the federal poverty level or
 71 whose family experiences a natural disaster or an event that
 72 limits the parent's ability to pay, such as incarceration,
 73 placement in residential treatment, or becoming homeless, or an
 74 emergency situation such as a household fire or burglary, or
 75 while the parent is participating in parenting classes or

76 participating in an Early Head Start program or Head Start
 77 Program. A parent may not transfer school readiness program
 78 services to another school readiness program provider until the
 79 parent has submitted documentation from the current school
 80 readiness program provider to the early learning coalition
 81 stating that the parent has satisfactorily fulfilled the
 82 copayment obligation.

83 (17) (a) Distribute the school readiness program funds as
 84 allocated in the General Appropriations Act to the eligible
 85 providers using the following methodology:

86 1. For each county in the early learning coalition,
 87 multiply the cost of care by care level as provided in s.
 88 1002.90 by the county's comparable wage factor provided in s.
 89 1011.62(2). Cost-of-care information collected by the Department
 90 of Education shall be used to implement the requirements of this
 91 subsection until the official cost-of-care information is
 92 published pursuant to s. 1002.90.

93 2. If a county enacted a local ordinance before January 1,
 94 2022, that establishes the county's staff-to-children ratio for
 95 licensed child care facilities below the ratio established in s.
 96 402.305(4), multiply the provider reimbursement rates for that
 97 county by the adjustment factor specified in the General
 98 Appropriations Act.

99 3. Apply the weight established pursuant to s. 1002.90 for
 100 each provider type to calculate the minimum provider

101 reimbursement rates by care level.

102 4. Multiply the weighted provider reimbursement rates by
 103 22 percent to determine the amount of the school readiness
 104 allocation an early learning coalition is eligible to retain
 105 pursuant to s. 1002.89(4).

106
 107 Each early learning coalition with approved minimum provider
 108 reimbursement rates for the infant to age 5 care levels that are
 109 higher than the minimum provider reimbursement rates established
 110 in this subsection may continue to implement its approved
 111 minimum provider reimbursement rates until the rates established
 112 in this subsection exceed its approved rates.

113 Section 3. Subsection (5) of section 1002.85, Florida
 114 Statutes, is amended to read:

115 1002.85 Early learning coalition plans.—

116 (5) The department shall collect and report data on
 117 coalition delivery of early learning programs. Data elements
 118 must ~~shall~~ include, but are not limited to, measures related to
 119 progress toward ~~towards~~ reducing the number of children on the
 120 waiting list, the percentage of children served by the program
 121 as compared to the number of administrative staff and overhead,
 122 the percentage of children served compared to the total number
 123 of children younger than ~~under~~ the age of 5 years whose family
 124 income is below 55 percent of the state median income ~~150~~
 125 ~~percent of the federal poverty level, provider payment~~

126 processes, fraud intervention, child attendance and stability,
 127 use of child care resource and referral, and kindergarten
 128 readiness outcomes for children in the Voluntary Prekindergarten
 129 Education Program or the school readiness program upon entry
 130 into kindergarten. The department shall request input from the
 131 coalitions and school readiness program providers before
 132 finalizing the format and data to be used. The report must ~~shall~~
 133 be implemented beginning July 1, 2025 ~~2014~~, and results of the
 134 report must be included in the annual report under s. 1002.82.

135 Section 4. Effective upon this act becoming a law, section
 136 1002.90, Florida Statutes, is amended to read:

137 1002.90 School readiness cost-of-care information.—

138 (1) ~~Annually,~~ The principals of the Early Learning
 139 Programs Estimating Conference established in s. 216.136(8)
 140 shall publish by June 1, 2024, ~~develop~~ official cost-of-care
 141 information based on actual school readiness direct services
 142 program expenditures and information provided to the Department
 143 of Education pursuant to s. 1002.895(6) ~~s. 1002.895~~. Conference
 144 principals shall agree on the cost of child care by care level
 145 and provider type, the provider type weights, and the methods of
 146 computation. The department shall provide the conference
 147 principals with all requested and necessary data to develop such
 148 information. The data may include a matrix by early learning
 149 coalition of any full-time equivalent changes made by the
 150 Division of Early Learning as part of its administration of the

151 school readiness program.

152 (2) Beginning in the 2024-2025 fiscal year and annually
153 thereafter, the Early Learning Programs Estimating Conference
154 shall update the official cost-of-care information based on any
155 updates to the actual school readiness direct services program
156 expenditures and information provided to the Department of
157 Education pursuant to s. 1002.895(6). The conference shall
158 provide the official cost-of-care information to the Legislature
159 at least 90 days before the scheduled annual legislative
160 session.

161 Section 5. For the 2024-2025 fiscal year, the sum of
162 \$75,384,882 in nonrecurring funds is appropriated from the Child
163 Care and Development Block Grant Trust Fund to the Department of
164 Education for the costs associated with the change of the income
165 eligibility requirement for the school readiness program to 55
166 percent of the state median income as provided by this act.
167 These funds shall be placed in reserve. The department is
168 authorized to submit budget amendments requesting the release of
169 the funds pursuant to chapter 216, Florida Statutes. Release of
170 the funds is contingent upon the submission of an allocation
171 plan in accordance with the requirements of s. 1002.89(1),
172 Florida Statutes.

173 Section 6. For the 2024-2025 fiscal year, the sum of \$100
174 million in nonrecurring funds is appropriated from the Child
175 Care and Development Block Grant Trust Fund to the Department of

176 | Education for allocation to the early learning coalitions in
177 | accordance with s. 1002.84(17), Florida Statutes. These funds
178 | shall be placed in reserve. The department is authorized to
179 | submit budget amendments requesting the release of the funds
180 | pursuant to chapter 216, Florida Statutes. Release of the funds
181 | is contingent upon the submission of an allocation plan
182 | developed by the department in collaboration with the early
183 | learning coalitions.

184 | Section 7. Except as otherwise expressly provided in this
185 | act and except for this section, which shall take effect upon
186 | this act becoming a law, this act shall take effect July 1,
187 | 2024.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: PreK-12 Appropriations
2 Subcommittee

3 Representative Tomkow offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 134 and 135, insert:

7 Section 4. Paragraph (a) of subsection (1) of section
8 1002.89, Florida Statutes, is amended to read:

9 1002.89 School readiness program; funding.—

10 (1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL
11 READINESS PROGRAM FUNDING.—Funding for the school readiness
12 program shall be used by the early learning coalitions in
13 accordance with this part and the General Appropriations Act.

14 (a) School readiness program allocation.—If the annual
15 allocation for the school readiness program is not determined in
16 the General Appropriations Act or the substantive bill

PCS for HB 929 a1

Published On: 1/16/2024 1:43:03 PM

Amendment No. 1

17 implementing the General Appropriations Act, it must ~~shall~~ be
18 determined based on a calculation that considers, at a minimum,
19 full-time equivalent program enrollment estimates per care
20 level, approved cost of care developed in accordance with s.
21 1002.90, and the total school readiness eligible population as
22 adopted by the Early Learning Programs Estimating Conference
23 pursuant to s. 216.136(8).~~as follows:~~

24 ~~1. For each county in the early learning coalition, the~~
25 ~~total school readiness eligible population, as adopted by the~~
26 ~~Early Learning Programs Estimating Conference pursuant to s.~~
27 ~~216.136(8), shall be multiplied by the county's comparable wage~~
28 ~~factor provided in s. 1011.62(2).~~

29 ~~2. If a county passed a local ordinance before January 1,~~
30 ~~2022, that establishes the county's staff-to-children ratio for~~
31 ~~licensed child care facilities below the ratio established in s.~~
32 ~~402.305(4), multiply the product calculated in subparagraph 1.~~
33 ~~by the adjustment factor specified in the General Appropriations~~
34 ~~Act.~~

35 ~~3. Each county's school readiness allocation shall be~~
36 ~~based on the county's proportionate share of the total adjusted~~
37 ~~eligible school readiness population.~~

38
39 -----
40 **T I T L E A M E N D M E N T**

41 Between lines 16 and 17, insert:

PCS for HB 929 a1

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 929 (2024)

Amendment No. 1

42 | s. 1002.89, F.S.; revising the school readiness program
43 | allocation under certain circumstances; amending

PCS for HB 929 a1

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1361 Education
SPONSOR(S): Temple
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	18 Y, 0 N	Dixon	Sanchez
2) PreK-12 Appropriations Subcommittee		Bailey	Potvin
3) Education & Employment Committee			

SUMMARY ANALYSIS

The bill expands the eligibility for the New Worlds Scholarship to include students enrolled in a Voluntary Prekindergarten (VPK) Program, who exhibit substantial deficiencies in early literacy or math skills based upon the results of the most recent progress monitoring assessment. The bill requires school districts and VPK program providers to notify parents of eligible students of the process to request and receive a scholarship. In addition, the bill expands the credentials for eligible part-time tutors.

The bill repeals individualized reimbursements and requires parents, of scholarship eligible students, to utilize the administrator's system to make direct purchases of qualifying program expenditures.

The bill renames the "New Worlds Reading Initiative" to the "New Worlds Learning Initiative" (NWLI); expands the purpose of the initiative to include improving mathematics skills of students in prekindergarten through grade 12; and designates the University of Florida (UF) Lastinger Center for Learning as the administrator.

The bill renames the "micro-credential program" to the "New Worlds micro-credential program" and expands the program to include evidence-based professional learning activities that utilize best practices for mathematics instruction.

The bill creates the New Worlds Tutoring program within the NWLI, to support school districts and schools in improving student achievement in reading and mathematics and requires the program administrator to establish agreements with every school district to provide additional literacy or mathematics support to prekindergarten to grade 12 students enrolled in public school who meet certain requirements. Additionally, the bill requires the administrator to provide districts with best practice science of reading guidelines; technical assistance; professional learning recommendations; assistance in reviewing tutoring programs, professional learning programs, curriculum, and resources; and to provide an annual report summarizing district use of program funds and academic student outcomes.

The bill requires the Department of Education (DOE) to provide the program administrator with progress monitoring data for eligible students within 30 days of the close of each progress monitoring period.

The bill renames the "New Worlds Reading Initiative Tax Credits" to the "New Worlds Learning Initiative Tax Credits".

The bill expands existing requirements to provide results from the first two administrations of the progress monitoring to a student's teacher and parents, by also requiring results be delivered to prekindergarten student instructors.

The bill would have an indeterminate fiscal impact. See Fiscal Analysis.

The bill has an effective date of July 1, 2024.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1361b.PKA

DATE: 1/16/2024

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

New Worlds Reading Initiative (NWRI)

In 2021, the Legislature created the New Worlds Reading Initiative (NWRI), Florida's first statewide book distribution program. The purpose of the NWRI is to instill a love of reading by providing high-quality, free books to students in prekindergarten through grade 5 who are reading below grade level and to improve the literacy skills of students in prekindergarten through grade 12.¹ This initiative, established under the DOE, consists of:²

- the program providing high quality, free books to students;
- New Worlds Scholarship Program;³
- the New Worlds Scholar program,⁴ which rewards high school students who instill a love of reading and improve the literacy skills of students in kindergarten through grade 3; and
- the micro-credential program,⁵ which emphasizes strong core instruction and a tiered model of reading interventions for struggling readers.

To facilitate the NWRI, the DOE designated the UF Lastinger Center for Learning as the administrator,⁶ also serving as the nonprofit scholarship-funding organization (SFO).⁷ Among other responsibilities, the administrator is responsible for:⁸

- Developing, in consultation with the Just Read, Florida! Office, a selection of high-quality books encompassing diverse subjects and genres for each grade level to be mailed to students in the initiative and an online repository of digital science of reading materials and science of reading instructional resources that is accessible to public school teachers, school leaders, parents, and educator preparation programs and associated faculty.
- Distributing books at no cost to students either directly or through an agreement with a book distribution company.
- Assisting with local implementation of the NWRI by providing marketing materials to school districts and any partnering nonprofit organizations to assist with public awareness campaigns and other activities designed to increase family engagement and instill a love of reading in students.
- Maintaining a clearinghouse for information on national, state, and local nonprofit organizations that support efforts to improve literacy and provide books to children.
- Developing, for parents of students in the NWRI, resources and training materials that engage families in reading and support the reading achievement of their students.
- Providing professional development and resources to teachers that correlate with the books provided through the initiative.
- Developing and administering an early literacy micro-credential program for teachers.
- Submitting to the DOE an annual financial report that includes, at a minimum, the amount of eligible contributions received by the administrator; the amount spent on each activity,

¹ Section 1003.485(2), F.S.

² Section 1003.485(2)(a)-(d), F.S.

³ See section 1002.411, F.S.; The New Worlds Scholarship program consists of scholarship accounts that are established to provide educational options for students.

⁴ See section 1008.365(8), F.S.

⁵ See section 1008.365, F.S.

⁶ Rule 6A-6.0532, F.A.C.; see also s. 1003.485(1)(a), F.S. Administrator means a state university registered with the department and designated to administer the initiative by implementing the NWRI and to receive funding as provided in s. 1003.485, F.S.

⁷ See ss. 1002.394(11) and 1002.395(6) and (15), F.S.

⁸ Section 1003.485(4), F.S.

including administrative expenses; and the number of students and households served under the initiative.

- Maintaining separate accounts for operating funds and funds for the purchase and delivery of books.
- Expending eligible contributions received only for the purchase and delivery of books and to implement the requirements for NWRI, as well as for administrative expenses not to exceed two percent of total eligible contributions.
- Upon receipt of a contribution, providing the taxpayer that made the contribution with a certificate of contribution.

The DOE, in addition to designating the UF Lastinger Center for Learning to administer the NWRI, must also publish information about the NWRI and tax credits⁹ available for the NWRI¹⁰ on its website,¹¹ including the process for a taxpayer to select the administrator as the recipient of funding through a tax credit.¹² Beginning September 30, 2022, and annually thereafter, the DOE must also report on its website the number of students participating in the initiative in each school district and the academic achievement and learning gains, as applicable, of participating students based on data provided by school districts as well as the administrator's annual financial report. The DOE is required to establish a date by which each school district must annually provide the data necessary to complete the report.¹³

In the 2022-2023 school year, the NWRI served a total of 199,765 K-5 students in approximately 148,707 households statewide. Over 3.7 million books have been shipped to students since the inception of the program in October 2021.¹⁴ Students enrolled in the program demonstrated significant gains, of up to 55 percent growth rates in reading achievement during the 2022-2023 school year.¹⁵

New Worlds Scholarship Accounts

In 2018, the Legislature established Reading Scholarship Accounts to provide educational options for public school students in grades 3 through 5 who struggle with reading.¹⁶ In 2022, the program was renamed the New Worlds Reading Scholarship Accounts Program and the Legislature expanded eligibility for the scholarship to include public school students in grades kindergarten through 5 who have a substantial reading deficiency.¹⁷ In 2023 the program was renamed the New Worlds Scholarship Accounts Program and was expanded to include public school students in grades kindergarten through 5 who have a substantial math deficiency.¹⁸

The New Worlds Scholarship Accounts are contingent upon available funds, and on a first-come, first-served basis. Each student who is enrolled in a Florida public school in kindergarten through grade 5 is eligible for a scholarship account if the student:¹⁹

⁹ See section 1002.395, F.S. and rule 6A-6.0960, F.A.C. The University of Florida Lastinger Center for Learning is a registered Scholarship Funding Organization (SFO) and accepts tax credit contributions to support the New Worlds Reading Initiative.

¹⁰ See section 1003.485(5), F.S. New Worlds Reading Initiative Tax Credits; Applications; Transfers and Limits.

¹¹ Florida Department of Education, *Florida Tax Credit Scholarships*, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/ftc/> (last visited Dec. 20, 2023) and Florida Department of Education, *New Worlds Scholarship Accounts*, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/reading/> (last visited Jan. 3, 2024).

¹² Section 1003.485(3)(a) and (b), F.S.

¹³ Section 1003.485(3)(c), F.S.

¹⁴ UF Lastinger Center for Learning, *NWRI 2022-2023 Annual Enrollment Report*, at 5 and 11, available at [New Worlds Reading 2022-2023 Annual Enrollment Report FINAL 9.29.23 \(fldoe.org\)](#), (last visited January 13, 2024).

¹⁵ *Id.* at 5.

¹⁶ Ch. 2018-6, Laws of Fla.

¹⁷ Ch. 2022-154, Laws of Fla.

¹⁸ Ch. 2023-108, Laws of Fla.

¹⁹ Section 1002.411(1)-(2), F.S.

- Has a substantial reading deficiency or exhibits characteristics of dyslexia²⁰ or scored below a Level 3 on the statewide, standardized English Language Arts (ELA) assessment in the prior school year. An eligible student who is classified as an English Language Learner and is enrolled in a program or receiving services that are specifically designed to meet the instructional needs of English Language Learner students shall receive priority.
- Has a substantial deficiency in mathematics or characteristics of dyscalculia²¹ or scored below a Level 3 on the statewide, standardized Mathematics assessment in the prior school year.

By September 30, school districts are required to notify the parent of each eligible student about the process to request and receive a scholarship, subject to available funds.²² To receive a scholarship account, parents of eligible students must:²³

- submit an application to an eligible nonprofit scholarship-funding organization by the deadline established by the organization; and
- submit eligible expenses to the eligible nonprofit scholarship-funding organization for reimbursement of qualifying expenditures.

Qualifying expenditures may include:²⁴

- instructional material;
- curriculum;
- tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate,²⁵ a person who holds a baccalaureate or graduate degree in the subject area, a person who holds an adjunct teaching certificate,²⁶ or a person who has demonstrated a mastery of subject area knowledge;²⁷
- fees for summer education programs designed to improve reading, literacy, or mathematics skills;
- fees for after-school educational programs designed to improve reading, literacy, or mathematics skills.

The amount of the New Worlds scholarship for an eligible student is specified in the General Appropriations Act (GAA)²⁸ and for the 2023-2024 fiscal year, the amount specified was \$500 for each eligible student.²⁹

The table below displays the history for enrollment figures for students who participated in the program.³⁰

²⁰ See s. 1008.25(5)(a), F.S.; see also Rule 6A-6.053(10)(a), F.A.C., specifying criteria for the determination that a student has a substantial deficiency in reading, including scoring the lowest level or benchmark on any assessment approved by the school district, scoring the lowest achievement level during a progress monitoring assessment approved by the school district, or demonstrating minimum skill levels in one or more areas of phonological awareness; phonics; vocabulary, including oral language skills; reading fluency; and reading comprehension.

²¹ See s. 1008.25(6)a, F.S.; see also Rule 6A-6.0533, F.A.C. for determining substantial math deficiency for students in kindergarten through grade 4.

²² Section 1002.411(6)(a), F.S.

²³ Section 1002.411(3)(a)1.-2., F.S.; see also, Florida Department of Education, Scholarship Funding Organizations, *Applications*, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/sfo/applications.shtml> (last visited Jan. 3, 2024).

²⁴ Section 1002.411(3)(a)2.a.-e., F.S.

²⁵ See s. 1012.56, F.S.

²⁶ See s. 1012.57, F.S.

²⁷ See s. 1012.56(5), F.S.

²⁸ Section 1002.411(7)(a), F.S.

²⁹ Specific Appropriation 97, s. 2, ch. 2023-239, Laws of Fla.

³⁰ Email, Step Up for Students, July 27, 2023 (on file with the House PreK-12 Appropriations Subcommittee).

School Year	Grades of Students Participating in program	Number of Students Participating in Scholarships Accounts
2018-2019	Grades 3-5	5,639
2019-2020	Grades 3-5	6,792
2020-2021	Grades 3-5	4,964
2021-2022	Grades 3-5	2,035
2022-2023	Grades K-5	12,464

One hundred percent of the funds appropriated for the New Worlds Scholarship Accounts are released to the DOE at the beginning of the first quarter of each fiscal year.³¹ Once an eligible nonprofit SFO notifies the DOE of a student’s eligibility for a scholarship, the DOE will release the student’s scholarship funds to the organization for deposit into the student’s account.³²

The SFO must provide scholarship payments at least quarterly.³³ The accrued interest in the student’s account is in addition to, and not part of, the awarded funds. Account funds include both the awarded funds and accrued interest.³⁴

The eligible SFO³⁵ may develop a system for payment of scholarship funds by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the DOE deems to be commercially viable or cost-effective. A student’s scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system will be procured by competitive solicitation unless they are purchased from a state term contract.³⁶

A student’s scholarship account must be closed, and any remaining funds must be sent back to the DOE after:³⁷

- denial or revocation of scholarship eligibility by the Commissioner of Education for fraud or abuse, including but not limited to, the student or student’s parent accepting any payment, refund, or rebate, in any manner, from a provider of any services; or
- three consecutive fiscal years in which an account has been inactive.

New Worlds Micro-Credential Program

Micro-credentials are a hybrid model of asynchronous, on-demand modules, and instructor-supported courses and practicum that equips birth to twelfth-grade instructional personnel to:³⁸

- Identify literacy difficulties and determine appropriate interventions.
- Apply evidence-based practices.
- Effectively use progress monitoring and intervention materials.

As the administrator for NWRI, the UF Lastinger Center is responsible for developing a micro-credential³⁹ that requires teachers to demonstrate competency to diagnose literacy difficulties and

³¹ Section 1002.411(7)(b), F.S.

³² Section 1002.411(7)(c), F.S.

³³ Section 1002.411(7)(f), F.S.

³⁴ Section 1002.411(7)(d), F.S.

³⁵ For the 2023-24 school year, Step Up For Students is the only Scholarship Funding Organization administering this scholarship program; see Florida Department of Education, *New Worlds Reading Scholarship Accounts*, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/reading/> (last visited Jan. 2, 2024).

³⁶ Section 1002.411(7)(e), F.S.

³⁷ Section 1002.411(7)(h), F.S.

³⁸ University of Florida, UF Lastinger Center for Learning, *Flamingo Literacy Micro-Credentials*, <https://lastinger.center.ufl.edu/work/literacy/flamingo-literacy/literacy-microcredentials/> (last visited Jan. 3, 2024).

³⁹ Section 1003.485(1)(g), F.S.; Micro-credential means evidence-based professional development activities grounded in the science of reading which are competency-based, personalized, and on-demands.

determine the appropriate range of literacy interventions based upon the age and literacy deficiency of the student; use evidence-based instructional and intervention practices grounded in the science of reading, including strategies identified by the Just Read, Florida!; and effectively use progress monitoring and intervention materials.⁴⁰

Additionally, the administrator must administer the early literacy micro-credential program, designed specifically for instructional personnel in prekindergarten through grade 3, which includes components on content, student learning, pedagogy, and professional development, built on a strong foundation of scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies.⁴¹ Micro credentials must also be available, at no cost, to:⁴²

- Instructional personal who are K-12 staff members and whose function includes the provision of direct instructional services to students.
- Prekindergarten instructors who instruct at a private or public voluntary prekindergarten education program.
- Child care personnel who are owners, operators, employees, and volunteers working in a child care facility.

In the 2023-2024 school year, the Division of Early Learning, in partnership with the UF Lastinger Center, established opportunities for instructional and child care personnel who work in a public or private early learning program to earn emergent⁴³ or elementary literacy micro-credentials. The elementary literacy micro-credentials provide high-quality, evidence-based online course content to build their literacy knowledge and skills to effectively support literacy learning for students, birth through grade 5. Each micro-credential consists of three 20-hour (60 hours total)⁴⁴ components.⁴⁵ Micro-credential completers may receive a completion stipend of up to \$2,000 if they meet stipend eligibility criteria.⁴⁶

New Worlds Reading Initiative Tax Credits

Under the NWRI, taxpayers can make private monetary contributions to the administrator of the initiative and receive a dollar-for-dollar credit against the following Florida taxes:

- corporate income tax;
- excise tax on liquor, wine, and malt beverages;
- gas and oil production tax;
- insurance premium tax; and,
- use tax due under a direct pay permit.⁴⁷

⁴⁰ Section 1003.485(h), F.S.

⁴¹ Section 1003.485(i), F.S.

⁴² Section 1003.485(i)3., F.S.

⁴³ The UF Lastinger Center for Learning's emergent literacy micro-credential prepares early learning instructional personnel and child care providers to support student outcomes for school readiness, identify literacy difficulties accurately, apply evidence-based practices, and engage in effective progress monitoring and intervention. University of Florida, UF Lastinger Center for Learning, Flamingo Literacy Micro-Credentials, <https://lastinger.center.ufl.edu/work/literacy/flamingo-literacy/literacy-microcredentials/> (last visited Jan. 3, 2024).

⁴⁴ Section 1003.485(i)2., F.S. The micro-credential must be competency based and designed for eligible instructional personnel to complete the credentialing process in no more than 60 hours.

⁴⁵ Florida Department of Education, *Professional Learning*, <https://www.fldoe.org/schools/early-learning/providers/pro-learning.shtml> (last visited Jan. 3, 2024). [hereinafter, NWRI Professional Learning]

⁴⁶ *Id.*

⁴⁷ Section 1003.485(5), F.S. Florida Department of Revenue, *New Worlds Reading Initiative-Tax Credit*, <https://floridarevenue.com/taxes/taxesfees/Pages/newworlds.aspx> (last visited Jan. 4, 2024). See also ss. 211.0252, 212.1833, 220.1876, 561.1212, and 624.51056, F.S.

Taxpayers who wish to participate must apply to the Department of Revenue for an allocation of tax credit.

Coordinated Screening and Progress Monitoring System

The recently procured statewide, standardized coordinated screening and progress monitoring system (system) measures student progress in the VPK program and public schools to identify the educational strengths and needs of students.⁴⁸ The system measures student progress in meeting the appropriate expectations in early literacy and mathematics skills and in ELA and mathematics standards.

To facilitate timely interventions and supports, the system must provide results from the first two administrations of the progress monitoring to a student's teacher within 1 week and to the student's parent within 2 weeks of the administration of the progress monitoring.⁴⁹

Science of Reading Literacy and Intervention Program

The Just Read Florida! Office is required to work with the Florida Center for Reading Research⁵⁰ to identify scientifically researched and evidence-based reading instructional and intervention programs grounded in the science of reading which incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies.⁵¹

To assist with the pursuit of evidence-based reading practices, in 2023, the Legislature appropriated \$16.0 million in nonrecurring funds from the General Revenue Fund for the Science of Reading Literacy and Tutoring Program. The funds are to be used to provide additional reading literacy support to students in kindergarten through grade 5 enrolled in a public school who either scored below Level 3 on the final English Language Arts (ELA) assessment in the prior year or who the district has determined through progress monitoring to be below grade level and in need of additional reading intervention.⁵²

Each school district received a minimum of \$150,000. The balance of the appropriation was allocated to districts that had more than 50 percent of third grade students score below Level 3 on the ELA assessment in the prior year. Each school district received their allocation by August 15, 2023.⁵³

School districts may use the funds for: stipends for tutors during the school day, before and after school, or a summer program; licenses for computerized or automated literacy tutoring that provides each student with the ability to read to the software and receive, in real time, tutoring interventions that are based in science of reading principles and individually tailored to the needs and ability of each student; professional development; or curriculum, resources, and materials necessary to implement explicit and systematic instructional strategies.

As of January 3, 2024, no funds have been disbursed to school districts.⁵⁴

Effect of Proposed Changes

New Worlds Reading Initiative

⁴⁸ Section 1008.25(9)(a)1., F.S.

⁴⁹ Section 1008.25(9)(c), F.S.

⁵⁰ Florida State University, Florida Center for Reading Research, <https://frr.org/> (last visited Dec. 20, 2023).

⁵¹ Section 1001.215(4), F.S.

⁵² Specific Appropriation 96, s. 2, ch. 2023-239, Laws of Fla.

⁵³ *Id.*

⁵⁴ Email, Department of Education (January 5, 2024) (On file in PreK-12 Appropriations Subcommittee).

The bill renames the NWRI to the “New Worlds Learning Initiative” (NWLI); expands the purpose of the initiative to include improving mathematics skills of students in prekindergarten through grade 12; and designates the University of Florida Lastinger Center for Learning as the administrator.

The bill requires the DOE to provide the program administrator with progress monitoring data for eligible prekindergarten to grade 12 students within 30 days of the close of each progress monitoring period, in an effort to create program efficiencies and better serve eligible students.

The bill requires that the annual financial report, submitted by the program administrator, also include the number of micro-credentials and reading endorsements earned, the number of school districts that participated in the New Worlds tutoring program, and the number of students and households served under each component of the NWLI.

The bill creates the New Worlds Tutoring program within the NWLI, to support school districts and schools in improving student achievement in reading and mathematics. The bill requires the program administrator to:

- Establish agreements with every school district to provide additional literacy or mathematics support to, at a minimum, prekindergarten to grade 12 students enrolled in public school who have a substantial deficiency in reading or mathematics in accordance with s. 1008.25, F.S.
- Provide best practice science of reading guidelines for districts in consultation with the Just Read, Florida! Office.
- Provide technical assistance and recommend professional learning to districts.
- Assist districts in reviewing tutoring programs, professional learning programs, curriculum, and resources to ensure they adhere to the science of reading or best practices in mathematics.
- Provide an annual report to the Legislature and the DOE summarizing district use of program funds and academic student outcomes.

The bill renames the “micro-credential program” to the “New Worlds micro-credential program” and expands the program to include evidence-based professional learning activities that utilize best practices for mathematics instruction. The current micro-credential program only includes activities grounded in the science of reading.

The bill renames the “New Worlds Reading Initiative Tax Credits” to the “New Worlds Learning Initiative Tax Credits”.

The bill replaces references to the term “professional development” with the term “professional learning”. This was a change made throughout the education code during the 2023 Legislative session.⁵⁵

The bill replaces references to the term “New Worlds Reading Initiative” with the term “New Worlds Learning Initiative”.

New Worlds Scholarship Accounts

To facilitate early intervention, the bill expands the eligibility for the New Worlds Scholarship to include students enrolled in a VPK program, through either a public or private provider, who exhibit substantial deficiencies in early literacy or math skills based on the results of the most recent progress monitoring assessment. VPK program students exhibiting substantial deficiencies in any of the three progress monitoring assessments would be eligible for the program.

In addition, the bill expands the credentials for eligible part-time tutors to include a person who holds a micro-credential under the NWRI; or for a prekindergarten student, by a person who holds a child development associate credential issued by the National Credentialing Program of the Council for

⁵⁵ Chapter 2023-39, Laws of Fla.
STORAGE NAME: h1361b.PKA
DATE: 1/16/2024

Professional Recognition or a credential approved by the Department of Children and Families; holds a bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science; or holds a bachelor's or higher degree in elementary education, if the prekindergarten instructor has been certified to teach children any age from birth through 6th grade.

The bill requires parents, of scholarship eligible students, to utilize the administrator's system to make direct purchases of qualifying program expenditures and repeals individualized reimbursements to increase the efficiency of the program.

The bill requires school districts and VPK program providers to notify parents of eligible students of the process to request and receive a scholarship, when providing results from the administration of each progress monitoring assessment.

The bill repeals outdated language that required the payment of the scholarships on a quarterly basis. The entire scholarship amount is placed in the student's account upon eligibility determination.

Coordinated Screening and Progress Monitoring System

The bill expands existing requirements to provide results from the first two administrations of the progress monitoring to a student's teacher and parents, by also requiring results be delivered to prekindergarten student instructors.

B. SECTION DIRECTORY:

Section 1: Amends s. 211.0252, F.S.; conforming provisions to changes made by the act.

Section 2: Amends s. 212.1833, F.S.; conforming provisions to changes made by the act.

Section 3: Amends s. 220.1876, F.S.; conforming provisions to changes made by the act.

Section 4: Amends s. 561.1212, F.S.; conforming provisions to changes made by the act.

Section 5: Amends s. 624.51056, F.S.; conforming provisions to changes made by the act.

Section 6: Amends s. 1002.411, F.S.; expanding eligibility for New Worlds Scholarship Accounts to certain students enrolled in the VPK program; revising program eligibility criteria; revising eligible expenses for students who have an account; requiring parents to use a specified system to make direct purchases if such system is available; providing that certain organizations are administrators for purposes of establishing scholarship accounts; revising school district and private prekindergarten provider notification requirements; authorizing certain organizations to develop a system for the direct purchase of qualifying expenditures; deleting provisions relating to fund transfers and certain payment methods; deleting a requirement for quarterly payments of scholarships.

Section 7: Amends s. 1003.485, F.S.; renaming the "New Worlds Reading Initiative" as the "New Worlds Learning Initiative"; providing that the University of Florida Lastinger Center for Learning is the administrator for the initiative; revising definitions; revising the requirements for the New Worlds micro-credential program; establishing the New Worlds tutoring program; deleting a requirement that the Department of Education designate an administrator for the initiative; requiring the department to provide specified data to the administrator within specified timeframes; authorizing the micro-credential curriculum to include certain best practices; requiring the administrator to include certain information in a specified annual report; requiring the administrator to administer the New Worlds

tutoring program; providing requirements for the administrator relating to such program; revising eligibility criteria for the New Worlds Learning Initiative; deleting obsolete language.

Section 8: Amends s. 1008.25, F.S.; making technical changes; requiring progress monitoring results to be provided to prekindergarten instructors within a specified timeframe.

Section 9: Establishes an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Although the fiscal impact is indeterminate, the number of scholarships awarded is based upon the availability of funds and on a first-come, first-served basis.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Section 16 of the Fiscal Year 2023-2024 GAA provides for the reversion of the unexpended balance of funds provided to the DOE for the New Worlds scholarship program and for these remaining funds to be appropriated for Fiscal Year 2023-2024 for the same purpose. A total of \$22.8 million was reverted and appropriated for Fiscal Year 2023-2024; added to the \$4 million in recurring general revenue funds brings the total for Fiscal Year 2023-2024 to \$26.8 million. As of January 13, 2024, a total of \$890,500 has been disbursed. If disbursements stay in this range, it is anticipated that there will be a balance of unexpended funds available for purposes of funding the scholarships in Fiscal Year 2024-2025.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to education; amending ss. 211.0252,
3 212.1833, 220.1876, 561.1212, and 624.51056, F.S.;
4 conforming provisions to changes made by the act;
5 amending s. 1002.411, F.S.; expanding eligibility for
6 New Worlds Scholarship Accounts to certain students
7 enrolled in the Voluntary Prekindergarten Education
8 Program; revising program eligibility criteria;
9 revising eligible expenses for students who have an
10 account; requiring parents to use a specified system
11 to make direct purchases if such system is available;
12 providing that certain organizations are
13 administrators for purposes of establishing
14 scholarship accounts; revising school district and
15 private prekindergarten provider notification
16 requirements; authorizing certain organizations to
17 develop a system for the direct purchase of qualifying
18 expenditures; deleting provisions relating to fund
19 transfers and certain payment methods; deleting a
20 requirement for quarterly payments of scholarships;
21 amending s. 1003.485, F.S.; renaming the "New Worlds
22 Reading Initiative" as the "New Worlds Learning
23 Initiative"; providing that the University of Florida
24 Lastinger Center for Learning is the administrator for
25 the initiative; revising definitions; revising the

26 requirements for the New Worlds micro-credential
 27 program; establishing the New Worlds tutoring program;
 28 deleting a requirement that the Department of
 29 Education designate an administrator for the
 30 initiative; requiring the department to provide
 31 specified data to the administrator within specified
 32 timeframes; authorizing the micro-credential
 33 curriculum to include certain best practices;
 34 requiring the administrator to include certain
 35 information in a specified annual report; requiring
 36 the administrator to administer the New Worlds
 37 tutoring program; providing requirements for the
 38 administrator relating to such program; revising
 39 eligibility criteria for the New Worlds Learning
 40 Initiative; deleting obsolete language; amending s.
 41 1008.25, F.S.; making technical changes; requiring
 42 progress monitoring results to be provided to
 43 prekindergarten instructors within a specified
 44 timeframe; providing an effective date.

45

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

47

48 Section 1. Section 211.0252, Florida Statutes, is amended
 49 to read:

50 211.0252 Credit for contributions to the New Worlds

51 Learning Reading Initiative.—Beginning January 1, 2022, there is
 52 allowed a credit of 100 percent of an eligible contribution made
 53 to the New Worlds Learning Reading Initiative under s. 1003.485
 54 against any tax due under s. 211.02 or s. 211.025. However, the
 55 combined credit allowed under this section and s. 211.0251 may
 56 not exceed 50 percent of the tax due on the return on which the
 57 credit is taken. If the combined credit allowed under this
 58 section and s. 211.0251 exceeds 50 percent of the tax due on the
 59 return, the credit must first be taken under s. 211.0251. Any
 60 remaining liability must be taken under this section, but may
 61 not exceed 50 percent of the tax due. For purposes of the
 62 distributions of tax revenue under s. 211.06, the department
 63 shall disregard any tax credits allowed under this section to
 64 ensure that any reduction in tax revenue received which is
 65 attributable to the tax credits results only in a reduction in
 66 distributions to the General Revenue Fund. Section 1003.485
 67 applies to the credit authorized by this section.

68 Section 2. Section 212.1833, Florida Statutes, is amended
 69 to read:

70 212.1833 Credit for contributions to the New Worlds
 71 Learning Reading Initiative.—Beginning January 1, 2022, there is
 72 allowed a credit of 100 percent of an eligible contribution made
 73 to the New Worlds Learning Reading Initiative under s. 1003.485
 74 against any tax imposed by the state and due under this chapter
 75 from a direct pay permitholder as a result of the direct pay

76 | permit held pursuant to s. 212.183. For purposes of the dealer's
 77 | credit granted for keeping prescribed records, filing timely tax
 78 | returns, and properly accounting and remitting taxes under s.
 79 | 212.12, the amount of tax due used to calculate the credit shall
 80 | include any eligible contribution made to the New Worlds
 81 | Learning Reading Initiative from a direct pay permitholder. For
 82 | purposes of the distributions of tax revenue under s. 212.20,
 83 | the department shall disregard any tax credits allowed under
 84 | this section to ensure that any reduction in tax revenue
 85 | received which is attributable to the tax credits results only
 86 | in a reduction in distributions to the General Revenue Fund.
 87 | Section 1003.485 applies to the credit authorized by this
 88 | section. A dealer who claims a tax credit under this section
 89 | must file his or her tax returns and pay his or her taxes by
 90 | electronic means under s. 213.755.

91 | Section 3. Subsection (1) of section 220.1876, Florida
 92 | Statutes, is amended to read:

93 | 220.1876 Credit for contributions to the New Worlds
 94 | Learning Reading Initiative.—

95 | (1) For taxable years beginning on or after January 1,
 96 | 2021, there is allowed a credit of 100 percent of an eligible
 97 | contribution made to the New Worlds Learning Reading Initiative
 98 | under s. 1003.485 against any tax due for a taxable year under
 99 | this chapter after the application of any other allowable
 100 | credits by the taxpayer. An eligible contribution must be made

101 to the New Worlds Learning Reading Initiative on or before the
 102 date the taxpayer is required to file a return pursuant to s.
 103 220.222. The credit granted by this section shall be reduced by
 104 the difference between the amount of federal corporate income
 105 tax, taking into account the credit granted by this section, and
 106 the amount of federal corporate income tax without application
 107 of the credit granted by this section.

108 Section 4. Section 561.1212, Florida Statutes, is amended
 109 to read:

110 561.1212 Credit for contributions to the New Worlds
 111 Learning Reading Initiative.—Beginning January 1, 2022, there is
 112 allowed a credit of 100 percent of an eligible contribution made
 113 to the New Worlds Learning Reading Initiative under s. 1003.485
 114 against any tax due under s. 563.05, s. 564.06, or s. 565.12,
 115 except excise taxes imposed on wine produced by manufacturers in
 116 this state from products grown in this state. However, a credit
 117 allowed under this section may not exceed 90 percent of the tax
 118 due on the return on which the credit is taken. For purposes of
 119 the distributions of tax revenue under ss. 561.121 and
 120 564.06(10), the division shall disregard any tax credits allowed
 121 under this section to ensure that any reduction in tax revenue
 122 received which is attributable to the tax credits results only
 123 in a reduction in distributions to the General Revenue Fund. The
 124 provisions of s. 1003.485 apply to the credit authorized by this
 125 section.

126 Section 5. Subsection (1) of section 624.51056, Florida
 127 Statutes, is amended to read:

128 624.51056 Credit for contributions to the New Worlds
 129 Learning Reading Initiative.—

130 (1) For taxable years beginning on or after January 1,
 131 2021, there is allowed a credit of 100 percent of an eligible
 132 contribution made to the New Worlds Learning Reading Initiative
 133 under s. 1003.485 against any tax due for a taxable year under
 134 s. 624.509(1) after deducting from such tax deductions for
 135 assessments made pursuant to s. 440.51; credits for taxes paid
 136 under ss. 175.101 and 185.08; credits for income taxes paid
 137 under chapter 220; and the credit allowed under s. 624.509(5),
 138 as such credit is limited by s. 624.509(6). An eligible
 139 contribution must be made to the New Worlds Learning Reading
 140 Initiative on or before the date the taxpayer is required to
 141 file a return pursuant to ss. 624.509 and 624.5092. An insurer
 142 claiming a credit against premium tax liability under this
 143 section is not required to pay any additional retaliatory tax
 144 levied under s. 624.5091 as a result of claiming such credit.
 145 Section 624.5091 does not limit such credit in any manner.

146 Section 6. Subsection (2), paragraph (a) of subsection
 147 (3), subsections (4) and (6), and paragraphs (e) through (h) of
 148 subsection (7) of section 1002.411, Florida Statutes, are
 149 amended to read:

150 1002.411 New Worlds Scholarship Accounts.—

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151 (2) ELIGIBILITY.—Contingent upon available funds, and on a
152 first-come, first-served basis, each student who is enrolled in
153 the Voluntary Prekindergarten Education Program pursuant to s.
154 1002.53 or a Florida public school in kindergarten through grade
155 5 is eligible for a scholarship account if the student:

156 (a) Exhibits a substantial deficiency in early literacy
157 skills based upon the results of the most recent progress
158 monitoring administered pursuant to s. 1008.25(9), has a
159 substantial reading deficiency or exhibits characteristics of
160 dyslexia as identified under s. 1008.25(5) (a) , or scored below a
161 Level 3 on the most recent statewide, standardized English
162 Language Arts (ELA) assessment ~~in the prior school year~~. An
163 eligible student who is classified as an English Language
164 Learner and is enrolled in a program or receiving services that
165 are specifically designed to meet the instructional needs of
166 English Language Learner students shall receive priority.

167 (b) Exhibits a substantial deficiency in early mathematics
168 skills based upon the results of the most recent progress
169 monitoring administered pursuant to s. 1008.25(9), has a
170 substantial deficiency in mathematics or the characteristics of
171 dyscalculia as identified under s. 1008.25(6) (a) , or scored
172 below a Level 3 on the most recent statewide, standardized
173 Mathematics assessment ~~in the prior school year~~.

174 (3) PARENT AND STUDENT RESPONSIBILITIES FOR
175 PARTICIPATION.—

176 (a) For an eligible student to receive a scholarship
 177 account, the student's parent must:

178 1. Submit an application to an eligible nonprofit
 179 scholarship-funding organization by the deadline established by
 180 such organization; and

181 2. If available, utilize the administrator's system to
 182 make direct purchases ~~Submit eligible expenses to the eligible~~
 183 ~~nonprofit scholarship-funding organization for reimbursement~~ of
 184 qualifying expenditures, which may include:

185 a. Instructional materials.

186 b. Curriculum. As used in this sub-subparagraph, the term
 187 "curriculum" means a complete course of study for a particular
 188 content area or grade level, including any required supplemental
 189 materials and associated online instruction.

190 c. Tuition and fees for part-time tutoring services
 191 provided by a person who holds a valid Florida educator's
 192 certificate pursuant to s. 1012.56, a person who holds a
 193 baccalaureate or graduate degree in the subject area, a person
 194 who holds an adjunct teaching certificate pursuant to s.
 195 1012.57, ~~or~~ a person who has demonstrated a mastery of subject
 196 area knowledge pursuant to s. 1012.56(5), a person who holds a
 197 micro-credential under s. 1003.485, or, for a prekindergarten
 198 student, a person who holds a credential under s.
 199 1002.55(3)(c)1. or an educational credential under s.
 200 1002.55(4)(a) or (b).

201 d. Fees for summer education programs designed to improve
 202 reading, literacy, or mathematics skills.

203 e. Fees for after-school education programs designed to
 204 improve reading, literacy, or mathematics skills.

205

206 A provider of any services receiving payments pursuant to this
 207 subparagraph may not share any moneys from the scholarship with,
 208 or provide a refund or rebate of any moneys from such
 209 scholarship to, the parent or participating student in any
 210 manner. A parent, student, or provider of any services may not
 211 bill an insurance company, Medicaid, or any other agency for the
 212 same services that are paid for using scholarship funds.

213 (4) ADMINISTRATOR ADMINISTRATION.—An eligible nonprofit
 214 scholarship-funding organization as defined in s. 1002.395(2)
 215 shall be the administrator and participating in the Florida Tax
 216 Credit Scholarship Program established by s. 1002.395 may
 217 establish scholarship accounts for eligible students in
 218 accordance with the requirements of eligible nonprofit
 219 scholarship-funding organizations under this chapter.

220 (6) SCHOOL DISTRICT AND PRIVATE PREKINDERGARTEN PROVIDER
 221 OBLIGATIONS; PARENTAL OPTIONS.—

222 (a) Each ~~By September 30,~~ the school district and private
 223 prekindergarten provider shall notify the parent of each
 224 eligible student of the process to request and receive a
 225 scholarship, subject to available funds, when providing results

226 from the standardized coordinated screening and progress
 227 monitoring pursuant to s. 1008.25(9)(c).

228 (b) A school district may not prohibit instructional
 229 personnel from providing services pursuant to this section on
 230 the instructional personnel's school campus outside regular work
 231 hours, subject to school district policies for safety and
 232 security operations to protect students, instructional
 233 personnel, and educational facilities.

234 (7) ACCOUNT FUNDING AND PAYMENT.—

235 (e) The eligible nonprofit scholarship-funding
 236 organization may develop a system that permits eligible students
 237 to use program funds to make direct purchases of qualifying
 238 expenditures for payment of scholarship funds by funds transfer,
 239 ~~including, but not limited to, debit cards, electronic payment~~
 240 ~~cards, or any other means of payment that the department deems~~
 241 ~~to be commercially viable or cost-effective. A student's~~
 242 ~~scholarship award may not be reduced for debit card or~~
 243 ~~electronic payment fees.~~ Commodities or services related to the
 244 development of such a system shall be procured by competitive
 245 solicitation unless they are purchased from a state term
 246 contract pursuant to s. 287.056.

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

250 (f)-(g) Moneys received pursuant to this section do not

251 constitute taxable income to the qualified student or his or her
 252 parent.

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

255 1. Denial or revocation of scholarship eligibility by the
 256 commissioner for fraud or abuse, including, but not limited to,
 257 the student or student's parent accepting any payment, refund,
 258 or rebate, in any manner, from a provider of any services
 259 received pursuant to subsection (3); or

260 2. Three consecutive fiscal years in which an account has
 261 been inactive.

262 Section 7. Section 1003.485, Florida Statutes, is amended
 263 to read:

264 1003.485 The New Worlds Learning Reading Initiative.—

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

266 (a) "Administrator" means the a state University of
 267 Florida Lastinger Center for Learning ~~registered with the~~
 268 ~~department under s. 1002.395(15)(i) and designated to administer~~
 269 ~~the initiative under paragraph (3)(a).~~

270 (b) "Annual tax credit amount" means, for any state fiscal
 271 year, the sum of the amount of tax credits approved under
 272 paragraph (5)(b), including tax credits to be taken under s.
 273 211.0252, s. 212.1833, s. 220.1876, s. 561.1212, or s.
 274 624.51056, which are approved for taxpayers whose taxable years
 275 begin on or after January 1 of the calendar year preceding the

276 | start of the applicable state fiscal year.

277 | (c) "Department" means the Department of Education.

278 | (d) "Division" means the Division of Alcoholic Beverages
279 | and Tobacco of the Department of Business and Professional
280 | Regulation.

281 | (e) "Eligible contribution" means a monetary contribution
282 | from a taxpayer, subject to the restrictions provided in this
283 | section, to the administrator.

284 | (f) "Initiative" means the New Worlds Learning Reading
285 | Initiative.

286 | (g) "Micro-credential" means evidence-based professional
287 | learning development activities grounded in the science of
288 | reading or best practices for mathematics instruction which are
289 | competency-based, personalized, and on-demand. Educators must
290 | demonstrate their competence via evidence submitted and reviewed
291 | by trained evaluators.

292 | (2) NEW WORLDS LEARNING READING INITIATIVE; PURPOSE.—The
293 | purpose of the New Worlds Learning Reading Initiative
294 | established under the department is to instill a love of
295 | learning reading by providing high-quality, free books to
296 | students in prekindergarten through grade 5 who are reading
297 | below grade level and to improve the literacy and mathematics
298 | skills of students in prekindergarten through grade 12. The New
299 | Worlds Learning Reading Initiative shall consist of:

300 | (a) The program established under this section to provide

301 high-quality, free books to students.

302 (b) The New Worlds Scholarship Program under s. 1002.411.

303 (c) The New Worlds Scholar program under s. 1008.365,
 304 which rewards high school students who instill a love of reading
 305 and improve the literacy skills of students in kindergarten
 306 through grade 3.

307 (d) The New Worlds micro-credential program established
 308 under this section which emphasizes strong core instruction and
 309 a tiered model of ~~reading~~ interventions for students to improve
 310 in reading or mathematics ~~struggling readers~~.

311 (e) The New Worlds tutoring program established under this
 312 section to support school districts and schools in improving
 313 student achievement in reading and mathematics.

314 (3) DEPARTMENT RESPONSIBILITIES.—The department shall:

315 ~~(a) Designate an administrator to implement the initiative~~
 316 ~~and to receive funding as provided in this section. The~~
 317 ~~administrator must have an academic innovation institution with~~
 318 ~~extensive experience in:~~

319 ~~1. Conducting academic research in early literacy~~
 320 ~~instruction.~~

321 ~~2. Implementing online delivery of early learning and~~
 322 ~~literacy training for educators nationally.~~

323 ~~3. Developing online support materials that assist parents~~
 324 ~~and caregivers in developing early literacy skills.~~

325 ~~4. Conducting fundraising and public awareness campaigns~~

326 ~~to support the development and growth of evidence-based~~
327 ~~educational initiatives that support learning at home and in~~
328 ~~schools.~~

329 ~~(a)(b)~~ Publish information about the initiative and tax
330 credits under subsection (5) on its website, including the
331 process for a taxpayer to select the administrator as the
332 recipient of funding through a tax credit.

333 ~~(b)(c)~~ ~~Beginning September 30, 2022, and~~ Annually
334 ~~thereafter,~~ report on its website the number of students
335 participating in the initiative in each school district,
336 information from the annual financial report under paragraph
337 (4)(j), and the academic achievement and learning gains, as
338 applicable, of participating students based on data provided by
339 school districts as permitted under s. 1002.22. The department
340 shall establish a date by which the administrator and each
341 school district must annually provide the data necessary to
342 complete the report.

343 (c) Provide the administrator with progress monitoring
344 data for eligible prekindergarten through grade 12 students
345 within 30 days after the close of each progress monitoring
346 period.

347 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
348 shall:

349 (a) Develop, in consultation with the Just Read, Florida!
350 Office under s. 1001.215, a selection of high-quality books

351 encompassing diverse subjects and genres for each grade level to
352 be mailed to students in the initiative.

353 (b) Distribute books at no cost to students as provided in
354 paragraph (6)(c) either directly or through an agreement with a
355 book distribution company.

356 (c) Assist local implementation of the initiative by
357 providing marketing materials to school districts and any
358 partnering nonprofit organizations to assist with public
359 awareness campaigns and other activities designed to increase
360 family engagement and instill a love of reading in students.

361 (d) Maintain a clearinghouse for information on national,
362 state, and local nonprofit organizations that support efforts to
363 improve literacy and provide books to children.

364 (e) Develop, for parents of students in the initiative,
365 resources and training materials that engage families in reading
366 and support the reading achievement of their students. The
367 administrator shall periodically send to parents hyperlinks to
368 these resources and materials, including video modules, via text
369 message and e-mail.

370 (f) Provide professional learning ~~development~~ and
371 resources to teachers that correlate with the books provided
372 through the initiative.

373 (g) Develop, in consultation with the Just Read, Florida!
374 Office under s. 1001.215, an online repository of digital
375 science of reading materials and science of reading

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376 instructional resources that is accessible to public school
377 teachers, school leaders, parents, and educator preparation
378 programs and associated faculty.

379 (h) Develop a micro-credential that requires teachers to
380 demonstrate competency to:

381 1. Diagnose literacy difficulties and determine the
382 appropriate range of literacy interventions based upon the age
383 and literacy deficiency of the student;

384 2. Use evidence-based instructional and intervention
385 practices grounded in the science of reading, including
386 strategies identified by the Just Read, Florida! Office pursuant
387 to s. 1001.215(7); and

388 3. Effectively use progress monitoring and intervention
389 materials.

390 (i) Administer the early literacy micro-credential program
391 established under this section, which must include components on
392 content, student learning, pedagogy, and professional learning
393 ~~development~~ and must build on a strong foundation of
394 scientifically researched and evidence-based reading
395 instructional and intervention programs that incorporate
396 explicit, systematic, and sequential approaches to teaching
397 phonemic awareness, phonics, vocabulary, fluency, and text
398 comprehension and incorporate decodable or phonetic text
399 instructional strategies, as identified by the Just Read,
400 Florida! Office, pursuant to s. 1001.215(7).

401 1. At a minimum, the micro-credential curriculum must be
402 designed specifically for instructional personnel in
403 prekindergarten through grade 3 based upon the strategies and
404 techniques identified in s. 1002.59 and address foundational
405 literacy skills of students in grades 4 through 12. The micro-
406 credential curriculum may also include best practices for
407 mathematics instruction.

408 2. The micro-credential must be competency based and
409 designed for eligible instructional personnel to complete the
410 credentialing process in no more than 60 hours, in an online
411 format. The micro-credential may be delivered in an in-person
412 format. Eligible instructional personnel may receive the micro-
413 credential once competency is demonstrated even if it is prior
414 to the completion of 60 hours.

415 3. The micro-credential must be available by December 31,
416 2022, at no cost, to instructional personnel as defined in s.
417 1012.01(2); prekindergarten instructors as specified in ss.
418 1002.55, 1002.61, and 1002.63; and child care personnel as
419 defined in ss. 402.302(3) and 1002.88(1)(e).

420 (j) Annually submit to the department an annual financial
421 report that includes, at a minimum, the amount of eligible
422 contributions received by the administrator; the amount spent on
423 each activity required by this subsection, including
424 administrative expenses; the number of micro-credentials and
425 reading endorsements earned; the number of school districts that

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426 participated in the New Worlds tutoring program; and the number
427 of students and households served under each component of the
428 initiative.

429 (k) Maintain separate accounts for operating funds and
430 funds for the purchase and delivery of books.

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

435 Notwithstanding s. 1002.395(6)(1)2., the administrator may carry
436 forward up to 25 percent of eligible contributions made before
437 January 1 of each state fiscal year and 100 percent of eligible
438 contributions made on or after January 1 of each state fiscal
439 year to the following state fiscal year for purposes authorized
440 by this subsection. Any eligible contributions in excess of the
441 allowable carry forward not used to provide additional books
442 throughout the year to eligible students shall revert to the
443 state treasury.

444 (m) Upon receipt of a contribution, provide the taxpayer
445 that made the contribution with a certificate of contribution. A
446 certificate of contribution must include the taxpayer's name
447 and, if available, its federal employer identification number;
448 the amount contributed; the date of contribution; and the name
449 of the administrator.

450 (n) Administer the New Worlds tutoring program by:

451 1. Establishing agreements with each school district to
452 provide additional literacy or mathematics support to, at a
453 minimum, prekindergarten through grade 12 students enrolled in a
454 public school who have a substantial deficiency in reading or
455 mathematics in accordance with s. 1008.25.

456 2. Providing science of reading guidelines for school
457 districts in consultation with the Just Read, Florida! Office.

458 3. Providing technical assistance and recommending
459 professional learning to school districts.

460 4. Assisting school districts in reviewing tutoring
461 programs, professional learning programs, curriculum, and
462 resources to ensure that they adhere to the science of reading
463 or best practices in mathematics.

464 5. Providing an annual report to the Legislature and the
465 Department of Education summarizing school district use of the
466 program funds and student academic outcomes.

467 (5) NEW WORLDS LEARNING ~~READING~~ INITIATIVE TAX CREDITS;
468 APPLICATIONS, TRANSFERS, AND LIMITATIONS.-

469 (a) The tax credit cap amount is \$10 million for the 2021-
470 2022 state fiscal year, \$30 million for the 2022-2023 state
471 fiscal year, and \$60 million in each state fiscal year
472 thereafter.

473 (b) Beginning October 1, 2021, a taxpayer may submit an
474 application to the Department of Revenue for a tax credit or
475 credits to be taken under one or more of s. 211.0252, s.

476 212.1833, s. 220.1876, s. 561.1212, or s. 624.51056.

477 1. The taxpayer shall specify in the application each tax
478 for which the taxpayer requests a credit and the applicable
479 taxable year for a credit under s. 220.1876 or s. 624.51056 or
480 the applicable state fiscal year for a credit under s. 211.0252,
481 s. 212.1833, or s. 561.1212. For purposes of s. 220.1876, a
482 taxpayer may apply for a credit to be used for a prior taxable
483 year before the date the taxpayer is required to file a return
484 for that year pursuant to s. 220.222. For purposes of s.
485 624.51056, a taxpayer may apply for a credit to be used for a
486 prior taxable year before the date the taxpayer is required to
487 file a return for that prior taxable year pursuant to ss.
488 624.509 and 624.5092. The Department of Revenue shall approve
489 tax credits on a first-come, first-served basis and must obtain
490 the division's approval before approving a tax credit under s.
491 561.1212.

492 2. Within 10 days after approving or denying an
493 application, the Department of Revenue shall provide a copy of
494 its approval or denial letter to the administrator.

495 (c) If a tax credit approved under paragraph (b) is not
496 fully used within the specified state fiscal year for credits
497 under s. 211.0252, s. 212.1833, or s. 561.1212 or against taxes
498 due for the specified taxable year for credits under s. 220.1876
499 or s. 624.51056 because of insufficient tax liability on the
500 part of the taxpayer, the unused amount must be carried forward

501 for a period not to exceed 10 years. For purposes of s.
502 220.1876, a credit carried forward may be used in a subsequent
503 year after applying the other credits and unused carryovers in
504 the order provided in s. 220.02(8).

505 (d) A taxpayer may not convey, transfer, or assign an
506 approved tax credit or a carryforward tax credit to another
507 entity unless all of the assets of the taxpayer are conveyed,
508 assigned, or transferred in the same transaction. However, a tax
509 credit under s. 211.0252, s. 212.1833, s. 220.1876, s. 561.1212,
510 or s. 624.51056 may be conveyed, transferred, or assigned
511 between members of an affiliated group of corporations if the
512 type of tax credit under s. 211.0252, s. 212.1833, s. 220.1876,
513 s. 561.1212, or s. 624.51056 remains the same. A taxpayer shall
514 notify the Department of Revenue of its intent to convey,
515 transfer, or assign a tax credit to another member within an
516 affiliated group of corporations. The amount conveyed,
517 transferred, or assigned is available to another member of the
518 affiliated group of corporations upon approval by the Department
519 of Revenue. The Department of Revenue shall obtain the
520 division's approval before approving a conveyance, transfer, or
521 assignment of a tax credit under s. 561.1212.

522 (e) Within any state fiscal year, a taxpayer may rescind
523 all or part of a tax credit approved under paragraph (b). The
524 amount rescinded shall become available for that state fiscal
525 year to another eligible taxpayer approved by the Department of

526 Revenue if the taxpayer receives notice from the Department of
527 Revenue that the rescindment has been accepted by the Department
528 of Revenue. The Department of Revenue must obtain the division's
529 approval before accepting the rescindment of a tax credit under
530 s. 561.1212. Any amount rescinded under this paragraph must
531 become available to an eligible taxpayer on a first-come, first-
532 served basis based on tax credit applications received after the
533 date the rescindment is accepted by the Department of Revenue.

534 (f) Within 10 days after approving or denying the
535 conveyance, transfer, or assignment of a tax credit under
536 paragraph (d), or the rescindment of a tax credit under
537 paragraph (e), the Department of Revenue shall provide a copy of
538 its approval or denial letter to the administrator. The
539 Department of Revenue shall also include the administrator on
540 all letters or correspondence of acknowledgment for tax credits
541 under s. 212.1833.

542 (g) For purposes of calculating the underpayment of
543 estimated corporate income taxes under s. 220.34 and tax
544 installment payments for taxes on insurance premiums or
545 assessments under s. 624.5092, the final amount due is the
546 amount after credits earned under s. 220.1876 or s. 624.51056
547 for contributions to the administrator are deducted.

548 1. For purposes of determining if a penalty or interest
549 under s. 220.34(2)(d)1. will be imposed for underpayment of
550 estimated corporate income tax, a taxpayer may, after earning a

551 credit under s. 220.1876, reduce any estimated payment in that
 552 taxable year by the amount of the credit.

553 2. For purposes of determining if a penalty under s.
 554 624.5092 will be imposed, an insurer, after earning a credit
 555 under s. 624.51056 for a taxable year, may reduce any
 556 installment payment for such taxable year of 27 percent of the
 557 amount of the net tax due as reported on the return for the
 558 preceding year under s. 624.5092 (2) (b) by the amount of the
 559 credit.

560 (6) ELIGIBILITY; NOTIFICATION; SCHOOL DISTRICT
 561 OBLIGATIONS.—

562 (a) A student in prekindergarten through grade 5 must be
 563 provided books through the initiative if the student is not yet
 564 reading on grade level, has a substantial reading deficiency
 565 identified under s. 1008.25 (5) (a) ~~or (b)~~, has a substantial
 566 deficiency in early literacy skills based upon the results of
 567 the coordinated screening and progress monitoring under s.
 568 1008.25 (9), or scored below a Level 3 on the most recent
 569 ~~preceding year's~~ statewide, standardized English Language Arts
 570 assessment under s. 1008.22.

571 (b) Each school district shall notify the parent of a
 572 student who meets the criteria under paragraph (a) that the
 573 student is eligible to receive books at no cost through the New
 574 Worlds Learning Reading Initiative and provide the parent with
 575 the application form developed by the administrator, which must

576 allow for the selection of specific book topics or genres for
577 the student.

578 (c) Once an eligible student is identified, the school
579 district shall coordinate with the administrator to initiate
580 book delivery on a monthly basis during the school year, which
581 must begin no later than October and continue through at least
582 June. ~~However, for the 2021-2022 school year only, delivery may~~
583 ~~begin no later than December 31, 2021, provided that no fewer~~
584 ~~than 9 books are delivered to each student before book~~
585 ~~deliveries begin for the 2022-2023 school year.~~

586 (d) Upon enrollment and at the beginning of each school
587 year, students must be provided options for specific book topics
588 or genres in order to maximize student interest in reading.

589 (e) A student's eligibility for the initiative continues
590 until promotion to grade 6 or until the student's parent opts
591 out of the initiative.

592 (f) Each school district shall participate in the
593 initiative by partnering with local nonprofit organizations,
594 raising awareness of the initiative using marketing materials
595 developed by the administrator, coordinating book delivery, and
596 identifying students and notifying parents pursuant to this
597 subsection.

598 (g) Each school district shall coordinate with each
599 charter school it sponsors for purposes of identifying eligible
600 students, notifying parents, coordinating book delivery,

601 providing the opportunity to annually select book topics and
 602 genres, and raising awareness of the initiative as provided by
 603 this section.

604 (h) School districts and partnering nonprofit
 605 organizations shall raise awareness of the initiative, including
 606 information on eligibility and video training modules under
 607 paragraph (4)(e), through, at least, the following:

608 1. The student handbook and the read-at-home plan under s.
 609 1008.25(5)(d).

610 2. A parent or curriculum night or separate initiative
 611 awareness event at each elementary school.

612 3. Partnering with the county library to host awareness
 613 events, which should coincide with other initiatives such as
 614 library card drives, family library nights, summer access
 615 events, and other family engagement programming.

616 (i) Each school district shall establish a data sharing
 617 agreement with the initiative's administrator which allows for a
 618 streamlined student verification and enrollment process.

619 (7) ADMINISTRATION; RULES.—

620 (a) The Department of Revenue, the division, and the
 621 Department of Education may develop a cooperative agreement to
 622 assist in the administration of this section, as needed.

623 (b) The Department of Revenue may adopt rules necessary to
 624 administer this section and ss. 211.0252, 212.1833, 220.1876,
 625 561.1212, and 624.51056, including rules establishing

626 application forms, procedures governing the approval of tax
627 credits and carryforward tax credits under subsection (5), and
628 procedures to be followed by taxpayers when claiming approved
629 tax credits on their returns.

630 (c) The division may adopt rules necessary to administer
631 its responsibilities under this section and s. 561.1212.

632 (d) The Department of Education may adopt rules necessary
633 to administer this section.

634 (e) Notwithstanding any provision of s. 213.053 to the
635 contrary, sharing information with the division related to this
636 tax credit is considered the conduct of the Department of
637 Revenue's official duties as contemplated in s. 213.053(8)(c),
638 and the Department of Revenue and the division are specifically
639 authorized to share information as needed to administer this
640 section.

641 Section 8. Paragraph (d) of subsection (5), paragraph (c)
642 of subsection (6), and paragraph (c) of subsection (9) of
643 section 1008.25, Florida Statutes, are amended to read:

644 1008.25 Public school student progression; student
645 support; coordinated screening and progress monitoring;
646 reporting requirements.—

647 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

648 (d) The parent of any student who exhibits a substantial
649 deficiency in reading, as described in paragraph (a), must be
650 notified in writing of the following:

651 1. That his or her child has been identified as having a
 652 substantial deficiency in reading, including a description and
 653 explanation, in terms understandable to the parent, of the exact
 654 nature of the student's difficulty in learning and lack of
 655 achievement in reading.

656 2. A description of the current services that are provided
 657 to the child.

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

661 4. That if the child's reading deficiency is not
 662 remediated by the end of grade 3, the child must be retained
 663 unless he or she is exempt from mandatory retention for good
 664 cause.

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

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

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

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

687 9. Information about the student's eligibility for the New
 688 Worlds Learning Reading Initiative under s. 1003.485 and the New
 689 Worlds Scholarship Accounts under s. 1002.411 and information on
 690 parent training modules and other reading engagement resources
 691 available through the initiative.

692
 693 After initial notification, the school shall apprise the parent
 694 at least monthly of the student's progress in response to the
 695 intensive interventions and supports. Such communications must
 696 be in writing and must explain any additional interventions or
 697 supports that will be implemented to accelerate the student's
 698 progress if the interventions and supports already being
 699 implemented have not resulted in improvement.

700 (6) MATHEMATICS DEFICIENCY AND PARENTAL NOTIFICATION.—

701 (c) The parent of a student who exhibits a substantial
702 deficiency in mathematics, as described in paragraph (a), must
703 be notified in writing of the following:

704 1. That his or her child has been identified as having a
705 substantial deficiency in mathematics, including a description
706 and explanation, in terms understandable to the parent, of the
707 exact nature of the student's difficulty in learning and lack of
708 achievement in mathematics.

709 2. A description of the current services that are provided
710 to the child.

711 3. A description of the proposed intensive interventions
712 and supports that will be provided to the child that are
713 designed to remediate the identified area of mathematics
714 deficiency.

715 4. Strategies, including multisensory strategies and
716 programming, through a home-based plan the parent can use in
717 helping his or her child succeed in mathematics. The home-based
718 plan must provide access to the resources identified in
719 paragraph (d)~~(e)~~.

720
721 After the initial notification, the school shall apprise the
722 parent at least monthly of the student's progress in response to
723 the intensive interventions and supports. Such communications
724 must be in writing and must explain any additional interventions
725 or supports that will be implemented to accelerate the student's

726 | progress if the interventions and supports already being
 727 | implemented have not resulted in improvement.

728 | (9) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

729 | (c) To facilitate timely interventions and supports
 730 | pursuant to subsection (4), the system must provide results from
 731 | the first two administrations of the progress monitoring to a
 732 | student's teacher or prekindergarten instructor within 1 week
 733 | and to the student's parent within 2 weeks after ~~of~~ the
 734 | administration of the progress monitoring. Delivery of results
 735 | from the comprehensive, end-of-year progress monitoring ELA
 736 | assessment for grades 3 through 10 and Mathematics assessment
 737 | for grades 3 through 8 must be in accordance with s.
 738 | 1008.22 (7) (h) .

739 | 1. A student's results from the coordinated screening and
 740 | progress monitoring system must be recorded in a written, easy-
 741 | to-comprehend individual student report. Each school district
 742 | shall provide a parent secure access to his or her child's
 743 | individual student reports through a web-based portal as part of
 744 | its student information system. Each early learning coalition
 745 | shall provide parents the individual student report in a format
 746 | determined by state board rule.

747 | 2. In addition to the information under subparagraph
 748 | (a)5., the report must also include parent resources that
 749 | explain the purpose of progress monitoring, assist the parent in
 750 | interpreting progress monitoring results, and support informed

751 parent involvement. Parent resources may include personalized
752 video formats.

753 3. The department shall annually update school districts
754 and early learning coalitions on new system features and
755 functionality and collaboratively identify with school districts
756 and early learning coalitions strategies for meaningfully
757 reporting to parents results from the coordinated screening and
758 progress monitoring system. The department shall develop ways to
759 increase the utilization, by instructional staff and parents, of
760 student assessment data and resources.

761 4. An individual student report must be provided in a
762 printed format upon a parent's request.

763 Section 9. This act shall take effect July 1, 2024.

HB 1403 School Choice
by Chair Tomkow

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1403 School Choice
SPONSOR(S): Choice & Innovation Subcommittee, Tomkow
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	15 Y, 0 N, As CS	Wolff	Sleap
2) PreK-12 Appropriations Subcommittee		Bailey	Potvin
3) Education & Employment Committee			

SUMMARY ANALYSIS

Florida's school choice programs primarily consist of the Florida Tax Credit Scholarship (FTC) including students in a personalized education program (PEP), the Family Empowerment Scholarship for students attending private school (FES-EO), and the Family Empowerment Scholarship for students with disabilities (FES-UA). The bill expands eligibility for scholarship programs to the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida or whose home of record or state of residence, at the time of renewal, is Florida. Additionally, the bill increases the growth rate of the FES-UA scholarship program cap from 3 percent to 5 percent, while also including an automatic increase of an additional 1 percent based on demand.

The bill establishes firm deadlines for Scholarship Funding Organizations (SFO) and parents related to the application and renewal of the FTC, PEP, FES-UA, and FES-EO scholarship programs. The deadlines prioritize disbursing scholarship funds to renewal students prior to new students, and authorizes FTC funds to be used for full-time private school scholarships year-round, as long as funds remain. The bill further codifies deadlines and responsibilities of SFOs and the Department of Education (DOE) regarding the disbursement of funds for the FES scholarship program.

The bill updates the quarterly reporting requirements for SFOs to include information on applications received, application review timeframes, reimbursements received, and reimbursement processing timeframes. Additionally, the bill requires a SFO to establish a process to collect input and feedback from parents, private schools, and providers before implementing substantial modifications or enhancements to the reimbursement process. The bill requires a SFO to make payment for tuition and fees for full-time enrollment within seven business days after approval by the parent and school.

The bill requires the Center for Students with Unique Abilities to develop appropriate purchasing guidelines for recipients of the FES-UA scholarship. The bill also clarifies several authorized uses of scholarship funds, including, instructional materials for the FES-EO and FTC programs and transition services for the FES-UA.

The bill repeals the Hope Scholarship Program, but maintains the tax credits for use by the FTC scholarship program. The bill clarifies that public school students receiving the New Worlds Scholarship remain eligible for transportation scholarships under the FES and FTC scholarship programs.

The estimated fiscal impact on state government expenditures is \$106.0 million. See Fiscal Analysis.

Except as expressly provided in the bill, the bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

For decades, Florida has been a national leader in providing high quality education options for its parents and students. In addition to a myriad of public options, Florida offers scholarship programs that allow parents of eligible students to register and attend private schools that may better serve a student's particular needs or to provide educational options for students with disabilities or receiving parent-directed instruction. The three scholarship programs, include:

- The FES-EO , consisting of a scholarship for students attending private school and a FES-UA scholarship for students with a disability;¹
- The FTC,² consisting of a scholarship for students attending private school and a scholarship for students in a PEP ;³
- The Hope Scholarship Program (HSP).⁴

Private schools must meet specific criteria in order to be eligible to participate in Florida's scholarship programs⁵ and the Department of Education (DOE)⁶ and Commissioner of Education (commissioner)⁷ are tasked with implementation and oversight responsibilities. Florida's scholarship programs are administered by SFOs approved by the DOE.⁸

Private School Participation in Scholarship Programs

Present Situation

While each scholarship program has unique requirements for private schools, there are common criteria that each private school must meet in order to participate in any of the state's scholarship programs.⁹ A private school may be sectarian or nonsectarian, must meet Florida's definition of a private school,¹⁰ be registered with the state, and be in compliance with all the requirements of a private school.¹¹ Additionally, a private school must:¹²

- comply with 42 U.S.C. s. 2000d which prohibits excluding a person from participation in federally assisted programs on the grounds of race, color, or national origin;
- notify the DOE of its intent to participate in a scholarship program;
- notify the DOE of any changes in the school's name, director, mailing address, or physical location within 15 days of the change;
- provide the DOE or the SFO all required documentation for student registration and payment;
- annually complete and submit to the DOE a notarized scholarship compliance statement that includes certification that all school employees and contracted personnel with direct student contact have undergone required background screening and met the screening standards;
- demonstrate fiscal soundness in accordance with statutory requirements;

¹ Section 1002.394, F.S.; *see also* rule 6A-6.0952, F.A.C.

² Section 1002.395, F.S.; *see also* rule 6A-6.0960, F.A.C.

³ Section 1002.395(7)(b), F.S.

⁴ Section 1002.40, F.S.; *see also* rule 6A-6.0951, F.A.C.

⁵ Section 1002.421(1), F.S.

⁶ Section 1002.421(2), F.S.

⁷ Section 1002.421(3), F.S.

⁸ *See* ss. 1002.394(11) and 1002.395(6) and (15).

⁹ *See* s. 1002.421, F.S.

¹⁰ *See* s. 1002.01(3), F.S.

¹¹ Section 1002.421(1), F.S.

¹² Section 1002.421(1)(a)-(s), F.S.; *see also* rule 6A-6.03315, F.A.C.

- meet applicable state and local health, safety, and welfare laws, codes, and rules;
- employ or contract with teachers that meet specified requirements;
- maintain a physical location in the state at which each student has regular and direct contact with teachers;
- provide to parents, either on a website or in other written form, information regarding the school's programs, services, classroom teacher qualifications, and a statement that a parentally placed private school student with a disability does not have an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school under the Individuals with Disabilities Education Act (IDEA), as amended;
- provide the parent, at least on a quarterly basis, a written report of the student's progress;
- cooperate with a parent who wants a student to participate in Florida's statewide, standardized assessments;
- adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators;
- not be owned or operated by a person or an entity domiciled in, owned by, or in any way controlled by a foreign country of concern or foreign principal, as identified in law.

Regular and direct contact with a teacher for a scholarship student at an eligible private school is defined as a program of instruction that provides for a minimum of 170 actual school instruction days with the required instructional hours under the direct instruction of the private school teacher at the school's approved physical location. This may include occasional off-site activities including the FES-UA transition-to-work plan under the supervision of the private school teacher.¹³

In addition to the requirements above, if a private school receives more than \$250,000 in scholarship funds in one year, the school must hire an independent certified public accountant (CPA) who must verify that the school meets the requirements outlined in the agreed-upon procedures.¹⁴ The procedures are developed jointly with the SFOs, accrediting associations that are members of the Florida Association of Academic Nonpublic Schools, and the DOE,¹⁵ and are reviewed biennially.¹⁶ The procedures must determine whether the school:

- has been verified as eligible by the DOE;
- has an adequate accounting system, financial controls, and a process for deposits and classification of scholarship funds; and
- has properly expended scholarship funds.¹⁷

A school must submit the CPA's report annually to the SFO that awarded the majority of the scholarship funds by September 15.¹⁸

If a school fails to meet any of the above requirements, or has consecutive years of material exceptions listed in the CPA's report, the commissioner may determine that the private school is ineligible to participate in a scholarship program.¹⁹

¹³ Rule 6A-6.03315, F.A.C.

¹⁴ Section 1002.421(1)(q), F.S.; *see also* Step Up for Students, Agreed Upon Procedures, School Financial Report Requirement, Florida School Choice Programs, <https://www.stepupforstudents.org/wp-content/uploads/Agreed-Upon-Procedures-2022-2023.pdf> (last visited Jan. . 7, 2024).

¹⁵ Section 1002.395(6)(q)2., F.S.

¹⁶ Section 1002.395(6)(q)1.b., F.S.

¹⁷ Section 1002.395(6)(q), F.S.

¹⁸ Section 1002.421(1)(q), F.S.

¹⁹ Section 1002.421(1), F.S. (flush left provisions and the end of the paragraph).

The commissioner is authorized to permanently deny or revoke the authority of an owner, officer or director to establish or operate a private school in the state and include such individual on the disqualification list²⁰, if the commissioner decides that the owner, officer, or director:²¹

- is operating or has operated an educational institution in the state or another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public; or
- has operated an educational institution that closed during the school year.

An individual may be removed from the disqualification list, following the closure of an educational institution, if the individual reimburses the department or SFO the amount of scholarship funds received by the educational institution during the school year in which it closed.²²

Transition-to-work Program

A transition-to-work program consists of academic instruction, work skills training, and a volunteer or paid work experience.²³ A FES-UA scholarship recipient who has not received a high school diploma or certificate of completion and who is at least 17 years old, but not older than 22 years old, may enroll in a private school's transition-to-work program.²⁴ A student enrolled in the program must, at a minimum, receive 15 instructional hours at the private school, including both academic and work skills training, and participate in 10 hours of work at a volunteer or paid work experience.²⁵

To offer the program, a participating private school must:

- develop a program plan, which includes a description of the academic instruction and work skills training a student will receive and goals for students in the program;
- submit the program plan to the DOE;
- develop a personalized transition-to-work program plan for each student enrolled, ensuring the student, his or her parent and the school principal sign the plan, and submit the plan to the DOE;
- provide a release of liability form signed by the student, his or her parent and a representative of the business offering the volunteer or paid work experience;
- assign a case manager or job coach to visit the student's job site weekly and provide any necessary support and guidance to the student;
- provide quarterly reports explaining the student's progress and performance in the program to the student and his or her parent; and
- maintain accurate attendance and performance records for the student.²⁶

Effect of Proposed Changes

The bill expands the scope of the requirements that participating private schools provide "regular and direct" contact with teachers for students participating in PEP. Current requirements for "regular and direct contact" do not contemplate the instruction of a PEP student directed by his or her parent. Under the bill, regular and direct contact may be satisfied for a PEP student by maintaining contact with teachers at the private school's physical location at least two school days per week and the student learning plan must address the remaining instructional time.

The bill standardizes the requirements for private schools participating in the state's scholarship programs by requiring participating schools to provide to the SFO all documentation required for a student's participation, including confirmation of the student's admission to the private school, the

²⁰ See Section 1001.10(4)(b), F.S.

²¹ Section 1002.421(3)(c), F.S.

²² Section 1002.421(3)(c)2., F.S.

²³ Section 1002.394(16), F.S.

²⁴ *Id.*

²⁵ Section 1002.394(16)(b), F.S.

²⁶ Section 1002.394(16)(a), F.S.

private school's and student's fee schedules, and any other information required by the SFO to process scholarship payment. Private schools must provide such information by the deadlines established by the SFO. The bill makes clear that a student is not eligible to receive a quarterly scholarship payment under any of the state's choice scholarship programs if the private school fails to meet the deadlines.

The bill authorizes the DOE to provide guidance to a private school submitting a proposed transition-to-work program plan and provides that the school must consider any guidance provided by the DOE regarding the school's plan.

Florida Tax Credit Scholarship Program

Present Situation

The FTC was created in 2001 and enables taxpayers to make private, voluntary contributions to a SFO, to expand educational opportunities for families, to include those with limited financial resources, and enables Florida's children to achieve a greater level of excellence in their education.²⁷ The FTC is funded with contributions to SFOs from taxpayers who receive a tax credit for use against their liability for corporate income tax, insurance premium tax, severance taxes on oil and gas production, self-accrued sales tax liabilities of direct pay permit holders or alcoholic beverage taxes on beer, wine, and spirits and rental or license fees.²⁸ The tax credit is equal to 100 percent of the eligible contributions made.²⁹ SFOs use these contributions to award scholarships for the cost of tuition and fees at an eligible private school or transportation expenses to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned.³⁰

The DOE, the Department of Revenue (DOR), and the Division of Alcoholic Beverages and Taxes (DABT) cooperatively administer the FTC.³¹

In 2023, the Legislature expanded eligibility for a FTC scholarship for all Floridians eligible to attend public school in Florida while simultaneously turning the scholarship into an educational savings account by expanding the authorized uses for the FTC scholarship.³² The expansion served to continue the Legislature's goal of providing Florida's families with the option to pursue the educational opportunities most appropriate for them while maintaining a strong system of public schools for all Floridians.

FTC Scholarship Eligibility

The FTC provides scholarships to students, with priority given to children from low-income families and those who are in foster care or out-of-home care.³³ Contingent upon available funds, a student is

²⁷ Section 1002.395(1)(b), F.S.

²⁸ Section 1002.395(1) and (5) and s. 212.099(2), F.S. Information and documentation provided to the DOE and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times. Section 1002.395(6), F.S. (flush left provision at end of subsection).

²⁹ Sections 220.1875(1), 212.099(2), and 1002.395(5), F.S.

³⁰ Section 1002.395(6)(l), F.S. An eligible contribution is a monetary contribution from a taxpayer to an eligible nonprofit SFO. The taxpayer may not designate a specific child as the beneficiary of the contribution. Section 1002.395(2)(e), F.S.

³¹ Section 1002.395(5) and (12), F.S.

³² Section 6, ch. 2023-16, Law of Fla.

³³ Section 1002.395(3)(b), F.S. First priority for an initial FTC scholarship must be given to a student whose household income level does not exceed 185 percent of the federal poverty level (FPL) (\$55,500.00 for a family of four for the 2023-2024 school year) or who is in foster care or out-of-home care. Secondary priority for an initial FTC scholarship must be given to a student whose household income level does not exceed 400 percent of the FPL (\$120,000.00 for a family of four for the 2023-2024 school year). *See also* Step Up for Students, *Florida Choice Scholarships FES-EO and FTC*, at 4, available at https://go.stepupforstudents.org/hubfs/HANDBOOKS/Parent%20Handbooks/FTC-Parent-Handbook.pdf?_gl=1*eh7d6g*_ga*MTUxNTEyMDM3Mi4xNzAyODQ3NDAw*_ga_V4KBYBT1HD*MTcwMjg1Mjc2Mi4yLjEuMTcwMjg1Mjg1Mjc2Mi4yLjEu.

initially eligible for a FTC scholarship if the student is a resident of Florida and is eligible to enroll in kindergarten through grade 12 in a public school in Florida.³⁴

A FTC scholarship may also be awarded to an eligible public school student enrolled in a Florida public school which is different from the school to which the student was assigned or in a lab school, if the school district does not provide the student with transportation to the school.³⁵ Such a scholarship shall be the greater of \$750 or an amount equal to the school district expenditure per student riding a bus.³⁶

An FTC scholarship remains in force until the:³⁷

- SFO determines that the student is not eligible for program renewal;
- Commissioner suspends or revokes program participation or use of funds;
- Student's parent has forfeited participation in the program for failure to comply with statutorily required parental and student responsibilities;
- Student enrolls in a public school, however, if a student enters a Department of Juvenile Justice (DJJ) detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or
- Student graduates from high school or attains 21 years of age, whichever occurs first.

A student is not eligible for a FTC scholarship while he or she is:

- Enrolled in a public school, including a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program (FEFP);
- Enrolled in a school operating for the purpose of providing educational services to youth in a DJJ commitment program;
- Receiving any other state-sponsored K-12 educational choice scholarship;
- Not having regular and direct contact with his or her private school teachers unless he or she is enrolled in a PEP;
- Participating in a home education program;
- Participating in a private tutoring program unless he or she is enrolled in a PEP; or
- Participating in virtual instruction that receives state-funding pursuant to the student's participation.³⁸

FTC Scholarship Award Amount

The scholarship amount awarded to a student who received a scholarship in the 2018-2019 school year, who remains eligible, and who is enrolled in an eligible private school is the greater of:³⁹

- the calculated amount for a student to attend an eligible private school is 100 percent of the unweighted full-time equivalent (FTE) basic program funds⁴⁰ the student would generate in the school district in which the student resides based on grade level, plus a per-full-time equivalent share of funds for specified FEFP categorical programs;⁴¹ or
- a percentage of the unweighted FTC funding amount for the 2018-2019 state fiscal year as follows:

³⁴ Section 1002.395(3)(b)1., F.S.

³⁵ Section 1002.395(6)(d) and (11)(a)3., F.S.

³⁶ *Id.* The district expenditure per student riding a school bus is the amount determined by the DOE.

³⁷ Section 1002.395(11)(f). F.S.

³⁸ Section 1002.395(4), F.S.

³⁹ Section 1002.395(11)(a)1. F.S.

⁴⁰ Florida Department of Education, *2022-23 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>. Basic program funds are used to fund kindergarten and grades 1-12.

⁴¹ Section 1002.394(12)(a)1., F.S. Categorical program funds are state funding allocations earmarked for certain programs or initiatives that can only be spent for the specific purposes of those programs or initiatives. These funds comprise a portion of total state funds for public school operations and are in addition to base state FEFP funds. The categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), and (16), F.S.

- eighty-eight percent of the unweighted FTE for grades K-5;
- ninety-two percent of the unweighted FTE for grades 6-8; and
- ninety-six percent of the unweighted FTE for grades 9-12.

For students initially eligible in the 2019-2020 and 2020-2021 school years, the calculated scholarship amount is 100 percent of the unweighted FTE basic program funds the student would generate in the school district in which the student resides based on grade level, plus a per-full-time equivalent share of funds for specified FEFP categorical programs.⁴²

For the 2022-2023 school year, 100,025 students were funded a FTC private school scholarship⁴³ and 1,645 students were funded a FTC transportation scholarship.⁴⁴ As of January 8, 2024, 129,228 FTC scholarships for students attending private school have been funded for the 2023-2024 school year.⁴⁵

Authorized Uses for a FTC Scholarship

Authorized uses of FTC scholarship funds in an empowerment savings account include:⁴⁶

- Tuition and fees for enrollment in an eligible private school.
- Instructional materials, including digital materials and Internet resources.
- Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
- Tuition and fees associated with full-time or part-time enrollment in a home education instructional program, an eligible postsecondary educational institution or a program offered by the postsecondary educational institution,⁴⁷ an approved preapprenticeship program,⁴⁸ a private tutoring program, a virtual program offered by a department-approved private online provider, the Florida Virtual School as a private paying student, or an approved online course.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contracted services provided by a public school or school district, including classes. A student who receives services under a contract is not considered enrolled in a public school for scholarship eligibility purposes but rather attending a public school on a part-time basis.
- Tuition and fees for part-time tutoring services or fees for services by a choice navigator.⁴⁹

⁴² Section 1002.395(11)(a)2., F.S. The FEFP categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), and (16), F.S.

⁴³ Florida Department of Education, *Florida Tax Credit Scholarship Program: June 2023 Quarterly Report* (June 2023), available at <https://www.fldoe.org/core/fileparse.php/7558/urlt/FTC-Jun-2023-Q-Report.pdf> [hereinafter *June Quarterly Report*].

⁴⁴ See email, Step Up for Students (January 8, 2024) and email from AAA (January 9, 2024), on file with the PreK-12 Appropriations Subcommittee.

⁴⁵ See email, Step Up for Students (January 8, 2024), on file with the PreK-12 Appropriations Subcommittee and email, AAA (January 8, 2024), on file with the PreK-12 Appropriations Subcommittee.

⁴⁶ Section 1002.395(6)(d)2., F.S.

⁴⁷ Unless the program is subject to a statutory fee exemption or the dual enrollment scholarship. Additionally, eligible postsecondary educational institution includes approved higher education institutions which participate in distance education through reciprocity agreements. The National Council for State Authorization Reciprocity Agreements (NC-SARA) is a private nonprofit organization with the goal of improving student access to distance learning. NC-SARA helps states, institutions, policymakers, and students understand the purpose and benefits of participating in these reciprocity agreements. There are currently more than 2,200 institutions in 49 member states, including Florida, participating in such reciprocity agreements, greatly expanding access to educational options for Florida's students. NC-SARA, *About NC-SARA*, <https://www.nc-sara.org/about-nc-sara> (last visited Jan. 7, 2024).

⁴⁸ Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.

⁴⁹ A choice navigator is defined as an individual who assists parents with the selection, application, and enrollment in educational options that address the academic needs of their student. A choice navigator must be a person who holds a valid Florida educator's certificate, a person who holds an adjunct teaching certificate, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge, or a person certified by a nationally or internationally recognized research-based training program as approved by the DOE. Section 1002.95(2)(b), F.S.

Personalized Education Program

In 2023 the Legislature expanded options for FTC scholarship participation by creating the PEP, a parent directed educational choice option, that must be registered with a SFO that administers FTC scholarships.⁵⁰ Students enrolled in a PEP are authorized to participate in the FTC scholarship program and the program satisfies mandatory school attendance requirements.⁵¹ Students in PEP are provided access to the same programs and services as home education program students.⁵²

Parents and students receiving a FTC scholarship while participating in PEP must comply with the following requirements:⁵³

- Apply to an eligible SFO to participate in the program by a date set by the SFO. The request must be communicated directly to the SFO in a manner that creates a written or electronic record of the request and the date of receipt of the request.
- Sign an agreement with the SFO and annually submit a sworn compliance statement to the SFO to satisfy or maintain program eligibility, including eligibility to receive and spend program payments, by:
 - Affirming that the program funds are used only for authorized purposes serving the student's educational needs and that the parent will not receive a payment, refund, or rebate of any funds provided under this section.
 - Affirming that the parent is responsible for all eligible expenses in excess of the amount of the scholarship and for the education of his or her student.
 - Submitting a student learning plan⁵⁴ to the SFO and revising the plan, at least annually before program renewal.
 - Requiring the student to take a nationally norm-referenced test identified by the DOE or a statewide, standardized assessment and provide assessment results to the SFO before renewal.
 - Renewing participation in the program each year.
 - Procuring the services necessary to educate the student. When the student receives a scholarship, the district school board is not obligated to provide the student with a free appropriate public education.

For a scholarship student participating in a PEP, a SFO must:⁵⁵

- Maintain a signed agreement from the parent which constitutes as complying with the state's attendance requirements.
- Receive eligible student test scores, and beginning with the 2027-2028 school year, annually report the assessment data to the state university selected by the DOE to analyze such data.
- Provide parents with information, guidance, and support to create and annually update a customized student learning plan for their student. The SFO must maintain the plan and allow parents to electronically submit, access, and revise the plan continuously.
- Upon submission by the parent of an annual student learning plan, fund a scholarship for a student determined eligible.

With regard to a student participating in a PEP, the SFO is prohibited from further regulating, exercising control over, or requiring documentation beyond the requirements prescribed under the law.⁵⁶

⁵⁰ Section 1002.01(2), F.S.

⁵¹ Sections 1002.395(7)(b) and 1003.01(13)(f), F.S.

⁵² Section 1002.01(2), F.S.

⁵³ Section 1002.395(7)(b), F.S.

⁵⁴ A student learning plan is a customized learning plan developed by a parent, at least annually, to guide instruction for their student and identify the goods and services that are needed to address the academic needs of the student.

⁵⁵ Section 1002.395(6)(e), F.S.

⁵⁶ Section 1002.395(7)(b), F.S. (flush left provision at the end of the paragraph).

The law provides SFOs with the following schedule for funding FTC scholarships to eligible students that are enrolled in PEP:⁵⁷

- For the 2023-2024 school year, no more than 20,000 scholarships may be funded.
- For the 2024-2025 through 2026-2027 school years, the number of funded scholarships may increase by 40,000 each year.

Beginning with the 2027-2028 school year, and every school year thereafter, every eligible PEP student, contingent on available funds, will have access to an empowerment account to customize their education.⁵⁸

For the 2023-2024 school year, as of January 8, 2024, 18,081 PEP scholarships have been funded.⁵⁹

Responsibilities of FTC Scholarship Recipients Enrolled Full-Time in Private School

Participation in the FTC scholarship for a student enrolled full-time in a private school requires parents and students to fulfill the following responsibilities:

- Select an eligible private school,⁶⁰ apply for admission, and notify the school district when the student is withdrawn from a public school.
- Students must attend school (unless excused by the school for illness or good cause).
- Students and parents must comply with the private school's published policies.
- Meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before enrollment in the private school.
- Require that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school.⁶¹
- Parents must approve each payment before the scholarship funds may be deposited.
- Parents must authorize the SFO to access information necessary to determine income eligibility, including information held by state and federal agencies.
- Agree to have the SFO commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the private school before using empowerment account funds for additional authorized uses. A parent is responsible for all eligible expenses in excess of the amount of the scholarship.⁶²

Disbursement of FTC Scholarship Award

Each SFO must establish and maintain an empowerment savings account for each eligible student and must maintain records of accrued interest retained in the student's account.⁶³ The SFO must make a scholarship payment no less frequently than quarterly.⁶⁴ A SFO must make scholarship payments by funds transfer (including debit cards, electronic payment cards, or any other means the DOE deems

⁵⁷ Section 1002.395(6)(d)1., F.S.

⁵⁸ Id.

⁵⁹ See email, Step Up for Students (January 8, 2024), on file with the PreK-12 Appropriations Subcommittee and email, AAA (January 8, 2024), on file with the PreK-12 Appropriations Subcommittee.

⁶⁰ A private school is eligible to participate in the FTC if they meet statutory criteria for participation in state scholarship programs under s. 1002.421(1), F.S., annually administer or make provisions for students in grades 3 through 10 to participate in one of the nationally norm-referenced tests identified by the DOE or the statewide assessments and report the student's scores to a selected state university, and administer the statewide assessments if the private school chooses to offer the statewide assessments. Section 1002.395(8)(a)-(b), F.S.; see also r. 6A-6.03215, F.A.C.

⁶¹ The parent and student may also elect to participate in the statewide, standardized assessment administered by the school district. The parent is responsible for transporting the student to the assessment. Section 1003.394(10)(a)6., F.S.

⁶² Section 1002.395(7)(a)1.-8., F.S.

⁶³ Section 1002.395(6)(d)2., F.S.

⁶⁴ Section 1002.395(11)(d), F.S.

commercially viable or cost-effective).⁶⁵ The parent of an eligible student must approve each payment prior to the SFO transferring funds to the account by funds transfer.⁶⁶

The SFO may permit eligible students to use program funds by paying for the authorized use directly, then submitting a reimbursement request to the eligible SFO. However, a SFO is authorized to require the use of an online platform for direct purchases of products so long as this does not limit a parent's choice of curriculum or academic programs. Additionally, if a parent purchases a product identical to one offered by a SFO's online platform for a lower price, the SFO must reimburse the parent the cost of the product. Reimbursements are allowed for items not on the platform.⁶⁷

Additionally, the SFO is required to verify a student's eligibility each fiscal year, prior to funding a scholarship for that fiscal year.⁶⁸ The law establishes \$24,000 as the maximum amount a SFO is permitted to maintain in an individual student's empowerment savings account for a FTC scholarship.⁶⁹

A SFO must award for annual or partial-year scholarships an amount equal to or greater than 75 percent of all estimated net eligible contributions and all funds carried forward from the prior state fiscal year remaining after administrative expenses, before funding any scholarships to students determined eligible for an FES-EO scholarship.⁷⁰ The SFO is required to submit to the DOE quarterly reports that provide the estimated and actual amounts of the net eligible contributions and all funds carried forward from the prior state fiscal year.⁷¹

The law permits reimbursements for scholarship program expenditures to continue until the account balance is expended or remaining funds have reverted to the state.⁷² However, a student's empowerment savings account must be closed, and any remaining funds will revert to the state, after:

- Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services; or
- Two consecutive fiscal years in which an account has been inactive.⁷³

Effect of Proposed Changes

FTC Scholarship Eligibility

The bill expands eligibility for FTC scholarships to the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida or whose home of record or state of residence, at the time of renewal, is Florida. Additionally, any student that received a scholarship under the Hope Scholarship Program scholarship during the 2023-2024 school year is deemed eligible for an FTC scholarship.

The bill clarifies that "enrolled in a public school" for the purposes of scholarship eligibility includes enrollment in the Florida School for Competitive Academics,⁷⁴ the Florida Virtual School,⁷⁵ and the

⁶⁵ Section 1002.395(11)(b), F.S.

⁶⁶ Section 1002.395(7)(a)6. and (11)(b), F.S.

⁶⁷ Section 1002.395(6)(u), F.S.

⁶⁸ Section 1002.395(6)(l)3., F.S.

⁶⁹ Section 1002.395(11)(e), F.S.

⁷⁰ Section 1002.395(6)(l)2., F.S.

⁷¹ Section 1002.395(6)(x), F.S.

⁷² Section 1002.395(11)(g), F.S.

⁷³ Section 1002.395(11)(h), F.S.

⁷⁴ Section 1002.351, F.S.

⁷⁵ Section 1002.37, F.S.

Florida Scholars Academy.⁷⁶ The bill also clarifies that a public school student receiving a scholarship under the New Worlds Scholarship program⁷⁷ is authorized to receive a transportation scholarship.

The bill provides that a student participating in FTC who uses scholarship funds to enroll full-time in a private school will have his or her scholarship account closed and remaining funds reverted to the state if the student remains unenrolled at an eligible private school for 30 days. Additionally, the bill clarifies that a student no longer eligible for a scholarship award if a student enrolls full-time in public school.

FTC Scholarship Award

The bill requires that a SFO establish a process for parents receiving an FTC scholarship for full time private school enrollment to renew their participation, beginning with the 2025-2026 school year, with a renewal timeline beginning February 1 and ending April 30 of the prior school year. Renewal must be contingent on confirmation of admission to an eligible private school. The process must require that parents confirm that the scholarship is being renewed or declined by May 31.

The SFO must establish a process for parents to apply for a new FTC scholarship for the purpose of full time private school enrollment. The process must require that parents confirm that the scholarship is being accepted or declined by a date set by the SFO.

Similarly, the bill requires a SFO to establish a process for parents of students participating in PEP to apply for a new scholarship or renew an existing scholarship. The process must require that renewals and new applications be made between February 1 and April 30, beginning with the school year prior to 2025-2026. The process must require that parents confirm that the scholarship is being accepted, renewed, or declined, as appropriate, by May 31.

The following table presents the new and renewal scholarship application process required under the bill:

Type of Application	Scholarship Program	Application Window	Parent must Accept or Decline by
NEW	FTC PEP	Feb 1-April 30	May 31
	FTC-Full-time Private	None	date set by the organization
RENEWAL	FTC PEP	Feb 1-April 30	May 31
	FTC-Full-time Private		

Authorized Uses for a FTC Scholarship

The bill clarifies the authorized use of scholarship funds for instructional materials. Specifically, equipment used as instructional materials may only be purchased for subjects in language arts and reading, mathematics, social studies, and science.

Personalized Education Programs

Similar to students transferring from out of state, a private school, or home education program, the bill provides that a middle grades student who transfers into the state's public school system from PEP after the beginning of the second term of grade 8 is not required to meet the civics education requirement for promotion from the middle grades if the student's transcript documents passage of three courses in social studies or two year-long courses in social studies that include coverage of civics education

⁷⁶ Section 985.619, F.S.
⁷⁷ Section 1002.411, F.S.
STORAGE NAME: h1403b.PKA
DATE: 1/16/2024

Additionally, if a PEP student transfers to a Florida public high school and the student's transcript shows only course credit in Algebra I or high school reading or English Language Arts (ELA) II or III, the student must pass the statewide, standardized Algebra I end-of-course (EOC) assessment and grade 10 ELA assessment in order to earn a standard high school diploma unless the student earned a comparative or concordant score. If the student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

Responsibilities of FTC Scholarship Recipients

A parent applying for, or renewing, a FTC scholarship for a student who will be enrolling in private school full time or for PEP participation must comply with the scholarship application or renewal processes and requirements established by the SFO, including, but not limited to, application and acceptance deadlines as a part of the parent's responsibilities for program participation. A parent forfeits participation in the scholarship program for failure to comply with these responsibilities.

The bill clarifies that a parent can only apply for one scholarship at a time, whether under the FTC or FES scholarship programs.

Disbursement of FTC Scholarship Award

The bill requires that the DOE notify the SFOs of the deadlines for submitting the verified list of eligible students. A SFO must submit the verified list of students and any information requested by the DOE in a timely manner.

The bill aligns the FTC program with the FES program by stating that funds received by parents under the FTC scholarship programs are not income for tax purposes.

Family Empowerment Scholarship Program

Present Situation

The FES program provides children of families in Florida with educational options to achieve success in their education, including children of families with limited financial resources, children of law enforcement and military families, and children with disabilities.⁷⁸ The scholarship program includes two types of scholarships where one assists eligible students to pay for the tuition and fees associated with attendance at a private school or transportation to another public school (FES-EO), and the other provides access to additional education options for a student with a disability by covering the cost of a variety of approved items, including: contracted services, curriculum, instructional materials, tutoring, specified education programs, and specialized services (FES-UA).⁷⁹ Each scholarship has unique student eligibility requirements, program requirements, award calculation methodologies, and allowable expenditures.⁸⁰

In 2023, the Legislature expanded eligibility for FES-EO scholarship for all Floridians eligible to attend public school in Florida while simultaneously turning the scholarship into an educational savings account by expanding the authorized uses for the FES-EO scholarship.⁸¹ Additionally, while convened

⁷⁸ Section 1002.394, F.S.; *see also* r. 6A-6.0952, F.A.C.

⁷⁹ Section 1002.394(3)(a) and (3)(b), F.S. The John M. McKay Scholarship for Students with Disabilities Program and the Gardiner Scholarship Program were previously offered as two separate scholarships for students with disabilities before the programs were consolidated under the FES-UA. The Gardiner Scholarship was repealed effective July 1, 2021, s. 2, ch. 2021-27 L.O.F. The McKay Scholarship was repealed effective July 1, 2022, s. 3, ch. 2021-27, L.O.F.

⁸⁰ Section 1002.394, F.S.

⁸¹ Section 5, ch. 2023-16, L.O.F.

in special session in November 2023, the Legislature amended the provisions of the FES-UA statute enabling all applicants determined eligible by the SFO and the DOE to receive a scholarship, notwithstanding any other provision of law, for the 2023-2024 school year.⁸²

FES-EO Eligibility

A student is eligible for a scholarship to attend private school if the student is a resident of Florida and is eligible to enroll in kindergarten through grade 12 in a Florida public school.⁸³

A FES-EO scholarship remains in force until the:

- SFO determines that the student is not eligible for program renewal;
- commissioner suspends or revokes program participation or use of funds;
- student's parent has forfeited participation in the program for failure to comply with statutorily required parental and student responsibilities;
- student enrolls in a public school, however, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or
- student graduates from high school or attains 21 years of age, whichever occurs first.⁸⁴

FES-UA Eligibility

A student is eligible for a FES-UA scholarship if the student:

- is a resident of Florida;
- is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a Florida public school;
- has a disability as provided for in law; and
- is the subject of an IEP written in accordance with rules of the State Board of Education (SBE) or with the applicable rules of another state or has received a diagnosis of a disability from a licensed physician, a licensed psychologist, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.⁸⁵

A FES-UA scholarship remains in force until the:

- parent does not renew program eligibility;
- SFO determines that the student is not eligible for program renewal;
- commissioner suspends or revokes program participation or use of funds;
- student's parent has forfeited participation in the program for failure to comply with statutorily required parental and student responsibilities;
- student enrolls in a public school; or
- student graduates from high school or attains 22 years of age, whichever occurs first.⁸⁶

Ineligibility for a FES-EO or FES-UA Scholarship

A student is ineligible for a scholarship under the FES-EO or FES-UA if the student is:⁸⁷

⁸² Section 1, ch. 2023-350, Laws of Fla.

⁸³ Section 1002.394(3)(a)1., F.S.

⁸⁴ Section 1002.394(5)(a)1., F.S.

⁸⁵ Section 1002.394(3)(b)1., F.S.

⁸⁶ Section 1002.394(5)(b)1., F.S.

⁸⁷ Section 1002.394(6)(a)-(f), F.S.

- enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, a developmental research school, or a charter school;
- enrolled in a DJJ commitment program;
- receiving any other state-sponsored K-12 educational choice scholarship;
- not having regular and direct contact with his or her private school teacher, unless the student has an eligible disability and is awarded a scholarship under the FES-UA and the student is enrolled in the private school's transition-to-work program or a home education program;
- participating in a private tutoring program, unless the student has an eligible disability and is awarded a scholarship under the FES-UA; or
- participating in a virtual instruction program that receives state funding pursuant to the student's participation.

Number of Available FES-EO and FES-UA Awards

In 2023, the Legislature removed the cap on FES-EO scholarship awards⁸⁸ and expanded eligibility for the FES-EO scholarship for all Floridians eligible to attend public school in Florida.

In the 2022-2023 school year, 88,010 FES-EO scholarships were funded to eligible students seeking a scholarship to attend private school⁸⁹ and 696 FES-EO transportation scholarships were funded.⁹⁰ In the 2023-2024 school year, as of January 8, 2024, 133,969 FES-private school scholarships have been funded⁹¹ and 4,504 FES-EO transportation scholarships have been funded.⁹²

In 2023, the Legislature increased the growth rate of the cap on FES-UA scholarship awards from 1 percent of the number of exceptional student education students, excluding gifted students, to 3 percent.⁹³ During special session in November 2023 the Legislature further expanded the cap on FES-UA scholarships to include all the students determined eligible by the SFO and the DOE for the 2023-2024 school year.⁹⁴ For the 2024-2025 school year, and subsequent years, the growth rate for the FES-US scholarships will return to the 3 percent established during the 2023 regular session.⁹⁵

While eligible to participate in the FES-UA program, the following types of students are excluded from the maximum program capacity:⁹⁶

- Students who received specialized instructional services under the VPK program during the previous school year;
- Students who are a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or
- Students who spent the prior school year in attendance at a Florida public school or received a McKay Scholarship in the 2021-2022 school year.

In the 2022-2023 school year, 67,326 FES-UA scholarships were funded to eligible students with a disability.⁹⁷ In the 2023-2024 school year, as of December 20, 2023, 93,682 FES-UA scholarships have been funded.⁹⁸

⁸⁸ Section 5, ch. 2023-16, Laws of Fla.

⁸⁹ Department of Education, *2022-23 FES EO by District*, on file with the PreK-12 Appropriations Subcommittee.

⁹⁰ Department of Education, *2022-23 Florida Education Finance Program Fourth Calculation, Transportation, 4/14/23*, available at [2022-23 Fourth Calculation \(fldoe.org\)](https://fldoe.org/2022-23-Fourth-Calculation)

⁹¹ Department of Education, *2023-24 FES Educational Options*, on file with the PreK-12 Appropriations Subcommittee.

⁹² See, email Department of Education, (January 8, 2024), on file with the PreK-12 Appropriations Subcommittee.

⁹³ Section 1002.394(12)(b)1., F.S.

⁹⁴ Section 1, ch. 2023-350, L.O.F.

⁹⁵ *Id.*

⁹⁶ Section 1002.394(12)(b)1.a.-c., F.S.

⁹⁷ Department of Education, *2022-23 FES UA by Eligibility and Grade*, on file with the PreK-12 Appropriations Subcommittee.

⁹⁸ Department of Education, *2023-24 FES Unique Abilities*, on file with the PreK-12 Appropriations Subcommittee.

Priority for FES-EO Awards

A participating SFO must award a FES-EO scholarship in accordance with the priorities established in law. For a student seeking a scholarship to attend private school, the award priority must be given to a student whose household income level does not exceed 185 percent of the federal poverty level (FPL) or who is in foster care or out-of-home care.⁹⁹ A secondary priority must be given to a student whose household income level does exceeds 185 percent of the FPL but is does not exceed 400 percent of the FPL.¹⁰⁰

Disbursement of FES-EO Scholarships

A SFO is required to establish and maintain an empowerment account for each eligible student and must maintain records of accrued interest retained in the student's account.¹⁰¹ The parent of an eligible student must approve each payment prior to the SFO transferring funds to the account by funds transfer.¹⁰²

A SFO may permit a FES-EO student to use program funds by paying for the authorized use directly, then submitting a reimbursement request to the eligible SFO. However, a SFO is authorized to require the use of an online platform for direct purchases of products so long as this does not limit a parent's choice of curriculum or academic programs. Additionally, if a parent purchases a product identical to one offered by a SFO's online platform for a lower price, the SFO must reimburse the parent the cost of the product. Reimbursements are allowed for items not on the platform.¹⁰³

Reimbursements for program expenditures continue until the account balance is expended or remaining funds have reverted to the state.¹⁰⁴ A student's account must be closed, and any remaining funds will revert to the state, after:¹⁰⁵

- Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services; or
- Two consecutive fiscal years in which an account has been inactive.

Additionally, the SFO is required to verify a student's eligibility each fiscal year, prior to granting a scholarship for that fiscal year.¹⁰⁶ The bill requires the DOE to transfer eligible student scholarship funds, beginning August 1, to an SFO.¹⁰⁷ The cap of \$24,000 is the maximum amount a SFO is permitted to maintain in an individual student's empowerment savings account for a FES-EO scholarship.¹⁰⁸

FES-EO Award Amount

The FES-EO is funded through the Florida Education Finance Program (FEFP) with a scholarship awarded by a SFO.¹⁰⁹ A FES-EO scholarship award amount for a student to attend an eligible private school is calculated as 100 percent of the school districts funding per student, including specified

⁹⁹ Section 1002.394(3)(a)2.a., F.S.

¹⁰⁰ Section 1002.394(3)(a)2.b., F.S.

¹⁰¹ Section 1002.394(11)(a)4., F.S.

¹⁰² Section 1002.394(10)(a)7., F.S.

¹⁰³ Section 1002.394(11)(a)5., F.S.

¹⁰⁴ Section 1002.394(5)(a)2.b., F.S.

¹⁰⁵ Section 1002.394(5)(a)2.a., F.S.

¹⁰⁶ Section 1002.394(11)(a)9., F.S.

¹⁰⁷ Section 1002.394(12)(a)3., F.S.

¹⁰⁸ Section 1002.391(12)(a)5., F.S.

¹⁰⁹ Section 1002.394(8)(a), (11)(a), (11)(b), and (12)(a), F.S. The department must notify the SFO that scholarships may not be awarded in a school district in which the scholarship award will exceed 99 percent of the school district's share of the state FEFP funds as calculated by the department. Section 1002.394(8)(a)13., F.S.

categorical funds.¹¹⁰ The DOE determines the appropriate student scholarship funding amount and cross-checks scholarship students with public school enrollment to avoid duplication.¹¹¹

Upon receiving documentation which verifies a student's participation in the scholarship from the SFO, the DOE must transfer, beginning August 1, scholarship funds to the SFO for disbursement to parents of participating FES-EO students.¹¹² Initial scholarship payments are made after the SFO verifies the student's admission acceptance to an eligible private school, with all subsequent scholarship payments occurring upon verification of continued enrollment and attendance at the private school.¹¹³ Parents must approve all payments before the SFO is authorized to transfer funds.¹¹⁴

For each FES-EO scholarship, the DOE must cross-check the list of participating scholarship students with public school enrollment and adjust payments to a SFO and school districts based upon these results when the FEFP is recalculated.¹¹⁵

Responsibilities of FES-EO Recipients

Parents and students receiving a FES-EO scholarship must fulfill the following responsibilities:¹¹⁶

- Select the private school and apply for the admission of his or her student.
- Request the scholarship by a date established by the SFO, in a manner that creates a written or electronic record of the request and the date of receipt of the request.
- Inform the applicable school district when the parent withdraws his or her student from a public school to attend an eligible private school.
- Require his or her student participating in the program to remain in attendance throughout the school year unless excused by the school for illness or other good cause.
- Meet with the private school's principal or the principal's designee to review the school's academic programs and policies, customized educational programs, code of student conduct, and attendance policies prior to enrollment.
- Require that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school.¹¹⁷
- Approve each payment before the scholarship funds may be deposited by funds transfer. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant.
- Agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the private school before using empowerment account funds for additional authorized uses. A parent is responsible for all eligible expenses in excess of the amount of the scholarship.

¹¹⁰ Section 1002.394(12)(a)1., F.S.; *see also* Step Up For Students, *Basic Scholarship Amounts for 2023-24*, available at <https://go.stepupforstudents.org/hubfs/Scholarship%20Info/FTC-FES-EO-Scholarship-Award-Amounts-2023-24.pdf>. The categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), and (16), F.S.

¹¹¹ Section 1002.394(12)(a)3., F.S.

¹¹² Section 1002.394(12)(a)4., F.S. Scholarship payments are made to the SFO on or before August 1, November 1, February 1, and April 1 of each year. Rule 6A-6.0952, F.A.C.

¹¹³ Section 1002.394(12)(a)4., F.S.

¹¹⁴ Section 1002.394(10)(a)7. and (12)(a)4., F.S.

¹¹⁵ Section 1002.394(8)(a)13., F.S. The FEFP is calculated five times throughout the year to arrive at each year's final appropriations. *See* Florida Department of Education, *2021-22 Funding for Florida School Districts*, at 25, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

¹¹⁶ Section 1003.394(10)(a), F.S.

¹¹⁷ The parent and student may also elect to participate in the statewide, standardized assessment administered by the school district. The parent is responsible for transporting the student to the assessment. Section 1003.394(10)(a)6., F.S.

FES-UA Award Amount

The FES-UA is funded through the FEFP with a scholarship awarded by a SFO.¹¹⁸ For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, a FES-UA scholarship award amount is calculated as 100 percent of the school districts funding per student in the basic exceptional student education program, including specified categorical funds.¹¹⁹ For a student who has a Level IV or Level V matrix of services, a FES-UA scholarship award amount is calculated as 100 percent of the school districts funding per student in the Level IV or Level V exceptional student education program, including specified categorical funds.¹²⁰

For a student that received the Gardiner Scholarship or John M. McKay Scholarship in 2020-2021 school year, the award amount for a FES-UA scholarship must be the greater of the amount the student received in the 2020-2021 school year or the amount calculated for new FES-UA recipients.¹²¹

Upon receiving documentation which verifies a student's participation in the scholarship from the SFO, the DOE must transfer, beginning September 1, scholarship funds to the SFO for disbursement to parents of participating FES-UA students.¹²² Initial scholarship payments are made after the SFO verifies the student's participation.¹²³

Responsibilities of FES-UA Recipients

Parents and students receiving a FES-UA scholarship must fulfill the following responsibilities:¹²⁴

- Apply to an eligible SFO to participate in the program by a date set by the SFO in a manner that creates a written or electronic record of the request and the date of receipt of the request.
- Sign an agreement with the SFO and annually submit a sworn compliance statement to the SFO to satisfy or maintain program eligibility, including eligibility to receive and spend program payments by:
 - Affirming that the student is enrolled in a program that meets regular school attendance requirements.
 - Affirming that the program funds are used only for authorized purposes serving the student's educational needs; that any prepaid college plan or college savings plan funds contributed will not be transferred to another beneficiary while the plan contains funds contributed from the FES-UA scholarship; and that they will not receive a payment, refund, or rebate of any funds provided under this section.
 - Affirming that the parent is responsible for all eligible expenses in excess of the amount of the scholarship and for the education of his or her student by, as applicable:

¹¹⁸ Section 1002.394(8)(a), (11)(a), (11)(b), and (12)(a), F.S. The department must notify the SFO that scholarships may not be awarded in a school district in which the scholarship award will exceed 99 percent of the school district's share of the state FEFP funds as calculated by the department. Section 1002.394(8)(a)13., F.S.

¹¹⁹ Section 1002.394(12)(b)2., F.S.; *see also* Step Up For Students, *Basic Scholarship Amounts for 2023-24*, available at <https://go.stepupforstudents.org/hubfs/Scholarship%20Info/FES-UA-Scholarship-Award-Amounts-2023-24.pdf>. The FEFP categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, the Exceptional Student Education Guaranteed Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), (8), and (16), F.S.

¹²⁰ Section 1002.394(12)(b)3., F.S.; *see also* Step Up For Students, *Basic Scholarship Amounts for 2023-24*, available at <https://go.stepupforstudents.org/hubfs/Scholarship%20Info/FES-UA-Scholarship-Award-Amounts-2023-24.pdf>. The categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), and (16), F.S.

¹²¹ Section 1002.394(12)(b)4.-5., F.S.

¹²² Section 1002.394(12)(b)7., F.S. Scholarship payments are made to the SFO on or before September 1, November 1, February 1, and April 1 of each year. Rule 6A-6.0952, F.A.C.

¹²³ Section 1002.394(12)(b)6., F.S.

¹²⁴ Section 1002.394(10)(b), F.S.

- Requiring the student to take a norm-referenced assessment or the statewide, standardized assessment;¹²⁵
 - Providing an annual home education program evaluation; or
 - Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible VPK program provider.¹²⁶
- Affirming that the student remains in good standing with the provider or school if those options are selected by the parent.
 - Enrolling his or her child in a program from a VPK program provider, a school readiness provider, or an eligible private school if either option is selected by the parent.
 - Renewing participation in the program each year.
 - Procuring the services necessary to educate the student.¹²⁷

Authorized uses for FES-EO Awards

Authorized uses of FES-EO scholarship funds in an empowerment savings account include:¹²⁸

- Tuition and fees at an eligible private school.
- Instructional materials, including digital materials and Internet resources.
- Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
- Tuition and fees associated with full-time or part-time enrollment in an eligible postsecondary educational institution¹²⁹ or a program offered by the postsecondary educational institution,¹³⁰ an approved preapprenticeship program,¹³¹ a private tutoring program, a virtual program offered by a department-approved private online provider, the Florida Virtual School as a private paying student, or an approved online course.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contracted services provided by a public school or school district, including classes. A student who receives services under a contract is not considered enrolled in a public school for scholarship eligibility purposes but rather attending a public school on a part-time basis.
- Tuition and fees for part-time tutoring services or fees for services by a choice navigator.

A scholarship in the amount of \$750 or an amount equal to the school district expenditure per student riding a bus, whichever is greater, may also be awarded to an eligible public school student enrolled in a Florida public school which is different from the school to which the student was assigned or in a lab school, if the school district does not provide the student with transportation to the school.¹³²

Authorized uses for FES-UA Awards

¹²⁵ However, students with disabilities for whom the physician or psychologist who issued the diagnosis or the IEP team determines that standardized testing is not appropriate are exempt from this requirement. Section 1002.394(9)(c), F.S.

¹²⁶ A student with disabilities for whom the physician or psychologist who issued the diagnosis or the IEP team determines that a preassessment and postassessment is not appropriate is exempt from this requirement. Section 1003.394(10)(b)2.c.(III), F.S.

¹²⁷ If such services include enrollment in an eligible private school, the parent must meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before his or her student is enrolled. Section 1002.394(10)(b)2.g., F.S.

¹²⁸ Section 1002.394(4)(a), F.S.

¹²⁹ "Eligible postsecondary educational institution" includes institutions that offer distance learning under a reciprocity agreement. *See, supra*, text accompanying note 47.

¹³⁰ Unless the program is subject to a statutory fee exemption or the dual enrollment scholarship.

¹³¹ Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.

¹³² Section 1002.394(12)(a)2., F.S. The district expenditure per student riding a school bus is the amount determined by the DOE.

A FES-UA scholarship for an eligible student with a disability may be used to cover the following expenses:¹³³

- Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices;
- Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction;
- Specialized services¹³⁴ by approved providers or by a hospital in this state which are selected by the parent;
- Tuition or fees associated with full-time or part-time enrollment in a home education program; an eligible private school; an eligible postsecondary educational institution¹³⁵ or a program offered by the postsecondary educational institution; an approved preapprenticeship program;¹³⁶ a private tutoring program authorized; a virtual program offered by an approved private online provider; the Florida Virtual School as a private paying student; or an approved online course;
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments;
- Contributions to the Stanley G. Tate Florida Prepaid College Program or the Florida College Savings Program for the benefit of the eligible student;
- Contracted services provided by a public school or school district, including classes;¹³⁷
- Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator;
- Fees for specialized summer education programs or specialized after-school education programs;
- Transition services provided by job coaches;
- Fees for a home education student's annual evaluation of educational progress by a state-certified teacher;
- Tuition and fees for a VPK program or school readiness program offered by an eligible provider;
- Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International; or
- Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.

The law establishes a cap of \$50,000 as the maximum amount a SFO is permitted to maintain in an individual student's empowerment savings account for a FES-UA scholarship.¹³⁸

Effect of Proposed Changes

Provisions Amending both FES-EO and FES-UA Scholarships

The bill clarifies that the ineligibility of a student based on enrollment in a public school only applies if the student enrolls full-time and that "enrolled in a public school" for the purposes of scholarship

¹³³ Section 1002.394(4)(b)1.-15., F.S.

¹³⁴ Specialized services may include, but are not limited to, applied behavior analysis services, services provided by speech-language pathologists, occupational therapy services, services provided by physical therapists, or services provided by listening and spoken language specialists.

¹³⁵ "Eligible postsecondary educational institution" includes institutions that offer distance learning under a reciprocity agreement. *See, supra*, text accompanying note 41.

¹³⁶ Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.

¹³⁷ While contracted services are considered part-time enrollment, a student who receives services under such a contract is not considered enrolled in a public school for scholarship eligibility purposes.

¹³⁸ Section 1002.394(12)(b)10., F.S.

eligibility includes enrollment in the Florida School for Competitive Academics,¹³⁹ the Florida Virtual School,¹⁴⁰ and the Florida Scholars Academy.¹⁴¹ The bill also clarifies that a public school student receiving a scholarship under the New Worlds Scholarship program¹⁴² is authorized to receive a transportation scholarship.

The bill requires that a SFO establish a process for parents receiving a FES scholarship to renew their participation, beginning with the 2025-2026 school year, with a renewal timeline beginning February 1 and ending April 30 of the prior school year. Renewal must be contingent on confirmation of admission to an eligible private school. The process must require that a parent confirm that the scholarship will be renewed or declined by May 31.

The SFO must establish a process for new FES scholarship applicants, beginning with the 2025-2026 school year, to submit their application beginning no earlier than February 1 of the prior school year until November 15. Applications received by the SFO after this date will be considered, on a first come first served basis, for the following fiscal year. The process must require that a parent confirm that the scholarship will be accepted or declined by December 15.

The bill requires that the SFO, for each renewing scholarship student, verify the student’s continued eligibility to participate in the program at least 30 days prior to each quarterly payment. The SFO must submit a verified list of eligible scholarship students to the DOE, by a deadline set by the DOE . Upon receiving the verified list, the DOE must release to the SFO for deposit into the student’s account in quarterly payments no later than August 1, November 1, February 1 and April 1.

Similarly, for new scholarship applicants, the SFO must verify a student’s eligibility to participate in the program at least 30 days prior to each quarterly payment. The SFO must submit a verified list of eligible scholarship students to the DOE, by a deadline set by the DOE . Upon receiving the verified list, the DOE must release to the SFO for deposit into the student’s account in quarterly payments no later than September 1, November 1, February 1, and April 1.

The following table presents the new and renewal scholarship application process and payment schedule required under the bill:

Type of Application	Scholarship Program	Application Window	Parent must Accept or Decline by	1st Quarterly Payment
NEW	FES-EO and FES-UA	Feb 1 - Nov 15	December 15	September 1st
RENEWAL	FES-EO and FES-UA	Feb 1-April 30	May 31	August 1st

The bill clarifies that a parent can only apply for one scholarship at a time, whether under the FES or FTC scholarship programs, and requires a parent applying for, or renewing, a FES-EO or FES-UA scholarship to comply with the scholarship application or renewal processes and requirements established by the SFO, including, but not limited to, application and acceptance deadlines as a part of the parents’ responsibilities for program participation. A parent forfeits participation in the scholarship program for failure to comply with these responsibilities.

A participating private school must confirm a student’s admission to the private school and provide any other information required by an SFO to process scholarship payments for full-time tuition and fees at the private school.

¹³⁹ Section 1002.351, F.S.
¹⁴⁰ Section 1002.37, F.S.
¹⁴¹ Section 985.619, F.S.
¹⁴² Section 1002.411, F.S.
STORAGE NAME: h1403b.PKA
DATE: 1/16/2024

The DOE's release of state funds for any scholarship under FES by the DOE is contingent on verification that the SFO follows the spend down requirements for eligible contributions under the FTC scholarship program based upon the SFO's submitted verified list of eligible scholarship students.

The bill requires that the SFO make payment for tuition and fees for students enrolled full-time in eligible private schools within 7 days of approval by the parent and private school.

Within 30 days of the release of funds to the SFO, the bill requires the SFO to report to the DOE the amount of funds distributed for student scholarships. If the amount of funds distributed is less than the amount received by the SFO, the DOE is authorized to adjust the amount of subsequent quarterly payments to account for the overpayment.

FES-EO Scholarship Specific Provisions

The bill expands eligibility for a FES-EO scholarship to the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida.

The bill provides that any student that received a HSP scholarship during the 2023-2024 school year is deemed eligible for an FES-EO scholarship.

The bill clarifies the authorized use of scholarship funds for instructional materials. Specifically, equipment used as instructional materials may only be purchased for subjects in language arts and reading, mathematics, social studies, and science.

The bill requires that a FES-EO scholarship account for a student attending private school full-time must be closed and remaining funds reverted to the state if the student is unenrolled from an eligible private school for 30 days.

FES-UA Scholarship Specific Provisions

The bill expands access to the FES-UA program, by increasing the growth rate of the cap on the number of eligible FES-UA scholarships to 5 percent of the state's total exceptional student education full-time equivalent student population, not including gifted students. Additionally, the bill provides an acceleration mechanism whereby the growth rate will increase by 1 percent for any year where more than 95 percent of the available FES-UA scholarships were funded the prior year.

The bill expands eligibility for a FES-UA scholarship to the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida or whose home of record or state of residence, at the time of renewal, is Florida and clarifies that a student need only be 3 or 4 years of age during the year in which his or her parent applies for a FES-UA scholarship.

The bill removes the provision of law relating to FES-UA wait list as the newly created application and renewal deadlines and required SFO processes provide the framework for handling all FES-UA applications.

The bill expands the authorized uses for FES-UA scholarship funds to include prekindergarten programs offered by eligible private schools which participate in the state's scholarship programs and offers education to students in any grades K-12.

The bill requires a SFO to notify parents of students receiving a FES-UA scholarship of available state and local services, including, but not limited to, vocational rehabilitation and blind services and defines transition services as a coordinated set of activities which are focused on improving the academic and

functional achievement of a student with a disability to facilitate the student's movement from school to post-school activities, based on the specific student's needs.

The bill requires that the parent of a student receiving a FES-UA scholarship that enrolls full-time in a private school, to approve each payment to the eligible private school before scholarship funds may be released to the school. The parent is prohibited from designating any entity or individual associated with the eligible private school as the parent's attorney in fact to approve the transfer. This change aligns the requirements of FES-UA with other scholarship requirements used to pay eligible private school tuition and fees.

The Hope Scholarship Program

Present Situation

In 2018, the Legislature created the HSP to provide the parent of a public school student subjected to a specified incident¹⁴³ at school the opportunity to transfer the child to another public school or to request a scholarship for the child to enroll in and attend an eligible private school.¹⁴⁴ A parent may also choose to enroll their child in a public school located outside the district in which the student resides and request a transportation scholarship.¹⁴⁵ The scholarship program is funded by taxpayers who make eligible contributions to SFOs, and in turn, receive a credit against any tax due as a result of the purchase or acquisition of a motor vehicle.¹⁴⁶ Contingent upon available funds, scholarships are awarded on a first-come, first-served basis to eligible students in kindergarten through grade 12 who report an incident to the school principal.¹⁴⁷ Unallocated HSP funds beyond the authorized 5 percent carry forward may be used to fund the FTC Program under certain circumstances.¹⁴⁸

The DOE is required to contract with an independent entity to provide an annual evaluation of the HSP by:

- reviewing the school bullying education program, climate, and code of student conduct of each public school from which 10 or more students transferred to another public or private school using the HSP to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent's and student's rights that need improvement;
- reviewing the school bullying prevention education program, climate, and code of student conduct of each public school to which a student transferred if the student was from a school identified above in order to identify best practices and make recommendations to a public school at which the incidents occurred;
- reviewing the performance of participating students enrolled in a private school in which at least 51 percent of the total enrolled students in the prior school year participated in the program and in which there are at least 10 participating students who have scores for tests administered; and
- surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges to or obstacles in addressing the incident or relating to the use of the scholarship.¹⁴⁹

As of January 8, 2024, 538 HSP scholarships have been funded for the 2023-2024.¹⁵⁰

Effect of Proposed Changes

¹⁴³ Section 1002.40(3), F.S. A specified incident includes: battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.

¹⁴⁴ Section 1002.40(1), F.S.

¹⁴⁵ Section 1002.40(6)(a), F.S.

¹⁴⁶ Section 1002.420(2)(d) and (13), F.S.

¹⁴⁷ Section 1002.420(3) and (6), F.S.

¹⁴⁸ See s. 1002.40(13), F.S.

¹⁴⁹ Section 1002.40(8)(d)1.-4., F.S.

¹⁵⁰ Email, Step Up for Students (January 8, 2024), on file with the PreK-12 Appropriations Subcommittee.

Given the expansion of eligibility under the FTC and FES-EO scholarship programs and the low utilization rate of the HSP, the bill repeals the HSP. The bill makes it clear that all students who received a HSP scholarship in the 2023-2024 school year are eligible for scholarships under the FTC and FES-EO scholarship programs.

However, the bill maintains the tax credits created for the HSP and transfers the tax credit revenue to the FTC scholarship program to provide additional funding for scholarships under that program. The bill updates the provisions of law governing eligible contributions to the FTC scholarship program to include those eligible contributions previously allocated to the HSP.

DOE Scholarship Oversight and SFO Administration

Present Situation

DOE Oversight

The DOE must fulfill the following responsibilities for all state scholarship programs:¹⁵¹

- Annually verify the private schools eligible to participate.
- Establish a toll-free hotline to provide parents and private schools with information about participating in the scholarship programs.
- Establish a process to allow individuals to notify the DOE of violations of state law relating to a scholarship program.
- Annually receive and retain from every participating private school a notarized, sworn compliance statement certifying compliance with state law.
- Coordinate with the entities conducting the health inspections and fire inspections for private schools to obtain copies of the inspection reports directly from the entities.
- Provide, at no cost to the school, the statewide, standardized assessments and any related materials for administering the assessments.
- Conduct site visits to schools entering a scholarship program for the first time. A school is not eligible to receive scholarship funds until a satisfactory site visit is completed and the school complies with all other requirements in law.
- Maintain, and annually publish, a list of nationally norm-referenced tests identified for purposes of satisfying scholarship program assessment requirements.¹⁵²

The DOE is authorized to conduct site visits to any private school participating in a state scholarship program that has received a complaint about a violation of state law or SBE rule or has received a notice of noncompliance or a notice of proposed action within the previous two years.¹⁵³ The DOE must annually submit, by December 15, a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes its implementation of the accountability measures in the scholarship programs, any substantiated allegations or violations of law or rule by a private school, and the corrective action taken.¹⁵⁴

The DOE is required to issue a project grant award to a state university, to which participating private schools and SFOs must report the scores of participating scholarship students and PEPs students, respectively, on the nationally norm-referenced tests or the statewide assessments administered by the private school in grades 3 through 10.¹⁵⁵ The state university must annually report to the DOE on the student performance of participating students and, beginning with the 2027-2028 school year, on the performance of personalized education students:¹⁵⁶

¹⁵¹ Section 1002.421(2)(a), F.S.

¹⁵² Sections 1002.394(8)(a)3. and 1002.395(9)(e), F.S.

¹⁵³ Section 1002.421(2)(b), F.S.

¹⁵⁴ Section 1002.421(2)(c), F.S.

¹⁵⁵ Section 1002.395(9)(f), F.S.

¹⁵⁶ Section 1002.395(9)(f)1., F.S.

- On a statewide basis. The report shall also include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program; and
- On an individual school basis. The annual report must include student performance for each participating private school with any enrolled students participating in the FTC, FES-EO, or HSP program in the prior school year.

The DOE must report, as part of the determination of full-time equivalent membership, all students who are receiving a FES scholarship program and are funded in the FEFP.¹⁵⁷ The DOE must inform SFOs that students may not be submitted for FES funding after February 1, each year.¹⁵⁸ To assist school districts in their budgeting processes, the DOE must report to school districts the consensus estimate of FTC and FES-EO enrollment in the subsequent school year.¹⁵⁹

Scholarship Funding Organizations

Florida's scholarship programs are administered by DOE-approved SFOs.¹⁶⁰ The DOE is required to have at least two application periods each year in which charitable organizations may apply to participate in the Florida's scholarship programs.¹⁶¹ A SFO must be a state university; or an independent college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or is a Florida based charitable organization that complies with scholarship program requirements.¹⁶² There are currently two SFOs approved to administer the FES-EO, the FES-UA, the FTC, the HSP, and the New Worlds Scholarship programs.¹⁶³

Each SFO administering FES scholarships is required to submit a quarterly report to the DOE containing, at a minimum the following information:

- the number of students participating in the program;
- the demographics of program participants;
- the disability category of program participants;
- the matrix level of services, if known;
- the program award amount per student;
- the total expenditures for the FES-UA authorized purposes;
- the types of providers of services to students; and
- any other information deemed necessary by the department.¹⁶⁴

Each SFO administering FTC scholarships is required to submit a quarterly report to the DOE containing, at a minimum the following information:

- the number of students participating in the program;
- the private schools at which participating students are enrolled; and

¹⁵⁷ Section 1002.394(8)(a)2., F.S.

¹⁵⁸ Section 1002.394(8)(a)4., F.S.

¹⁵⁹ Section 1002.394(8)(c), F.S.

¹⁶⁰ Florida Department of Education, *Scholarship Funding Organizations*, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/sfo/> (last visited Jan. 7, 2024).

¹⁶¹ Section 1002.395(15), F.S.

¹⁶² Section 1002.395(1)(f), F.S.

¹⁶³ Florida Department of Education, *Scholarship Funding Organizations*, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/sfo/> (last visited Jan. 7, 2024). Specifically, the A.A.A. Scholarship Foundation administers FTC, FES-EO, PEP, and FES-UA scholarships while Step Up for Students administers FTC, PEP, FES-EO, FES-UA, HOPE, and New Worlds Scholarship Program scholarships. See A.A.A. Scholarship Foundation, *Florida Parents*, <https://www.aaascholarships.org/parents/florida/> (last visited Jan. 7, 2024) and Step Up For Students, *Scholarships to Give Florida Students Educational Options*, <https://www.stepupforstudents.org/scholarships/> (last visited Jan. 7, 2024).

¹⁶⁴ Section 1002.394(8)(a)11., F.S.

- any other information deemed necessary by the department.¹⁶⁵

A SFO administering FTC and FES-EO scholarships is required to expend an amount equal to or greater than 75 percent of all estimated net eligible contributions, and all funds carried forward from the prior state fiscal year remaining after administrative expenses before funding any FES-EO scholarships. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year.¹⁶⁶

As a part of their duties of management and distribution of scholarships, a SFO is authorized to use, from tax credit contributions received, up to 3 percent of the total amount of scholarships funded by the SFO for administrative expenses.¹⁶⁷

To provide guidance to scholarship recipients on allowable expenditures under Florida's scholarship programs, SFOs must participate in a joint development of agreed-upon purchasing guidelines. The jointly developed purchasing guidelines must be provided to the commissioner and published to the SFO's website by December 31, 2023, and annually thereafter.¹⁶⁸ The guidelines remain in effect until there is unanimous agreement to revise the guidelines and the revisions must be provided to the commissioner and published within 30 days of any such revisions.¹⁶⁹

Effect of Proposed Changes

DOE Oversight

The bill requires that the DOE notify all SFOs of the deadlines for submitting the verified list of scholarship students and clarifies that in conducting its cross-check of the list of scholarship students provided by a SFO, the DOE must use the full-time equivalent student membership data to avoid duplication.

The bill updates the requirements for the annual report the DOE must require from SFOs to include the following information:

- the number of scholarship applications received, the number of applications processed within 30 days after receipt, and the number of incomplete applications received;
- data related to reimbursement submissions, including the average number of days for a reimbursement to be reviewed and the average number of days for a reimbursement to be approved; and
- any parent input and feedback collected regarding the program.

SFO Administration

The bill requires that each SFO establish a process to collect input and feedback from parents, private schools, and providers before implementing substantial modifications or enhancements to the reimbursement process.

For an SFO administering the FTC scholarship program, the bill requires that a SFO annually expend 100 percent of any eligible contributions from the prior fiscal year and at least 75 percent of eligible contributions during the fiscal year in which they are received.

¹⁶⁵ Section 1002.395(9)(i), F.S.

¹⁶⁶ Section 1002.395(6)(l)2., F.S.

¹⁶⁷ Sections 1003.394(11)(a)4. and 1003.395(6)(j)1., F.S. For SFOs offering FTC scholarships, the organization may use eligible contributions for administrative expenses only if they have had no findings of material weakness or material noncompliance in its annual financial audit for the preceding 3 fiscal years. Section 1003.395(6)(j)1., F.S.

¹⁶⁸ Section 1002.395(6)(t), F.S.

¹⁶⁹ *Id.*

The bill requires that the calculation of the 25 percent authorized to be carried forward occur on June 30, rather than September 30, as previously authorized. Any funds that are in excess of the authorized 25 percent must be used to provide scholarships or transferred to other SFOs to provide scholarships. The early deadline provided for in the bill will assist in getting available funds to a SFO that can use them for scholarships earlier. These changes will maximize the number of FTC scholarships awarded prior to the award of FES-EO scholarships.

The bill clarifies that new scholarships are awarded on a first-come, first served basis unless income prioritization is selected. The SFO is only required to verify income of parents seeking a priority award.

The bill clarifies the prohibition on an SFO owner or operator also owning or operating a participating private school or for his or her child to receive a choice scholarship.

The bill revises the requirements for the development of purchasing guidelines by requiring the joint-development of such guidelines for FTC and FES-EO by all approved SFOs and requiring that all SFOs assist the Florida Center for Students with Unique Abilities¹⁷⁰ with the development of purchasing guidelines for FES-UA scholarships and to publish the guidelines on the SFO website.

Florida Center for Students with Unique Abilities

Present Situation

Background

In 2016, the Legislature passed the “Florida Postsecondary Comprehensive Transition Program Act” (Act) to increase independent living, inclusive and experiential postsecondary education, and employment opportunities for students with intellectual disabilities. Specifically, the Act:

- established a process by which postsecondary institutions may voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- created the Florida Center for Students with Unique Abilities (center) at the University of Central Florida as the statewide coordinating center for the dissemination of information regarding programs and services available to students with disabilities and their families.¹⁷¹

Florida Center for Students with Unique Abilities

The responsibilities of the center include, but are not limited to disseminating information regarding: education programs, services and resources available at eligible institutions; supports, accommodations, technical assistance or training provided by eligible institutions, the advisory council or regional autism centers; and mentoring, networking and employment opportunities; and coordinating, facilitating and overseeing statewide implementation of the FPCTP.¹⁷²

The center provides technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors and staff at eligible institutions by holding meetings and annual workshops, facilitating collaboration between institutions and school districts, private schools, and parents of students enrolled in home education programs, assisting eligible institutions with applications, and monitoring federal and state law relating to the program.¹⁷³

¹⁷⁰ See text accompanying notes 167-171, *infra*.

¹⁷¹ Section 1, ch. 2016-2, L.O.F., *codified at* s. 1004.6495, F.S.

¹⁷² Section 1004.6495(5)(a)-(b), F.S.

¹⁷³ Section 1004.6495(5)(d), F.S.

The center, in collaboration with the Board of Governors and the SBE must identify indicators for satisfactory academic progress and performance of FPCTP programs.¹⁷⁴

The center must report to the Governor, President of the Senate, Speaker of the House of Representatives, Chancellor of the State University System and commissioner , by October 1 of each year, the following:

- status of the statewide coordination and implementation of FPCTP's, including the number of applications approved and disapproved, reasons for each disapproval or no action taken by the Chancellor or Commissioner, number and value of all scholarships awarded and amount of all undisbursed funds;
- indicators identified and performance of each eligible institution;
- projected number of students with intellectual disabilities eligible to enroll within the next academic year; and
- education programs and services for students with intellectual disabilities available at an eligible institution.¹⁷⁵

Effect of Proposed Changes

Effective upon becoming law, the bill requires that the center, in collaboration with SFOs and scholarship parents of a student with a disability, to develop the purchasing guidelines to be used by the SFOs administering FES-UA scholarships. The initial purchasing guidelines must be published by July 1, 2024, and, thereafter, revised guidelines must be published annually by July 1.

Virtual Instruction Programs

Present Situation

Virtual instruction programs are programs of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time, space, or both.¹⁷⁶ Under Florida law¹⁷⁷, a school district must establish multiple opportunities for student participation in part-time and full-time kindergarten through grade 12 virtual instruction. Options include, but are not limited to:

- School district operated part-time or full-time virtual instruction programs for kindergarten through grade 12 students enrolled in the school district. A full-time program must operate under its own Master School Identification Number.
- Florida Virtual School instructional services.
- Blended learning instruction provided by charter schools.
- Virtual charter school instruction.
- Courses delivered in the traditional school setting by personnel providing direct instruction through virtual instruction or through blended learning courses consisting of both traditional classroom and online instructional techniques.
- Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state.¹⁷⁸

School districts are required to provide at least one option for part-time and full-time virtual instruction for students residing within the school district.¹⁷⁹ School districts must also provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more

¹⁷⁴ Section 1004.6495(8)(a), F.S.

¹⁷⁵ Section 1004.6495(8)(b), F.S.

¹⁷⁶ Section 1002.45(1)(a)3., F.S.

¹⁷⁷ Chapter 2011-137, Laws of Fla.

¹⁷⁸ Section 1002.321(3), F.S.

¹⁷⁹ Section 1002.45(1)(b)1., F.S.

which ends 30 days before the first day of the school year.¹⁸⁰ The DOE must annually publish on its website a list of providers approved by the SBE to offer virtual instruction programs in this state.¹⁸¹ To be approved, a virtual instruction program provider must document that it is nonsectarian in its programs, admission policies, employment practices, and operations.¹⁸²

School district virtual instruction programs must meet the following requirements:¹⁸³

- Align virtual course curriculum and course content to the state academic standards.
- Offer instruction that is designed to enable a student to gain proficiency in each virtual instruction course of study.
- Provide each student enrolled in the virtual instruction program with all the necessary instructional materials.
- Provide each full-time student enrolled in the virtual instruction program who qualifies for free or reduced-price school lunches under the National School Lunch Act, or who is on the direct certification list, and who does not have a computer or Internet access in his or her home with:
 - All equipment necessary for participants in the virtual instruction program, including, but not limited to, a computer, computer monitor, and printer, if a printer is necessary to participate in the virtual instruction program; and
 - Access to or reimbursement for all Internet services necessary for online delivery of instruction.

In 2023, the Legislature removed the requirement that a student take at least one online course in order to graduate with a standard high school diploma.¹⁸⁴

Effect of Proposed Changes

The bill removes the requirement for a virtual provider to document that it is nonsectarian in its programs, admission policies, employment practices, and operations.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 212.1832, F.S.; providing definitions; expanding the credit contributions for eligible nonprofit scholarship-funding organizations; providing requirements for such contributions; providing requirements for dealers, designated agents, private tag agents, and such organizations relating to such contributions; providing criminal penalties; requiring persons convicted of specified offenses to make restitutions to certain eligible nonprofit scholarship-funding organizations; requiring the DOR to notify such organizations of specified dealer information under certain circumstances; providing penalties for certain dealers, designated agents, private tag agents, and such organizations.
- Section 2:** Amends s. 213.053, F.S.; conforming cross-references to changes made by the act.
- Section 3:** Amends s. 1002.394, F.S.; revising eligibility requirements for the FES; providing that instructional materials may only include equipment for specified academic subjects; providing that transition services are a coordinated set of specified activities; authorizing funds to be used for certain prekindergarten programs; prohibiting certain eligible students from enrolling in public schools; providing an exemption to a prohibition against receiving other educational scholarships; providing additional criteria for the closure of scholarship accounts and the reversion of funds to the state; revising the information that such organizations must include in their quarterly reports; authorizing the DOE to

¹⁸⁰ *Id.*

¹⁸¹ Section 1002.45(2)(a), F.S.

¹⁸² Section 1002.45(2)(a)1., F.S.

¹⁸³ Section 1002.45(3), F.S.

¹⁸⁴ Ch. 2023-16, Laws of Fla.

provide guidance to certain private schools; revising the documentation that private schools must provide to such organizations; revising the process for parents to provide certain notification to such organizations; requiring such organizations to establish certain processes; requiring such organizations to submit specified information to the department; deleting a requirement that certain students be placed on a wait list; requiring such organizations to provide certain notification to parents; revising provisions relating to a specified administrative fee; revising provisions relating to increasing the number of certain scholarships; revising provisions relating to the payment and disbursement of funds.

- Section 4:** Amends s. 1002.395, F.S.; revising eligibility requirements for the FTC Program; prohibiting certain eligible students from enrolling in public schools; providing an exemption to a prohibition against receiving other educational scholarships; providing that instructional materials may only include equipment for certain academic subjects; revising the process for parents to provide certain notification to such organizations; requiring such organizations to establish certain processes; requiring such organizations to assist the center with the development of specified guidelines and to publish such guidelines on their websites; revising department notification requirements; revising the information that such organizations must include in their quarterly reports; revising provisions relating to the payment and disbursement of funds.
- Section 5:** Repeals s. 1002.40, F.S., relating to the HSP.
- Section 6:** Amends s. 1002.421, F.S.; revising requirements for regular and direct contact for certain students.
- Section 7:** Amends s. 1002.45, F.S.; deleting a requirement that virtual instruction program providers be nonsectarian.
- Section 8:** Amends s. 1003.4156, F.S.; providing that certain requirements apply to middle grade students transferring from a personalized education program.
- Section 9:** Amends s. 1003.4282, F.S.; providing that certain requirements apply to high school students transferring from a PEP.
- Section 10:** Amends s. 1003.485, F.S.; conforming cross-references to changes made by the act.
- Section 11:** Amends s. 1004.6495, F.S.; requiring the center to develop specified purchasing guidelines by a specified date and annually revise such guidelines; providing requirements for the development and revision of such guidelines; requiring such guidelines to be provided to specified eligible nonprofit scholarship-funding organizations.
- Section 12:** Provides effective dates.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None
2. Expenditures:

The bill changes the annual increase of the maximum number of students participating, or cap, in the FES-UA program from 3 percent to 5 percent of the state’s total exceptional student education full-time equivalent student membership, not including gifted students.¹⁸⁵

During Special Session 2023C, HB 3C became chapter 2023-350, Laws of Florida, which amended the cap for Fiscal Year 2023-2024 to the number of students the scholarship-funding organizations (SFO) and the Department of Education (DOE) determined eligible. The deadline for applying for a Fiscal Year 2023-2024 FES-UA scholarship was December 15, 2023. As of December 20, 2023, the Department of Education provided scholarship payment data that shows 45,039 FES-UA scholarships that are included in the cap have been funded. It is expected that this number will increase once the SFOs and DOE have completed their respective review and eligibility verification; however, for purposes of this fiscal analysis, 45,039 scholarships have been used.

Estimated Fiscal Impact of the Bill	
Changing the 3 percent annual increase to 5 percent	\$106.0 million
Estimated Number of Students Within Cap for Fiscal Year 2024-2025	70,772

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The DOE is finalizing the 3rd calculation of the FEFP based upon the results of the October full-time equivalent (FTE) survey. The fiscal impact associated with this bill may be updated based upon the receipt of the 3rd calculation of the FEFP.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

¹⁸⁵ Section 1002.394(12)(b), F.S., exempts the following types of student from the maximum number of students requirement: (1) students who received instructional services under the Voluntary Prekindergarten Education program during the previous school year and have a current IEP, (2) is a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child, or spent the prior school year in attendance at a Florida public school.

The bill does not provide the SBE with any additional rulemaking authority. However, existing rules of the SBE may need to be amended or repealed based on the changes made in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 11, 2024, the Choice & Innovation Subcommittee adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- Clarify that any equipment used as instructional materials may only be purchased for subjects in language arts and reading, mathematics, social studies, and science.
- Clarify that a parent can only apply for one scholarship at a time, whether under the FES or FTC scholarship programs.

This analysis is drafted to the committee substitute adopted by the Choice & Innovation Subcommittee.

1 A bill to be entitled
2 An act relating to school choice; amending s.
3 212.1832, F.S.; providing definitions; expanding the
4 credit contributions for eligible nonprofit
5 scholarship-funding organizations; providing
6 requirements for such contributions; providing
7 requirements for dealers, designated agents, private
8 tag agents, and such organizations relating to such
9 contributions; providing criminal penalties; requiring
10 persons convicted of specified offenses to make
11 restitutions to certain eligible nonprofit
12 scholarship-funding organizations; requiring the
13 Department of Revenue to notify such organizations of
14 specified dealer information under certain
15 circumstances; providing penalties for certain
16 dealers, designated agents, private tag agents, and
17 such organizations; amending s. 213.053, F.S.;
18 conforming cross-references to changes made by the
19 act; amending s. 1002.394, F.S.; revising eligibility
20 requirements for the Family Empowerment Scholarship
21 Program; providing that equipment used as
22 instructional materials may only be purchased for
23 specified academic subjects; providing that transition
24 services are a coordinated set of specified
25 activities; authorizing funds to be used for certain

26 | prekindergarten programs; prohibiting certain eligible
27 | students from enrolling in public schools; providing
28 | an exemption to a prohibition against receiving other
29 | educational scholarships; providing additional
30 | criteria for the closure of scholarship accounts and
31 | the reversion of funds to the state; revising the
32 | information that such organizations must include in
33 | their quarterly reports; authorizing the Department of
34 | Education to provide guidance to certain private
35 | schools; revising the documentation that private
36 | schools must provide to such organizations; revising
37 | the process for parents to provide certain
38 | notification to such organizations; prohibiting a
39 | parent from applying for multiple scholarships under
40 | specified programs for a single student at the same
41 | time; requiring such organizations to establish
42 | certain processes; requiring such organizations to
43 | submit specified information to the department;
44 | deleting a requirement that certain students be placed
45 | on a wait list; requiring such organizations to
46 | provide certain notification to parents; revising
47 | provisions relating to a specified administrative fee;
48 | revising provisions relating to increasing the number
49 | of certain scholarships; revising provisions relating
50 | to the payment and disbursement of funds; amending s.

51 1002.395, F.S.; revising eligibility requirements for
52 the Florida Tax Credit Scholarship Program;
53 prohibiting certain eligible students from enrolling
54 in public schools; providing an exemption to a
55 prohibition against receiving other educational
56 scholarships; providing that equipment used as
57 instructional materials may only be purchased for
58 specified academic subjects; revising the process for
59 parents to provide certain notification to such
60 organizations; prohibiting a parent from applying for
61 multiple scholarships under specified programs for a
62 single student at the same time; requiring such
63 organizations to establish certain processes;
64 requiring such organizations to assist the Florida
65 Center for Students with Unique Abilities with the
66 development of specified guidelines and to publish
67 such guidelines on their websites; revising department
68 notification requirements; revising the information
69 that such organizations must include in their
70 quarterly reports; revising provisions relating to the
71 payment and disbursement of funds; repealing s.
72 1002.40, F.S., relating to the Hope Scholarship
73 Program; amending s. 1002.421, F.S.; revising
74 requirements for regular and direct contact for
75 certain students; amending s. 1002.45, F.S.; deleting

76 a requirement that virtual instruction program
 77 providers be nonsectarian; amending s. 1003.4156,
 78 F.S.; providing that certain requirements apply to
 79 middle grade students transferring from a personalized
 80 education program; amending s. 1003.4282, F.S.;
 81 providing that certain requirements apply to high
 82 school students transferring from a personalized
 83 education program; amending s. 1003.485, F.S.;
 84 conforming cross-references to changes made by the
 85 act; amending s. 1004.6495, F.S.; requiring the
 86 Florida Center for Students with Unique Abilities to
 87 develop specified purchasing guidelines by a specified
 88 date and annually revise such guidelines; providing
 89 requirements for the development and revision of such
 90 guidelines; requiring such guidelines to be provided
 91 to specified eligible nonprofit scholarship-funding
 92 organizations; providing effective dates.

93
 94 Be It Enacted by the Legislature of the State of Florida:

95
 96 Section 1. Section 212.1832, Florida Statutes, is amended
 97 to read:

98 212.1832 Credit for contributions to eligible nonprofit
 99 scholarship-funding organizations.—

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

101 (a) "Designated agent" has the same meaning as in s.
102 212.06(10).

103 (b) "Eligible contribution" or "contribution" means a
104 monetary contribution from a person purchasing a motor vehicle,
105 subject to the restrictions provided in this section, to an
106 eligible nonprofit scholarship-funding organization. The person
107 making the contribution may not designate a specific student as
108 the beneficiary of the contribution.

109 (c) "Eligible nonprofit scholarship-funding organization"
110 or "organization" has the same meaning as in s. 1002.395(2).

111 (d) "Motor vehicle" has the same meaning as in s.
112 320.01(1)(a), but does not include a heavy truck, truck tractor,
113 trailer, or motorcycle.

114 (2)~~(1)~~ The purchaser of a motor vehicle shall be granted a
115 credit of 100 percent of an eligible contribution made to an
116 eligible nonprofit scholarship-funding organization under this
117 section ~~s. 1002.40~~ against any tax imposed by the state under
118 this chapter and collected from the purchaser by a dealer,
119 designated agent, or private tag agent as a result of the
120 purchase or acquisition of a motor vehicle, except that a credit
121 may not exceed the tax that would otherwise be collected from
122 the purchaser by a dealer, designated agent, or private tag
123 agent. Each eligible contribution is limited to a single payment
124 of \$105 per motor vehicle purchased at the time of purchase of a
125 motor vehicle or a single payment of \$105 per motor vehicle

126 purchased at the time of registration of a motor vehicle that
127 was not purchased from a dealer, except that a contribution may
128 not exceed the state tax imposed under this chapter that would
129 otherwise be collected from the purchaser by a dealer,
130 designated agent, or private tag agent. Payments of
131 contributions shall be made to a dealer at the time of purchase
132 of a motor vehicle or to a designated agent or private tag agent
133 at the time of registration of a motor vehicle that was not
134 purchased from a dealer. An eligible contribution shall be
135 accompanied by a contribution election form provided by the
136 Department of Revenue. The form shall include, at a minimum, the
137 following brief description of the Florida Tax Credit
138 Scholarship Program: "THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM
139 PROVIDES A STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO
140 ATTEND AN ELIGIBLE PRIVATE SCHOOL OR PERSONALIZE HIS OR HER
141 EDUCATION." The form shall also include, at a minimum, a section
142 allowing the consumer to designate, from all participating
143 scholarship-funding organizations, which organization will
144 receive his or her donation. For purposes of this subsection,
145 the term "purchase" does not include the lease or rental of a
146 motor vehicle.

147 (3)~~(2)~~ A dealer shall take a credit against any tax
148 imposed by the state under this chapter on the purchase of a
149 motor vehicle in an amount equal to the credit granted to the
150 purchaser under subsection (2) ~~(1)~~.

151 (a) A dealer, designated agent, or private tag agent
152 shall:

153 1. Provide the purchaser the contribution election form,
154 as provided by the department, at the time of purchase of a
155 motor vehicle or at the time of registration of a motor vehicle
156 that was not purchased from a dealer.

157 2. Collect eligible contributions.

158 3. Using a form provided by the department, which shall
159 include the dealer's or agent's federal employer identification
160 number, remit to an organization no later than the date the
161 return filed pursuant to s. 212.11 is due the total amount of
162 contributions made to that organization and collected during the
163 preceding reporting period. Using the same form, the dealer or
164 agent shall also report this information to the department no
165 later than the date the return filed pursuant to s. 212.11 is
166 due.

167 4. Report to the department on each return filed pursuant
168 to s. 212.11 the total amount of credits granted under this
169 section for the preceding reporting period.

170 (b) An eligible nonprofit scholarship-funding organization
171 shall report to the department, on or before the 20th day of
172 each month, the total amount of contributions received pursuant
173 to paragraph (a) in the preceding calendar month on a form
174 provided by the department. Such report shall include:

175 1. The federal employer identification number of each

176 designated agent, private tag agent, or dealer who remitted
177 contributions to the organization during that reporting period.

178 2. The amount of contributions received from each
179 designated agent, private tag agent, or dealer during that
180 reporting period.

181 (c) A person who, with the intent to unlawfully deprive or
182 defraud the program of its moneys or the use or benefit thereof,
183 fails to remit a contribution collected under this section is
184 guilty of theft, punishable as follows:

185 1. If the total amount stolen is less than \$300, the
186 offense is a misdemeanor of the second degree, punishable as
187 provided in s. 775.082 or s. 775.083. Upon a second conviction,
188 the offender commits a misdemeanor of the first degree,
189 punishable as provided in s. 775.082 or s. 775.083. Upon a third
190 or subsequent conviction, the offender commits a felony of the
191 third degree, punishable as provided in s. 775.082, s. 775.083,
192 or s. 775.084.

193 2. If the total amount stolen is \$300 or more, but less
194 than \$20,000, the offense is a felony of the third degree,
195 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

196 3. If the total amount stolen is \$20,000 or more, but less
197 than \$100,000, the offense is a felony of the second degree,
198 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

199 4. If the total amount stolen is \$100,000 or more, the
200 offense is a felony of the first degree, punishable as provided

201 in s. 775.082, s. 775.083, or s. 775.084.

202 (d) A person convicted of an offense under paragraph (c)
 203 shall be ordered by the sentencing judge to make restitution to
 204 the organization in the amount that was stolen from the program.

205 (e) Upon a finding that a dealer failed to remit a
 206 contribution under subparagraph (a)3. for which the dealer
 207 claimed a credit pursuant to this subsection, the department
 208 shall notify the affected organizations of the dealer's name,
 209 address, federal employer identification number, and information
 210 related to differences between credits taken by the dealer
 211 pursuant to this subsection and amounts remitted to the eligible
 212 nonprofit scholarship-funding organization under subparagraph
 213 (a)3.

214 (f) Any dealer, designated agent, private tag agent, or
 215 organization that fails to timely submit reports to the
 216 department as required in paragraphs (a) and (b) is subject to a
 217 penalty of \$1,000 for every month, or part thereof, the report
 218 is not submitted, up to a maximum amount of \$10,000. Such
 219 penalty shall be collected by the department and shall be
 220 transferred into the General Revenue Fund. Such penalty must be
 221 settled or compromised if it is determined by the department
 222 that the noncompliance is due to reasonable cause and not due to
 223 willful negligence, willful neglect, or fraud.

224 (4)(3) For purposes of the distributions of tax revenue
 225 under s. 212.20, the department shall disregard any tax credits

226 allowed under this section to ensure that any reduction in tax
227 revenue received that is attributable to the tax credits results
228 only in a reduction in distributions to the General Revenue
229 Fund. Section 1002.395 applies ~~The provisions of s. 1002.40~~
230 ~~apply~~ to the credit authorized by this section.

231 Section 2. Paragraph (a) of subsection (22) of section
232 213.053, Florida Statutes, is amended to read:

233 213.053 Confidentiality and information sharing.—

234 (22) (a) The department may provide to an eligible
235 nonprofit scholarship-funding organization, as defined in s.
236 1002.395 ~~s. 1002.40~~, a dealer's name, address, federal employer
237 identification number, and information related to differences
238 between credits taken by the dealer pursuant to s. 212.1832(2)
239 and amounts remitted to the eligible nonprofit scholarship-
240 funding organization pursuant to s. 212.1832(3) (a) 3. ~~under s.~~
241 ~~1002.40 (13) (b) 3.~~ The eligible nonprofit scholarship-funding
242 organization may use the information for purposes of recovering
243 eligible contributions designated for that organization that
244 were collected by the dealer but never remitted to the
245 organization.

246 Section 3. Subsections (3) and (4), paragraphs (a), (b),
247 and (c) of subsection (5), paragraphs (a), (c), and (d) of
248 subsection (6), paragraph (d) of subsection (7), paragraph (a)
249 of subsection (8), paragraph (b) of subsection (9), and
250 subsections (10), (11), (12), and (16) of section 1002.394,

251 Florida Statutes, as amended by chapter 2023-250, Laws of
 252 Florida, are amended, and paragraph (d) is added to subsection
 253 (8) of that section, to read:

254 1002.394 The Family Empowerment Scholarship Program.—

255 (3) SCHOLARSHIP ELIGIBILITY.—

256 (a)1. A parent of a student may apply for ~~request~~ and
 257 receive from the state a scholarship for the purposes specified
 258 in paragraph (4)(a) if the student:

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

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

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

266 a. A student whose household income level does not exceed
 267 185 percent of the federal poverty level or who is in foster
 268 care or out-of-home care.

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

272 (b) A parent of a student with a disability may apply for
 273 ~~request~~ and receive from the state a scholarship for the
 274 purposes specified in paragraph (4) (b) if the student:

275 1. Is a resident of this state or the dependent child of

276 an active duty member of the United States Armed Forces who has
 277 received permanent change of station orders to this state or, at
 278 the time of renewal, whose home of record or state of legal
 279 residence is Florida;

280 2. Is 3 or 4 years of age during ~~on or before September 1~~
 281 ~~of~~ the year in which the student applies for program
 282 participation or is eligible to enroll in kindergarten through
 283 grade 12 in a public school in this state;

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

285 4. Is the subject of an IEP written in accordance with
 286 rules of the State Board of Education or with the applicable
 287 rules of another state or has received a diagnosis of a
 288 disability from a physician who is licensed under chapter 458 or
 289 chapter 459, a psychologist who is licensed under chapter 490,
 290 or a physician who holds an active license issued by another
 291 state or territory of the United States, the District of
 292 Columbia, or the Commonwealth of Puerto Rico.

293 ~~(c) An approved student who does not receive a scholarship~~
 294 ~~must be placed on the wait list in the order in which the~~
 295 ~~student is approved. An eligible student who does not receive a~~
 296 ~~scholarship within the fiscal year must be retained on the wait~~
 297 ~~list for the subsequent year.~~

298 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

- 301 1. Tuition and fees at an eligible private school.
- 302 2. Transportation to a Florida public school in which a
303 student is enrolled and that is different from the school to
304 which the student was assigned or to a lab school as defined in
305 s. 1002.32.
- 306 3. Instructional materials, including digital materials
307 and Internet resources. Equipment used as instructional
308 materials may only be purchased for subjects in language arts
309 and reading, mathematics, social studies, and science.
- 310 4. Curriculum as defined in subsection (2).
- 311 5. Tuition and fees associated with full-time or part-time
312 enrollment in an eligible postsecondary educational institution
313 or a program offered by the postsecondary educational
314 institution, unless the program is subject to s. 1009.25 or
315 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
316 program as defined in s. 446.021(5) which is not subject to s.
317 1009.25 and complies with all applicable requirements of the
318 department pursuant to chapter 1005; a private tutoring program
319 authorized under s. 1002.43; a virtual program offered by a
320 department-approved private online provider that meets the
321 provider qualifications specified in s. 1002.45(2)(a); the
322 Florida Virtual School as a private paying student; or an
323 approved online course offered pursuant to s. 1003.499 or s.
324 1004.0961.
- 325 6. Fees for nationally standardized, norm-referenced

326 achievement tests, Advanced Placement Examinations, industry
327 certification examinations, assessments related to postsecondary
328 education, or other assessments.

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

335 8. Tuition and fees for part-time tutoring services or
336 fees for services provided by a choice navigator. Such services
337 must be provided by a person who holds a valid Florida
338 educator's certificate pursuant to s. 1012.56, a person who
339 holds an adjunct teaching certificate pursuant to s. 1012.57, a
340 person who has a bachelor's degree or a graduate degree in the
341 subject area in which instruction is given, a person who has
342 demonstrated a mastery of subject area knowledge pursuant to s.
343 1012.56(5), or a person certified by a nationally or
344 internationally recognized research-based training program as
345 approved by the department. As used in this subparagraph, the
346 term "part-time tutoring services" does not qualify as regular
347 school attendance as defined in s. 1003.01(16)(e).

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

- 351 1. Instructional materials, including digital devices,
352 digital periphery devices, and assistive technology devices that
353 allow a student to access instruction or instructional content
354 and training on the use of and maintenance agreements for these
355 devices.
- 356 2. Curriculum as defined in subsection (2).
- 357 3. Specialized services by approved providers or by a
358 hospital in this state which are selected by the parent. These
359 specialized services may include, but are not limited to:
- 360 a. Applied behavior analysis services as provided in ss.
361 627.6686 and 641.31098.
- 362 b. Services provided by speech-language pathologists as
363 defined in s. 468.1125(8).
- 364 c. Occupational therapy as defined in s. 468.203.
- 365 d. Services provided by physical therapists as defined in
366 s. 486.021(8).
- 367 e. Services provided by listening and spoken language
368 specialists and an appropriate acoustical environment for a
369 child who has a hearing impairment, including deafness, and who
370 has received an implant or assistive hearing device.
- 371 4. Tuition and fees associated with full-time or part-time
372 enrollment in a home education program; an eligible private
373 school; an eligible postsecondary educational institution or a
374 program offered by the postsecondary educational institution,
375 unless the program is subject to s. 1009.25 or reimbursed

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

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

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

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

399 8. Tuition and fees for part-time tutoring services or
400 fees for services provided by a choice navigator. Such services

401 must be provided by a person who holds a valid Florida
 402 educator's certificate pursuant to s. 1012.56, a person who
 403 holds an adjunct teaching certificate pursuant to s. 1012.57, a
 404 person who has a bachelor's degree or a graduate degree in the
 405 subject area in which instruction is given, a person who has
 406 demonstrated a mastery of subject area knowledge pursuant to s.
 407 1012.56(5), or a person certified by a nationally or
 408 internationally recognized research-based training program as
 409 approved by the department. As used in this subparagraph, the
 410 term "part-time tutoring services" does not qualify as regular
 411 school attendance as defined in s. 1003.01(16)(e).

- 412 9. Fees for specialized summer education programs.
- 413 10. Fees for specialized after-school education programs.
- 414 11. Transition services provided by job coaches.

415 Transition services are a coordinated set of activities which
 416 are focused on improving the academic and functional achievement
 417 of a student with a disability to facilitate the student's
 418 movement from school to postschool activities and are based on
 419 the student's needs.

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

423 13. Tuition and fees associated with programs offered by
 424 Voluntary Prekindergarten Education Program providers approved
 425 pursuant to s. 1002.55, ~~and~~ school readiness providers approved

426 pursuant to s. 1002.88, and prekindergarten programs offered by
427 an eligible private school.

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

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

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

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

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

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

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

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

450 e. The student graduates from high school or attains 21

451 years of age, whichever occurs first.

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

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

459 (II) Two consecutive fiscal years in which an account has
460 been inactive; or

461 (III) A student remains unenrolled in an eligible private
462 school for 30 days while receiving a scholarship that requires
463 full-time enrollment.

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

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

469 a. The parent does not renew program eligibility;

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

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

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

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

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

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

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

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

496 c. Two consecutive fiscal years in which an account has
 497 been inactive.

498 (c) Upon reasonable notice to the organization and the
 499 school district, the student's parent may remove the student
 500 from the participating private school and place the student in a

501 public school in accordance with this section.

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

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

514 (c) Receiving any other educational scholarship pursuant
515 to this chapter. However, an eligible public school student
516 receiving a scholarship under s. 1002.411 may receive a
517 scholarship for transportation pursuant to subparagraph
518 (4)(a)2.;

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

525 (7) SCHOOL DISTRICT OBLIGATIONS.—

526 (d) Upon the request of the department, a school district
 527 shall coordinate with the department to provide to a
 528 participating private school the statewide assessments
 529 administered under s. 1008.22 and any related materials for
 530 administering the assessments. For a student who participates in
 531 the Family Empowerment Scholarship Program whose parent requests
 532 that the student take the statewide assessments under s.
 533 1008.22, the district in which the student attends a
 534 participating private school shall provide locations and times
 535 to take all statewide assessments. A school district is
 536 responsible for implementing test administrations at a
 537 participating private school, including the:

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

547 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

548 (a) The department shall:

- 549 1. Publish and update, as necessary, information on the
- 550 department website about the Family Empowerment Scholarship

551 Program, including, but not limited to, student eligibility
552 criteria, parental responsibilities, and relevant data.

553 2. Report, as part of the determination of full-time
554 equivalent membership pursuant to s. 1011.62(1)(a), all
555 scholarship students ~~who are receiving a scholarship under the~~
556 ~~program and are~~ funded through the Florida Education Finance
557 Program, and cross-check the list of ~~participating~~ scholarship
558 students submitted by the eligible nonprofit scholarship-funding
559 organization with the full-time equivalent student membership
560 survey data ~~public school enrollment lists~~ to avoid duplication.

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

566 4. Notify eligible nonprofit scholarship-funding
567 organizations of the deadlines for submitting the verified list
568 of eligible scholarship students ~~determined to be eligible for a~~
569 ~~scholarship. An eligible nonprofit scholarship-funding~~
570 ~~organization may not submit a student for funding after February~~
571 ~~1.~~

572 5. Deny or terminate program participation upon a parent's
573 failure to comply with subsection (10).

574 6. Notify the parent and the organization when a
575 scholarship account is closed and program funds revert to the

576 | state.

577 | 7. Notify an eligible nonprofit scholarship-funding
578 | organization of any of the organization's or other
579 | organization's identified students who are receiving
580 | scholarships under this chapter.

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

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

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

597 | 11. Require quarterly reports by an organization, which
598 | must include, at a minimum, the number of students participating
599 | in the program; the demographics of program participants; the
600 | disability category of program participants; the matrix level of

601 services, if known; the program award amount per student; the
 602 total expenditures for the purposes specified in paragraph
 603 (4) (b); the types of providers of services to students; the
 604 number of scholarship applications received, the number of
 605 applications processed within 30 days after receipt, and the
 606 number of incomplete applications received; data related to
 607 reimbursement submissions, including the average number of days
 608 for a reimbursement to be reviewed and the average number of
 609 days for a reimbursement to be approved; any parent input and
 610 feedback collected regarding the program; and any other
 611 information deemed necessary by the department.

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

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

623 (d) The department may provide guidance to a participating
 624 private school that submits a transition-to-work program plan
 625 pursuant to subsection (16).

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

630 (b) Provide to the organization all documentation required
631 for a student's participation, including confirmation of the
632 student's admission to the private school, the private school's
633 and student's fee schedules, and any other information required
634 by the organization to process scholarship payment under
635 subparagraph (12) (a)4. Such information must be provided by the
636 deadlines established by the organization and in accordance with
637 the requirements of this section ~~at least 30 days before any~~
638 ~~quarterly scholarship payment is made for the student pursuant~~
639 ~~to paragraph (12) (a).~~ A student is not eligible to receive a
640 quarterly scholarship payment if the private school fails to
641 meet the ~~this~~ deadline.

642
643 If a private school fails to meet the requirements of this
644 subsection or s. 1002.421, the commissioner may determine that
645 the private school is ineligible to participate in the
646 scholarship program.

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

649 (a) A parent who applies for a scholarship ~~applies for~~
650 ~~program participation~~ under paragraph (3) (a) whose student will

651 be enrolled full time in an eligible ~~a~~ private school must:

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

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

658 3.a. Beginning with new applications for the 2025-2026
659 school year and thereafter, notify the organization by December
660 15 that the scholarship is being accepted or declined.

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

664 ~~4.3.~~ Inform the applicable school district when the parent
665 withdraws his or her student from a public school to attend an
666 eligible private school.

667 ~~5.4.~~ Require his or her student participating in the
668 program to remain in attendance at the eligible private school
669 throughout the school year unless excused by the school for
670 illness or other good cause.

671 ~~6.5.~~ Meet with the eligible private school's principal or
672 the principal's designee to review the school's academic
673 programs and policies, specialized services, code of student
674 conduct, and attendance policies before enrollment.

675 ~~7.6.~~ Require his or her ~~that the~~ student participating in

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

684 ~~8.7.~~ Approve each payment before the scholarship funds may
685 be deposited by funds transfer pursuant to subparagraph
686 (12) (a) 4. The parent may not designate any entity or individual
687 associated with the participating private school as the parent's
688 attorney in fact to approve a funds transfer. A participant who
689 fails to comply with this paragraph forfeits the scholarship.

690 ~~9.8.~~ Agree to have the organization commit scholarship
691 funds on behalf of his or her student for tuition and fees for
692 which the parent is responsible for payment at the eligible
693 private school before using scholarship ~~empowerment~~ account
694 funds for additional authorized uses under paragraph (4) (a). A
695 parent is responsible for all eligible expenses in excess of the
696 amount of the scholarship.

697 10. Comply with the scholarship application and renewal
698 processes and requirements established by the organization.

699 (b) A parent who applies for a scholarship ~~applies for~~
700 ~~program participation~~ under paragraph (3) (b) is exercising his

701 or her parental option to determine the appropriate placement or
 702 the services that best meet the needs of his or her child and
 703 must:

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

709 2.a. Beginning with new applications for the 2025-2026
 710 school year and thereafter, notify the organization by December
 711 15 that the scholarship is being accepted or declined.

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

715 ~~3.2.~~ Sign an agreement with the organization and annually
 716 submit a sworn compliance statement to the organization to
 717 satisfy or maintain program eligibility, including eligibility
 718 to receive and spend program payments by:

719 a. Affirming that the student is enrolled in a program
 720 that meets regular school attendance requirements as provided in
 721 s. 1003.01(16) (b), (c), or (d).

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

726 (4) (b) 6. will not be transferred to another beneficiary while
 727 the plan contains funds contributed pursuant to this section;
 728 and that they will not receive a payment, refund, or rebate of
 729 any funds provided under this section.

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

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

735 (II) Providing an annual evaluation in accordance with s.
 736 1002.41 (1) (f); or

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

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

749 e. Enrolling his or her child in a program from a
 750 Voluntary Prekindergarten Education Program provider authorized

751 under s. 1002.55, a school readiness provider authorized under
752 s. 1002.88, a prekindergarten program offered by an eligible
753 private school, or an eligible private school if ~~either option~~
754 ~~is~~ selected by the parent.

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

770 g. Procuring the services necessary to educate the
771 student. If such services include enrollment in an eligible
772 private school, the parent must meet with the private school's
773 principal or the principal's designee to review the school's
774 academic programs and policies, specialized services, code of
775 student conduct, and attendance policies before his or her

776 student is enrolled. The parent must also approve each payment
 777 to the eligible private school before the scholarship funds may
 778 be deposited by funds transfer pursuant to subparagraph
 779 (12) (a) 4. The parent may not designate any entity or individual
 780 associated with the eligible private school as the parent's
 781 attorney in fact to approve a funds transfer. When the student
 782 receives a scholarship, the district school board is not
 783 obligated to provide the student with a free appropriate public
 784 education. For purposes of s. 1003.57 and the Individuals with
 785 Disabilities in Education Act, a participating student has only
 786 those rights that apply to all other unilaterally parentally
 787 placed students, except that, when requested by the parent,
 788 school district personnel must develop an IEP or matrix level of
 789 services.

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

793 (d)-(e) A participant who fails to comply with this
 794 subsection forfeits the scholarship.

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

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

799 (3) (a) shall:

- 800 1. Establish a process for parents who are in compliance

801 with paragraph (10)(a) to renew their students' scholarships.
802 Renewal applications for the 2025-2026 school year and
803 thereafter must provide for a renewal timeline beginning
804 February 1 of the prior school year and ending April 30 of the
805 prior school year. A student's renewal is contingent upon an
806 eligible private school providing confirmation of student
807 admission pursuant to subsection (9). The process must require
808 that parents confirm that the scholarship is being renewed or
809 declined by May 31.

810 2. Establish a process that allows a parent to apply for a
811 new scholarship. The process may begin no earlier than February
812 1 of the prior school year and must authorize submission of
813 applications until November 15. The process must be in a manner
814 that creates a written or electronic record of the application
815 request and the date of receipt of the application request.
816 Applications received after the deadline may be considered for
817 scholarship award in the subsequent fiscal year. The process
818 must require that parents confirm that the scholarship is being
819 accepted or declined by December 15. ~~Must receive applications,~~
820 ~~determine student eligibility, notify parents in accordance with~~
821 ~~the requirements of this section, and provide the department~~
822 ~~with information on the student to enable the department to~~
823 ~~determine student funding in accordance with paragraph (12)(a).~~

824 3.2. ~~Shall~~ Verify the household income level of students
825 seeking priority eligibility and submit the verified list of

826 | students ~~and related documentation~~ to the department when
 827 | necessary.

828 | ~~4.3. Shall~~ Award scholarships in priority order pursuant
 829 | to paragraph (3)(a).

830 | ~~5.4. Shall~~ Establish and maintain separate scholarship
 831 | ~~empowerment~~ accounts for each eligible student. For each
 832 | account, the organization must maintain a record of accrued
 833 | interest that is retained in the student's account and available
 834 | only for authorized program expenditures.

835 | ~~6.5. May~~ Permit eligible students to use program funds for
 836 | the purposes specified in paragraph (4)(a) by paying for the
 837 | authorized use directly, then submitting a reimbursement request
 838 | to the eligible nonprofit scholarship-funding organization.
 839 | However, an eligible nonprofit scholarship-funding organization
 840 | may require the use of an online platform for direct purchases
 841 | of products so long as such use does not limit a parent's choice
 842 | of curriculum or academic programs. If a parent purchases a
 843 | product identical to one offered by an organization's online
 844 | platform for a lower price, the organization shall reimburse the
 845 | parent the cost of the product.

846 | ~~6. May, from eligible contributions received pursuant to~~
 847 | ~~s. 1002.395(6)(1)1., use an amount not to exceed 2.5 percent of~~
 848 | ~~the total amount of all scholarships funded under this section~~
 849 | ~~for administrative expenses associated with performing functions~~
 850 | ~~under this section. An eligible nonprofit scholarship-funding~~

851 ~~organization that has, for the prior fiscal year, complied with~~
852 ~~the expenditure requirements of s. 1002.395(6)(1)2., may use an~~
853 ~~amount not to exceed 3 percent. Such administrative expense~~
854 ~~amount is considered within the 3 percent limit on the total~~
855 ~~amount an organization may use to administer scholarships under~~
856 ~~this chapter.~~

857 7. ~~Must~~, In a timely manner, submit the verified list of
858 students and any information requested by the department
859 relating to the scholarship under this section.

860 8. ~~Must~~ Notify the department about any violation of this
861 section.

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

866 10. ~~Must~~ Notify each parent that participation in the
867 scholarship program does not guarantee enrollment.

868 11. ~~Shall~~ Commit scholarship funds on behalf of the
869 student for tuition and fees for which the parent is responsible
870 for payment at the participating private school before using
871 scholarship empowerment account funds for additional authorized
872 uses under paragraph (4)(a).

873 (b) An eligible nonprofit scholarship-funding organization
874 awarding scholarships to eligible students pursuant to paragraph
875 (3)(b) shall:

876 1. Establish a process for parents who are in compliance
877 with paragraph (10)(b) to renew their students' scholarships.
878 Renewal applications for the 2025-2026 school year and
879 thereafter must provide for a renewal timeline beginning
880 February 1 of the prior school year and ending April 30 of the
881 prior school year. A student's renewal is contingent upon an
882 eligible private school providing confirmation of student
883 admission pursuant to subsection (9), if applicable. The process
884 must require that parents confirm that the scholarship is being
885 renewed or declined by May 31.

886 2. Establish a process that allows a parent to apply for a
887 new scholarship. The process may begin no earlier than February
888 1 of the prior school year and must authorize the submission of
889 applications until November 15. The process must be in a manner
890 that creates a written or electronic record of the application
891 request and the date of receipt of the application request.
892 Applications received after the deadline may be considered for
893 scholarship award in the subsequent fiscal year. The process
894 must require that parents confirm that the scholarship is being
895 accepted or declined by December 15.

896 ~~1. Receive applications, determine student eligibility,~~
897 ~~and notify parents in accordance with the requirements of this~~
898 ~~section. When an application is approved, the organization must~~
899 ~~provide the department with information on the student to enable~~
900 ~~the department to determine student funding in accordance with~~

901 ~~paragraph (12) (b).~~

902 ~~2. Establish a date by which a parent must confirm initial~~
903 ~~or continuing participation in the program.~~

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

906 ~~a. For the 2021-2022 school year, a student who received a~~
907 ~~Gardiner Scholarship in the 2020-2021 school year and meets the~~
908 ~~eligibility requirements in paragraph (3) (b).~~

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

910 ~~e. Students retained on the previous school year's wait~~
911 ~~list.~~

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

915

916 ~~An approved student who does not receive a scholarship must be~~
917 ~~placed on the wait list in the order in which his or her~~
918 ~~application is approved. A student who does not receive a~~
919 ~~scholarship within the fiscal year shall be retained on the wait~~
920 ~~list for the subsequent fiscal year.~~

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

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

928 6. Return any remaining program funds to the department
929 pursuant to paragraph (6) (b).

930 7. Notify the parent about the availability of, and the
931 requirements associated with requesting, an initial IEP or IEP
932 reevaluation every 3 years for each student participating in the
933 program.

934 8. Notify the parent of available state and local
935 services, including, but not limited to, services under chapter
936 413.

937 9. In a timely manner, submit to the department the
938 verified list of eligible scholarship students and any
939 information requested by the department relating to the
940 scholarship under this section.

941 ~~10.8.~~ Notify the department of any violation of this
942 section.

943 ~~11.9.~~ Document each scholarship student's eligibility for
944 a fiscal year before granting a scholarship for that fiscal year
945 pursuant to paragraph (3) (b). A student is ineligible for a
946 scholarship if the student's account has been inactive for 2
947 consecutive fiscal years.

948 (c) An eligible nonprofit scholarship-funding organization
949 may, from eligible contributions received pursuant to s.
950 1002.395(6)(1)1., use an amount not to exceed 2.5 percent of the

951 total amount of all scholarships funded under this section for
952 administrative expenses associated with performing functions
953 under this section. An organization that has, for the prior
954 fiscal year, complied with the expenditure requirements of s.
955 1002.395(6)(1)3. may use an amount not to exceed 3 percent. Such
956 administrative expense amount is considered within the 3-percent
957 limit on the total amount an organization may use to administer
958 scholarships under this chapter.

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

964 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

965 (a)1. ~~Scholarships for students determined eligible~~
966 ~~pursuant to paragraph (3)(a) may be funded once all scholarships~~
967 ~~have been funded in accordance with s. 1002.395(6)(1)2. The~~
968 ~~calculated scholarship amount for a participating student~~
969 ~~determined eligible pursuant to paragraph (3)(a) shall be based~~
970 ~~upon the grade level and school district in which the student~~
971 ~~was assigned as 100 percent of the funds per unweighted full-~~
972 ~~time equivalent in the Florida Education Finance Program for a~~
973 ~~student in the basic program established pursuant to s.~~
974 ~~1011.62(1)(c)1., plus a per-full-time equivalent share of funds~~
975 ~~for the categorical programs established in s. 1011.62(5),~~

976 (7) (a), and (16), as funded in the General Appropriations Act.

977 2. A scholarship of \$750 or an amount equal to the school
978 district expenditure per student riding a school bus, as
979 determined by the department, whichever is greater, may be
980 awarded to an eligible student who is enrolled in a Florida
981 public school that is different from the school to which the
982 student was assigned or in a lab school as defined in s. 1002.32
983 if the school district does not provide the student with
984 transportation to the school.

985 3.a. For renewing scholarship students, the organization
986 ~~must provide the department with the documentation necessary to~~
987 ~~verify the student's~~ continued eligibility to participate in the
988 scholarship program at least 30 days before each payment
989 ~~participation.~~ Upon receiving the verified list of eligible
990 scholarship students ~~documentation,~~ the department shall release
991 ~~transfer, beginning August 1,~~ from state funds only, the amount
992 calculated pursuant to subparagraph 1. 2. to the organization
993 for deposit into the student's account in quarterly payments no
994 later than August 1, November 1, February 1, and April 1 of
995 ~~quarterly disbursement to parents of participating students~~ each
996 school year in which the scholarship is in force.

997 b. For new scholarship students, the organization must
998 verify the student's eligibility to participate in the
999 scholarship program at least 30 days before each payment. Upon
1000 receiving the verified list of eligible scholarship students,

1001 the department shall release, from state funds only, the amount
1002 calculated pursuant to subparagraph 1. to the organization for
1003 deposit into the student's account in quarterly payments no
1004 later than September 1, November 1, February 1, and April 1 of
1005 each school year in which the scholarship is in force. For a
1006 student exiting a Department of Juvenile Justice commitment
1007 program who chooses to participate in the scholarship program,
1008 the amount calculated pursuant to subparagraph 1. must be
1009 transferred from the school district in which the student last
1010 attended a public school before commitment to the Department of
1011 Juvenile Justice.

1012 c. The department is authorized to release the state funds
1013 contingent upon verification that the organization will comply
1014 with s. 1002.395(6)(1) based upon the organization's submitted
1015 verified list of eligible scholarship students pursuant to s.
1016 1002.395. For a student exiting a Department of Juvenile Justice
1017 commitment program who chooses to participate in the scholarship
1018 program, the amount of the Family Empowerment Scholarship
1019 calculated pursuant to subparagraph 2. must be transferred from
1020 the school district in which the student last attended a public
1021 school before commitment to the Department of Juvenile Justice.
1022 When a student enters the scholarship program, the organization
1023 must receive all documentation required for the student's
1024 participation, including the private school's and the student's
1025 fee schedules, at least 30 days before the first quarterly

1026 ~~scholarship payment is made for the student.~~

1027 4. The initial payment shall be made after the
 1028 organization's verification of admission acceptance, and
 1029 subsequent payments shall be made upon verification of continued
 1030 enrollment and attendance at the participating private school.
 1031 Payments for tuition and fees for full-time enrollment shall be
 1032 made within 7 business days after approval by the parent
 1033 pursuant to paragraph (10)(a) and the private school pursuant to
 1034 paragraph (9)(b). Payment must be by funds transfer or any other
 1035 means of payment that the department deems to be commercially
 1036 viable or cost-effective. An organization shall ensure that the
 1037 parent has approved a funds transfer before any scholarship
 1038 funds are deposited.

1039 5. An organization may not transfer any funds to an
 1040 account of a student determined eligible pursuant to paragraph
 1041 (3)(a) which has a balance in excess of \$24,000.

1042 (b)1. For the 2023-2024 school year, the maximum number of
 1043 students participating in the scholarship program under
 1044 paragraph (3)(b) shall be the number of students the
 1045 organization and the department determined eligible pursuant to
 1046 this section. Beginning in the 2024-2025 school year, the
 1047 maximum number of scholarships funded ~~students participating in~~
 1048 ~~the scholarship program~~ under paragraph (3)(b) shall annually
 1049 increase by 5.0 ~~3.0~~ percent of the state's total exceptional
 1050 student education full-time equivalent student membership, not

1051 including gifted students. The maximum number of scholarships
 1052 funded shall increase by 1.0 percent of the state's total
 1053 exceptional student education full-time equivalent student
 1054 membership, not including gifted students, in the school year
 1055 following any school year in which the number of scholarships
 1056 funded exceeds 95 percent of the number of available
 1057 scholarships for that school year. An eligible student who meets
 1058 any of the following requirements shall be excluded from the
 1059 maximum number of students if the student:

1060 a. Received specialized instructional services under the
 1061 Voluntary Prekindergarten Education Program pursuant to s.
 1062 1002.66 during the previous school year and the student has a
 1063 current IEP developed by the district school board in accordance
 1064 with rules of the State Board of Education;

1065 b. Is a dependent child of a law enforcement officer or a
 1066 member of the United States Armed Forces, a foster child, or an
 1067 adopted child; or

1068 c. Spent the prior school year in attendance at a Florida
 1069 public school or the Florida School for the Deaf and the Blind.
 1070 For purposes of this subparagraph, the term "prior school year
 1071 in attendance" means that the student was enrolled and reported
 1072 by:

1073 (I) A school district for funding during either the
 1074 preceding October or February full-time equivalent student
 1075 membership surveys in kindergarten through grade 12, which

1076 includes time spent in a Department of Juvenile Justice
 1077 commitment program if funded under the Florida Education Finance
 1078 Program;

1079 (II) The Florida School for the Deaf and the Blind during
 1080 the preceding October or February full-time equivalent student
 1081 membership surveys in kindergarten through grade 12;

1082 (III) A school district for funding during the preceding
 1083 October or February full-time equivalent student membership
 1084 surveys, was at least 4 years of age when enrolled and reported,
 1085 and was eligible for services under s. 1003.21(1)(e); or

1086 (IV) Received a John M. McKay Scholarship for Students
 1087 with Disabilities in the 2021-2022 school year.

1088 2. For a student who has a Level I to Level III matrix of
 1089 services or a diagnosis by a physician or psychologist, the
 1090 calculated scholarship amount for a student participating in the
 1091 program must be based upon the grade level and school district
 1092 in which the student would have been enrolled as the total funds
 1093 per unweighted full-time equivalent in the Florida Education
 1094 Finance Program for a student in the basic exceptional student
 1095 education program pursuant to s. 1011.62(1)(c) and (d), plus a
 1096 per full-time equivalent share of funds for the categorical
 1097 programs established in s. 1011.62(5), (7)(a), (8), and (16), as
 1098 funded in the General Appropriations Act. For the categorical
 1099 program established in s. 1011.62(8), the funds must be
 1100 allocated based on the school district's average exceptional

1101 student education guaranteed allocation funds per exceptional
 1102 student education full-time equivalent student.

1103 3. For a student with a Level IV or Level V matrix of
 1104 services, the calculated scholarship amount must be based upon
 1105 the school district to which the student would have been
 1106 assigned as the total funds per full-time equivalent for the
 1107 Level IV or Level V exceptional student education program
 1108 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
 1109 equivalent share of funds for the categorical programs
 1110 established in s. 1011.62(5), (7)(a), and (16), as funded in the
 1111 General Appropriations Act.

1112 4. For a student who received a Gardiner Scholarship
 1113 pursuant to former s. 1002.385 in the 2020-2021 school year, the
 1114 amount shall be the greater of the amount calculated pursuant to
 1115 subparagraph 2. or the amount the student received for the 2020-
 1116 2021 school year.

1117 5. For a student who received a John M. McKay Scholarship
 1118 pursuant to former s. 1002.39 in the 2020-2021 school year, the
 1119 amount shall be the greater of the amount calculated pursuant to
 1120 subparagraph 2. or the amount the student received for the 2020-
 1121 2021 school year.

1122 6. The organization must ~~provide the department with the~~
 1123 ~~documentation necessary to~~ verify the student's eligibility to
 1124 participate in the scholarship program at least 30 days before
 1125 each payment ~~participation.~~

1126 7.a. For renewing scholarship students, upon receiving the
1127 verified list of eligible scholarship students, the department
1128 shall release, from state funds only, the amount calculated
1129 pursuant to subparagraph 1. to the organization for deposit into
1130 the student's account in quarterly payments no later than August
1131 1, November 1, February 1, and April 1 of each school year in
1132 which the scholarship is in force.

1133 b. For new scholarship students, upon receiving the
1134 verified list of eligible scholarship students ~~documentation,~~
1135 the department shall release, from state funds only, the amount
1136 calculated pursuant to subparagraph 1. ~~student's scholarship~~
1137 ~~funds~~ to the organization for deposit, ~~to be deposited~~ into the
1138 student's account in quarterly payments ~~four equal amounts~~ no
1139 later than September 1, November 1, February 1, and April 1 of
1140 each school year in which the scholarship is in force.

1141 8. If a scholarship student is attending an eligible
1142 private school full time, the initial payment shall be made
1143 after the organization's verification of admission acceptance,
1144 and subsequent payments shall be made upon verification of
1145 continued enrollment and attendance at the eligible private
1146 school. Payments for tuition and fees for full-time enrollment
1147 shall be made within 7 business days after approval by the
1148 parent pursuant to paragraph (10) (b) and the private school
1149 pursuant to paragraph (9) (b).

1150 ~~9.8.~~ Accrued interest in the student's account is in

1151 addition to, and not part of, the awarded funds. Program funds
1152 include both the awarded funds and accrued interest.

1153 ~~10.9.~~ The organization may develop a system for payment of
1154 benefits by funds transfer, including, but not limited to, debit
1155 cards, electronic payment cards, or any other means of payment
1156 which the department deems to be commercially viable or cost-
1157 effective. A student's scholarship award may not be reduced for
1158 debit card or electronic payment fees. Commodities or services
1159 related to the development of such a system must be procured by
1160 competitive solicitation unless they are purchased from a state
1161 term contract pursuant to s. 287.056.

1162 ~~11.10.~~ An organization may not transfer any funds to an
1163 account of a student determined to be eligible pursuant to
1164 paragraph (3)(b) which has a balance in excess of \$50,000.

1165 ~~12.11.~~ Moneys received pursuant to this section do not
1166 constitute taxable income to the qualified student or the parent
1167 of the qualified student.

1168 (c) An organization may not submit a new scholarship
1169 student for funding after February 1.

1170 (d) Within 30 days after the release of state funds
1171 pursuant to paragraphs (a) and (b), the eligible scholarship-
1172 funding organization shall certify to the department the amount
1173 of funds distributed for student scholarships. If the amount of
1174 funds released by the department is more than the amount
1175 distributed by the organization, the department is authorized to

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1176 adjust the amount of the overpayment in the subsequent quarterly
1177 payment release.

1178 (16) TRANSITION-TO-WORK PROGRAM.—A student with a
1179 disability who is determined eligible pursuant to paragraph
1180 (3)(b) who is at least 17 years, but not older than 22 years of
1181 age and who has not received a high school diploma or
1182 certificate of completion is eligible for enrollment in his or
1183 her participating private school's transition-to-work program. A
1184 transition-to-work program shall consist of academic
1185 instruction, work skills training, and a volunteer or paid work
1186 experience.

1187 (a) To offer a transition-to-work program, a participating
1188 private school must:

1189 1. Develop a transition-to-work program plan, which must
1190 include a written description of the academic instruction and
1191 work skills training students will receive and the goals for
1192 students in the program.

1193 2. Submit the transition-to-work program plan to the
1194 Office of Independent Education and Parental Choice and consider
1195 any guidance provided by the department pursuant to paragraph
1196 (8)(d) relating to the plan.

1197 3. Develop a personalized transition-to-work program plan
1198 for each student enrolled in the program. The student's parent,
1199 the student, and the school principal must sign the personalized
1200 plan. The personalized plan must be submitted to the Office of

1201 Independent Education and Parental Choice upon request by the
 1202 office.

1203 4. Provide a release of liability form that must be signed
 1204 by the student's parent, the student, and a representative of
 1205 the business offering the volunteer or paid work experience.

1206 5. Assign a case manager or job coach to visit the
 1207 student's job site on a weekly basis to observe the student and,
 1208 if necessary, provide support and guidance to the student.

1209 6. Provide to the parent and student a quarterly report
 1210 that documents and explains the student's progress and
 1211 performance in the program.

1212 7. Maintain accurate attendance and performance records
 1213 for the student.

1214 (b) A student enrolled in a transition-to-work program
 1215 must, at a minimum:

1216 1. Receive 15 instructional hours at the participating
 1217 private school's physical facility, which must include academic
 1218 instruction and work skills training.

1219 2. Participate in 10 hours of work at the student's
 1220 volunteer or paid work experience.

1221 (c) To participate in a transition-to-work program, a
 1222 business must:

1223 1. Maintain an accurate record of the student's
 1224 performance and hours worked and provide the information to the
 1225 participating private school.

1226 2. Comply with all state and federal child labor laws.
 1227 Section 4. Paragraph (c) of subsection (1), paragraphs (b)
 1228 and (f) of subsection (2), subsection (3), paragraphs (a) and
 1229 (c) of subsection (4), paragraphs (c) through (i) and (l), (p),
 1230 (q), (t), and (w) of subsection (6), subsections (7) and (8),
 1231 paragraphs (d), (e), (f), and (i) of subsection (9), paragraph
 1232 (b) of subsection (10), and paragraphs (c), (f), and (h) of
 1233 subsection (11) of section 1002.395, Florida Statutes, are
 1234 amended, paragraph (y) is added to subsection (6), and paragraph
 1235 (i) is added to subsection (11) of that section, to read:
 1236 1002.395 Florida Tax Credit Scholarship Program.—
 1237 (1) FINDINGS AND PURPOSE.—
 1238 (c) The purpose of this section is not to prescribe the
 1239 standards or curriculum for participating private schools. A
 1240 participating private school retains the authority to determine
 1241 its own standards and curriculum.
 1242 (2) DEFINITIONS.—As used in this section, the term:
 1243 (b) "Choice navigator" means an individual who meets the
 1244 requirements of sub-subparagraph (6)(d)4.h. ~~(6)(d)2.h.~~ and who
 1245 provides consultations, at a mutually agreed upon location, on
 1246 the selection of, application for, and enrollment in educational
 1247 options addressing the academic needs of a student; curriculum
 1248 selection; and advice on career and postsecondary education
 1249 opportunities. However, nothing in this section authorizes a
 1250 choice navigator to oversee or exercise control over the

1251 | curricula or academic programs of a personalized education
 1252 | program.

1253 | (f) "Eligible contribution" means a monetary contribution
 1254 | from a taxpayer, subject to the restrictions provided in this
 1255 | section, to an eligible nonprofit scholarship-funding
 1256 | organization pursuant to this section and ss. 212.099, 212.1831,
 1257 | and 212.1832, ~~and 1002.40~~. The taxpayer making the contribution
 1258 | may not designate a specific child as the beneficiary of the
 1259 | contribution.

1260 | (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

1261 | (a) The Florida Tax Credit Scholarship Program is
 1262 | established.

1263 | (b)1. A student is eligible for a Florida tax credit
 1264 | scholarship under this section if the student:

1265 | a. Is a resident of this state or the dependent child of
 1266 | an active duty member of the United States Armed Forces who has
 1267 | received permanent change of station orders to this state or, at
 1268 | the time of renewal, whose home of record or state of legal
 1269 | residence is Florida; and

1270 | b. Is eligible to enroll in kindergarten through grade 12
 1271 | in a public school in this state or received a scholarship under
 1272 | the Hope Scholarship Program in the 2023-2024 school year.

1273 | 2. Priority must be given in the following order:

1274 | a. A student whose household income level does not exceed
 1275 | 185 percent of the federal poverty level or who is in foster

1276 care or out-of-home care.

1277 b. A student whose household income level exceeds 185
 1278 percent of the federal poverty level, but does not exceed 400
 1279 percent of the federal poverty level.

1280 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible
 1281 for a scholarship while he or she is:

1282 (a) Enrolled full time in a public school, including, but
 1283 not limited to, the Florida School for the Deaf and the Blind,
 1284 the College-Preparatory Boarding Academy, the Florida School for
 1285 Competitive Academics, the Florida Virtual School, the Florida
 1286 Scholars Academy, a developmental research school authorized
 1287 under s. 1002.32, or a charter school authorized under this
 1288 chapter. For purposes of this paragraph, a 3- or 4-year-old
 1289 child who receives services funded through the Florida Education
 1290 Finance Program is considered a student enrolled full-time in a
 1291 public school;

1292 (c) Receiving any other educational scholarship pursuant
 1293 to this chapter. However, an eligible public school student
 1294 receiving a scholarship under s. 1002.411 may receive a
 1295 scholarship for transportation pursuant to subparagraph
 1296 (6) (d)4.;

1297 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 1298 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 1299 organization:

1300 (c) Must not have an owner or operator, as defined in

1301 subparagraph (2)(k)1., who owns or operates an eligible private
1302 school that is participating in the scholarship program.

1303 (d)1. For the 2023-2024 school year, may fund no more than
1304 20,000 scholarships for students who are enrolled pursuant to
1305 paragraph (7)(b). The number of scholarships funded for such
1306 students may increase by 40,000 in each subsequent school year.
1307 This subparagraph is repealed July 1, 2027.

1308 2. Shall establish a process for parents who are in
1309 compliance with paragraph (7)(a) to renew their students'
1310 scholarships. Renewal applications for the 2025-2026 school year
1311 and thereafter must provide for a renewal timeline beginning
1312 February 1 of the prior school year and ending April 30 of the
1313 prior school year. A student's renewal is contingent upon an
1314 eligible private school providing confirmation of admission
1315 pursuant to subsection (8). The process must require that
1316 parents confirm that the scholarship is being renewed or
1317 declined by May 31.

1318 3. Shall establish a process that allows a parent to apply
1319 for a new scholarship. The process must be in a manner that
1320 creates a written or electronic record of the application
1321 request and the date of receipt of the application request. The
1322 process must require that parents confirm that the scholarship
1323 is being accepted or declined by a date set by the organization.

1324 4.2. Must establish and maintain separate scholarship
1325 ~~empowerment~~ accounts from eligible contributions for each

1326 eligible student. For each account, the organization must
1327 maintain a record of accrued interest retained in the student's
1328 account. The organization must verify that scholarship funds are
1329 used for:

1330 a. Tuition and fees for full-time or part-time enrollment
1331 in an eligible private school.

1332 b. Transportation to a Florida public school in which a
1333 student is enrolled and that is different from the school to
1334 which the student was assigned or to a lab school as defined in
1335 s. 1002.32.

1336 c. Instructional materials, including digital materials
1337 and Internet resources. Equipment used as instructional
1338 materials may only be purchased for subjects in language arts
1339 and reading, mathematics, social studies, and science.

1340 d. Curriculum as defined in s. 1002.394(2).

1341 e. Tuition and fees associated with full-time or part-time
1342 enrollment in a home education instructional program; an
1343 eligible postsecondary educational institution or a program
1344 offered by the postsecondary educational institution, unless the
1345 program is subject to s. 1009.25 or reimbursed pursuant to s.
1346 1009.30; an approved preapprenticeship program as defined in s.
1347 446.021(5) which is not subject to s. 1009.25 and complies with
1348 all applicable requirements of the Department of Education
1349 pursuant to chapter 1005; a private tutoring program authorized
1350 under s. 1002.43; a virtual program offered by a department-

1351 approved private online provider that meets the provider
 1352 qualifications specified in s. 1002.45(2)(a); the Florida
 1353 Virtual School as a private paying student; or an approved
 1354 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1355 f. Fees for nationally standardized, norm-referenced
 1356 achievement tests, Advanced Placement Examinations, industry
 1357 certification examinations, assessments related to postsecondary
 1358 education, or other assessments.

1359 g. Contracted services provided by a public school or
 1360 school district, including classes. A student who receives
 1361 contracted services under this sub-subparagraph is not
 1362 considered enrolled in a public school for eligibility purposes
 1363 as specified in subsection (11) but rather attending a public
 1364 school on a part-time basis as authorized under s. 1002.44.

1365 h. Tuition and fees for part-time tutoring services or
 1366 fees for services provided by a choice navigator. Such services
 1367 must be provided by a person who holds a valid Florida
 1368 educator's certificate pursuant to s. 1012.56, a person who
 1369 holds an adjunct teaching certificate pursuant to s. 1012.57, a
 1370 person who has a bachelor's degree or a graduate degree in the
 1371 subject area in which instruction is given, a person who has
 1372 demonstrated a mastery of subject area knowledge pursuant to s.
 1373 1012.56(5), or a person certified by a nationally or
 1374 internationally recognized research-based training program as
 1375 approved by the Department of Education. As used in this

1376 paragraph, the term "part-time tutoring services" does not
1377 qualify as regular school attendance as defined in s.
1378 1003.01(16)(e).

1379 (e) For students determined eligible pursuant to paragraph
1380 (7)(b), must:

1381 1. Establish a process for parents who are in compliance
1382 with subparagraph (7)(b)1. to apply for a new scholarship. New
1383 scholarship applications for the 2025-2026 school year and
1384 thereafter must provide for an application timeline beginning
1385 February 1 of the prior school year and ending April 30 of the
1386 prior school year. The process must require that parents confirm
1387 that the scholarship is being accepted or declined by May 31.

1388 2. Establish a process for parents who are in compliance
1389 with paragraph (7)(b) to renew their students' scholarships.
1390 Renewal scholarship applications for the 2025-2026 school year
1391 and thereafter must provide for a renewal timeline beginning
1392 February 1 of the prior school year and ending April 30 of the
1393 prior school year. The process must require that parents confirm
1394 that the scholarship is being renewed or declined by May 31.

1395 ~~3.1.~~ Maintain a signed agreement from the parent which
1396 constitutes compliance with the attendance requirements under
1397 ss. 1003.01(16) and 1003.21(1).

1398 ~~4.2.~~ Receive eligible student test scores and, beginning
1399 with the 2027-2028 school year, by August 15, annually report
1400 test scores for students pursuant to paragraph (7)(b) to a state

1401 university pursuant to paragraph (9)(f).

1402 ~~5.3.~~ Provide parents with information, guidance, and
1403 support to create and annually update a student learning plan
1404 for their student. The organization must maintain the plan and
1405 allow parents to electronically submit, access, and revise the
1406 plan continuously.

1407 ~~6.4.~~ Upon submission by the parent of an annual student
1408 learning plan, fund a scholarship for a student determined
1409 eligible.

1410 (f) Must give first priority to eligible renewal students
1411 who received a scholarship from an eligible nonprofit
1412 scholarship-funding organization ~~or from the State of Florida~~
1413 during the previous school year. The eligible nonprofit
1414 scholarship-funding organization must fully apply and exhaust
1415 all funds available under this section ~~and s. 1002.40(11)(i)~~ for
1416 renewal scholarship awards before awarding any initial
1417 scholarships.

1418 (g) Must provide a new renewal ~~or initial~~ scholarship to
1419 an eligible student on a first-come, first-served basis unless
1420 the student is seeking priority eligibility ~~qualifies for~~
1421 ~~priority~~ pursuant to subsection (3) paragraph (f).

1422 ~~(h) Each eligible nonprofit scholarship-funding~~
1423 ~~organization~~ Must refer any student eligible for a scholarship
1424 pursuant to this section who did not receive a renewal or
1425 initial scholarship based solely on the lack of available funds

1426 under this section ~~and s. 1002.40(11)(i)~~ to another eligible
1427 nonprofit scholarship-funding organization that may have funds
1428 available.

1429 (i) May not restrict or reserve scholarships for use at a
1430 particular eligible private school or provide scholarships to a
1431 child of an owner or operator as defined in subparagraph
1432 (2)(k)1.

1433 (1)1. May use eligible contributions received pursuant to
1434 this section and ss. 212.099, 212.1831, and 212.1832, ~~and~~
1435 ~~1002.40~~ during the state fiscal year in which such contributions
1436 are collected for administrative expenses if the organization
1437 has operated as an eligible nonprofit scholarship-funding
1438 organization for at least the preceding 3 fiscal years and did
1439 not have any findings of material weakness or material
1440 noncompliance in its most recent audit under paragraph (o) or is
1441 in good standing in each state in which it administers a
1442 scholarship program and the audited financial statements for the
1443 preceding 3 fiscal years are free of material misstatements and
1444 going concern issues. Administrative expenses from eligible
1445 contributions may not exceed 3 percent of the total amount of
1446 all scholarships funded by an eligible scholarship-funding
1447 organization under this chapter. Such administrative expenses
1448 must be reasonable and necessary for the organization's
1449 management and distribution of scholarships funded under this
1450 chapter. Administrative expenses may include developing or

1451 contracting with rideshare programs or facilitating carpool
1452 strategies for recipients of a transportation scholarship under
1453 s. 1002.394. No funds authorized under this subparagraph shall
1454 be used for lobbying or political activity or expenses related
1455 to lobbying or political activity. Up to one-third of the funds
1456 authorized for administrative expenses under this subparagraph
1457 may be used for expenses related to the recruitment of
1458 contributions from taxpayers. An eligible nonprofit scholarship-
1459 funding organization may not charge an application fee.

1460 2. Must expend for annual or partial-year scholarships 100
1461 percent of any eligible contributions from the prior fiscal
1462 year.

1463 ~~3.2.~~ Must expend ~~award~~ for annual or partial-year
1464 scholarships an amount equal to or greater than 75 percent of
1465 all ~~estimated~~ net eligible contributions, as defined in
1466 subsection (2), ~~and all funds carried forward from the prior~~
1467 ~~state fiscal year~~ remaining after administrative expenses during
1468 the state fiscal year in which such eligible contributions are
1469 collected ~~before funding any scholarships to students determined~~
1470 ~~eligible pursuant to s. 1002.394(3)(a)~~. No more than 25 percent
1471 of such net eligible contributions may be carried forward to the
1472 following state fiscal year. All amounts carried forward, for
1473 audit purposes, must be specifically identified for particular
1474 students, by student name and the name of the school to which
1475 the student is admitted, subject to the requirements of ss.

1476 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable
1477 rules and regulations issued pursuant thereto. Any amounts
1478 carried forward shall be expended for annual or partial-year
1479 scholarships in the following state fiscal year. ~~No later than~~
1480 ~~September 30 of each year, net~~ Eligible contributions remaining
1481 on June 30 of each year that are in excess of the 25 percent
1482 that may be carried forward shall be used to provide
1483 scholarships to eligible students or transferred to other
1484 eligible nonprofit scholarship-funding organizations to provide
1485 scholarships for eligible students. All transferred funds must
1486 be deposited by each eligible nonprofit scholarship-funding
1487 organization receiving such funds into its scholarship account.
1488 All transferred amounts received by any eligible nonprofit
1489 scholarship-funding organization must be separately disclosed in
1490 the annual financial audit required under paragraph (o).

1491 ~~4.3.~~ Must, before granting a scholarship for an academic
1492 year, document each scholarship student's eligibility for that
1493 academic year. A scholarship-funding organization may not grant
1494 multiyear scholarships in one approval process.

1495 (p) Must prepare and submit quarterly reports to the
1496 Department of Education pursuant to paragraph (9)(i). In
1497 addition, an eligible nonprofit scholarship-funding organization
1498 must submit in a timely manner the verified list of eligible
1499 scholarship students and any information requested by the
1500 Department of Education relating to the scholarship program.

1501 (q)1.a. Must participate in the joint development of
1502 agreed-upon procedures during the 2009-2010 state fiscal year.
1503 The agreed-upon procedures must uniformly apply to all private
1504 schools and must determine, at a minimum, whether the private
1505 school has been verified as eligible by the Department of
1506 Education under s. 1002.421; has an adequate accounting system,
1507 system of financial controls, and process for deposit and
1508 classification of scholarship funds; and has properly expended
1509 scholarship funds for education-related expenses. During the
1510 development of the procedures, the participating scholarship-
1511 funding organizations shall specify guidelines governing the
1512 materiality of exceptions that may be found during the
1513 accountant's performance of the procedures. The procedures and
1514 guidelines shall be provided to private schools and the
1515 Commissioner of Education by March 15, 2011.

1516 b. Must participate in a joint review of the agreed-upon
1517 procedures and guidelines developed under sub-subparagraph a.,
1518 by February of each biennium, if the scholarship-funding
1519 organization provided more than \$250,000 in scholarship funds
1520 under this chapter during the state fiscal year preceding the
1521 biennial review. If the procedures and guidelines are revised,
1522 the revisions must be provided to private schools and the
1523 Commissioner of Education by March 15 of the year in which the
1524 revisions were completed. The revised agreed-upon procedures and
1525 guidelines shall take effect the subsequent school year.

1526 c. Must monitor the compliance of a participating private
1527 school with s. 1002.421(1)(q) if the scholarship-funding
1528 organization provided the majority of the scholarship funding to
1529 the school. For each participating private school subject to s.
1530 1002.421(1)(q), the appropriate scholarship-funding organization
1531 shall annually notify the Commissioner of Education by October
1532 30 of:

1533 (I) A private school's failure to submit a report required
1534 under s. 1002.421(1)(q); or

1535 (II) Any material exceptions set forth in the report
1536 required under s. 1002.421(1)(q).

1537 2. Must seek input from the accrediting associations that
1538 are members of the Florida Association of Academic Nonpublic
1539 Schools and the Department of Education when jointly developing
1540 the agreed-upon procedures and guidelines under sub-subparagraph
1541 1.a. and conducting a review of those procedures and guidelines
1542 under sub-subparagraph 1.b.

1543 (t) Must participate in the joint development of agreed-
1544 upon purchasing guidelines for authorized uses of scholarship
1545 funds under paragraph (d) and s. 1002.394(4)(a) ~~this chapter~~. By
1546 December 31, 2023, and by each December 31 thereafter, the
1547 purchasing guidelines must be provided to the Commissioner of
1548 Education and published on the eligible nonprofit scholarship-
1549 funding organization's website. Published purchasing guidelines
1550 shall remain in effect until there is unanimous agreement to

1551 revise the guidelines, and the revisions must be provided to the
 1552 commissioner and published on the organization's website within
 1553 30 days after such revisions. The organization shall assist the
 1554 Florida Center for Students with Unique Abilities under s.
 1555 1004.6495 with the development of purchasing guidelines for
 1556 authorized uses of scholarship funds under s. 1002.394(4)(b) and
 1557 publish the guidelines on the organization's website.

1558 (w) Shall commit scholarship funds on behalf of the
 1559 student for tuition and fees for which the parent is responsible
 1560 for payment at the participating private school before using
 1561 scholarship empowerment account funds for additional authorized
 1562 uses under paragraph (d).

1563 (y) Must establish a process to collect input and feedback
 1564 from parents, private schools, and providers before implementing
 1565 substantial modifications or enhancements to the reimbursement
 1566 process.

1567
 1568 Information and documentation provided to the Department of
 1569 Education and the Auditor General relating to the identity of a
 1570 taxpayer that provides an eligible contribution under this
 1571 section shall remain confidential at all times in accordance
 1572 with s. 213.053.

1573 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 1574 PARTICIPATION.—

1575 (a) A parent who applies for a scholarship whose student

1576 will be enrolled full time in an eligible ~~a~~ private school must:

1577 1. Select an eligible private school and apply for the

1578 admission of his or her child.

1579 2. Request the scholarship by the date established by the

1580 organization in a manner that creates a written or electronic

1581 record of the request and the date of receipt of the request.

1582 3.a. Beginning with new applications for the 2025-2026

1583 school year and thereafter, notify the organization by a date

1584 set by the organization that the scholarship is being accepted

1585 or declined.

1586 b. Beginning with renewal applications for the 2025-2026

1587 school year and thereafter, notify the organization by May 31

1588 that the scholarship is being renewed or declined.

1589 4.2. Inform the applicable ~~child's~~ school district when

1590 the parent withdraws his or her student from a public school

1591 ~~child~~ to attend an eligible private school.

1592 5.3. Require his or her student participating in the

1593 program to remain in attendance at the eligible private school

1594 throughout the school year unless excused by the school for

1595 illness or other good cause and comply with the private school's

1596 published policies.

1597 6.4. Meet with the eligible private school's principal or

1598 the principal's designee to review the school's academic

1599 programs and policies, specialized services, code of student

1600 conduct, and attendance policies before enrollment ~~in the~~

1601 ~~private school.~~

1602 ~~7.5.~~ Require his or her student participating in the
 1603 program to take the norm-referenced assessment offered by the
 1604 participating private school. The parent may also choose to have
 1605 the student participate in the statewide assessments pursuant to
 1606 s. 1008.22. If the parent requests that the student
 1607 participating in the ~~scholarship~~ program take statewide
 1608 assessments pursuant to s. 1008.22 and the participating private
 1609 school has not chosen to offer and administer the statewide
 1610 assessments, the parent is responsible for transporting the
 1611 student to the assessment site designated by the school
 1612 district.

1613 ~~8.6.~~ Approve each payment before the scholarship funds may
 1614 be deposited by funds transfer. The parent may not designate any
 1615 entity or individual associated with the participating private
 1616 school as the parent's attorney in fact to approve a funds
 1617 transfer. A participant who fails to comply with this paragraph
 1618 forfeits the scholarship.

1619 ~~9.7.~~ Authorize the nonprofit scholarship-funding
 1620 organization to access information needed for income eligibility
 1621 determination and verification held by other state or federal
 1622 agencies, including the Department of Revenue, the Department of
 1623 Children and Families, the Department of Education, the
 1624 Department of Commerce ~~Economic Opportunity~~, and the Agency for
 1625 Health Care Administration, for students seeking priority

1626 eligibility.

1627 ~~10.8.~~ Agree to have the organization commit scholarship
 1628 funds on behalf of his or her student for tuition and fees for
 1629 which the parent is responsible for payment at the participating
 1630 private school before using scholarship ~~empowerment~~ account
 1631 funds for additional authorized uses under paragraph (6) (d). A
 1632 parent is responsible for all eligible expenses in excess of the
 1633 amount of the scholarship.

1634 11. Comply with the scholarship application and renewal
 1635 processes and requirements established by the organization.

1636 (b) A parent whose student will not be enrolled full time
 1637 in a public or private school must:

1638 1. Apply to an eligible nonprofit scholarship-funding
 1639 organization to participate in the program as a personalized
 1640 education student by a date set by the organization. The request
 1641 must be communicated directly to the organization in a manner
 1642 that creates a written or electronic record of the request and
 1643 the date of receipt of the request. Beginning with new and
 1644 renewal applications for the 2025-2026 school year and
 1645 thereafter, notify the organization by May 31 that the
 1646 scholarship is being accepted, renewed, or declined.

1647 2. Sign an agreement with the organization and annually
 1648 submit a sworn compliance statement to the organization to
 1649 satisfy or maintain program eligibility, including eligibility
 1650 to receive and spend program payments, by:

1651 a. Affirming that the program funds are used only for
1652 authorized purposes serving the student's educational needs, as
1653 described in paragraph (6)(d), and that they will not receive a
1654 payment, refund, or rebate of any funds provided under this
1655 section.

1656 b. Affirming that the parent is responsible for all
1657 eligible expenses in excess of the amount of the scholarship and
1658 for the education of his or her student.

1659 c. Submitting a student learning plan to the organization
1660 and revising the plan at least annually before program renewal.

1661 d. Requiring his or her student to take a nationally norm-
1662 referenced test identified by the Department of Education, or a
1663 statewide assessment under s. 1008.22, and provide assessment
1664 results to the organization before the student's program
1665 renewal.

1666 e. Complying with the scholarship application and renewal
1667 processes and requirements established by the organization
1668 ~~Renewing participation in the program each year.~~ A student whose
1669 participation in the program is not renewed may continue to
1670 spend scholarship funds that are in his or her account from
1671 prior years unless the account must be closed pursuant to s.
1672 1002.394(5)(a)2.

1673 f. Procuring the services necessary to educate the
1674 student. When the student receives a scholarship, the district
1675 school board is not obligated to provide the student with a free

1676 appropriate public education.

1677 (c) A parent may not apply for multiple scholarships under
 1678 this section and s. 1002.394 for an individual student at the
 1679 same time.

1680
 1681 An eligible nonprofit scholarship-funding organization may not
 1682 further regulate, exercise control over, or require
 1683 documentation beyond the requirements of this subsection unless
 1684 the regulation, control, or documentation is necessary for
 1685 participation in the program.

1686 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
 1687 eligible private school may be sectarian or nonsectarian and
 1688 must:

1689 (a) Comply with all requirements for private schools
 1690 participating in state school choice scholarship programs
 1691 pursuant to s. 1002.421.

1692 (b) Provide to the organization all documentation required
 1693 for a student's participation, including confirmation of the
 1694 student's admission to the private school, the private school's
 1695 and student's fee schedules, and any other information required
 1696 by the organization to process scholarship payment pursuant to
 1697 paragraph (11)(c). Such information must be provided by the
 1698 deadlines established by the organization and in accordance with
 1699 the requirements of this section. A student is not eligible to
 1700 receive a quarterly scholarship payment if the private school

1701 fails to meet the deadline.

1702 (c)~~(b)~~1. Annually administer or make provision for
1703 students participating in the scholarship program in grades 3
1704 through 10 to take one of the nationally norm-referenced tests
1705 identified by the department ~~of Education~~ or the statewide
1706 assessments pursuant to s. 1008.22. Students with disabilities
1707 for whom standardized testing is not appropriate are exempt from
1708 this requirement. A participating private school must report a
1709 student's scores to the parent. A participating private school
1710 must annually report by August 15 the scores of all
1711 participating students to a state university described in
1712 paragraph (9)(f).

1713 2. Administer the statewide assessments pursuant to s.
1714 1008.22 if a participating private school chooses to offer the
1715 statewide assessments. A participating private school may choose
1716 to offer and administer the statewide assessments to all
1717 students who attend the participating private school in grades 3
1718 through 10 and must submit a request in writing to the
1719 Department of Education by March 1 of each year in order to
1720 administer the statewide assessments in the subsequent school
1721 year.

1722
1723 If a participating private school fails to meet the requirements
1724 of this subsection or s. 1002.421, the commissioner may
1725 determine that the participating private school is ineligible to

1726 | participate in the scholarship program.

1727 | (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1728 | Education shall:

1729 | (d) Notify eligible nonprofit scholarship-funding
1730 | organizations of the deadlines for submitting the verified list
1731 | of eligible scholarship students; cross-check the verified list
1732 | ~~of participating scholarship students~~ with the public school
1733 | enrollment lists to avoid duplication; and, when the Florida
1734 | Education Finance Program is recalculated, adjust the amount of
1735 | state funds allocated to school districts through the Florida
1736 | Education Finance Program based upon the results of the cross-
1737 | check.

1738 | (e) Maintain and annually publish a list of nationally
1739 | norm-referenced tests identified for purposes of satisfying the
1740 | testing requirement in subparagraph (8)(c)1. ~~(8)(b)1.~~ The tests
1741 | must meet industry standards of quality in accordance with State
1742 | Board of Education rule.

1743 | (f) Issue a project grant award to a state university, to
1744 | which participating private schools and eligible nonprofit
1745 | scholarship-funding organizations must report the scores of
1746 | participating students on the nationally norm-referenced tests
1747 | or the statewide assessments administered in grades 3 through
1748 | 10. The project term is 2 years, and the amount of the project
1749 | is up to \$250,000 per year. The project grant award must be
1750 | reissued in 2-year intervals in accordance with this paragraph.

1751 1. The state university must annually report to the
1752 Department of Education on the student performance of
1753 participating students and, beginning with the 2027-2028 school
1754 year, on the performance of personalized education students:
1755 a. On a statewide basis. The report shall also include, to
1756 the extent possible, a comparison of scholarship students'
1757 performance to the statewide student performance of public
1758 school students with socioeconomic backgrounds similar to those
1759 of students participating in the scholarship program. To
1760 minimize costs and reduce time required for the state
1761 university's analysis and evaluation, the Department of
1762 Education shall coordinate with the state university to provide
1763 data to the state university in order to conduct analyses of
1764 matched students from public school assessment data and
1765 calculate control group student performance using an agreed-upon
1766 methodology with the state university; and
1767 b. On an individual school basis for students enrolled
1768 full time in a private school. The annual report must include
1769 student performance for each participating private school in
1770 which enrolled students in the private school participated in a
1771 scholarship program under this section or s. 1002.394(12) (a) ~~r~~
1772 ~~or s. 1002.40~~ in the prior school year. The report shall be
1773 according to each participating private school, and for
1774 participating students, in which there are at least 30
1775 participating students who have scores for tests administered.

1776 If the state university determines that the 30-participating-
1777 student cell size may be reduced without disclosing personally
1778 identifiable information, as described in 34 C.F.R. s. 99.12, of
1779 a participating student, the state university may reduce the
1780 participating-student cell size, but the cell size must not be
1781 reduced to less than 10 participating students. The department
1782 shall provide each participating private school's prior school
1783 year's student enrollment information to the state university no
1784 later than June 15 of each year, or as requested by the state
1785 university.

1786 2. The sharing and reporting of student performance data
1787 under this paragraph must be in accordance with requirements of
1788 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
1789 Educational Rights and Privacy Act, and the applicable rules and
1790 regulations issued pursuant thereto, and shall be for the sole
1791 purpose of creating the annual report required by subparagraph
1792 1. All parties must preserve the confidentiality of such
1793 information as required by law. The annual report must not
1794 disaggregate data to a level that will identify individual
1795 participating schools, except as required under sub-subparagraph
1796 1.b., or disclose the academic level of individual students.

1797 3. The annual report required by subparagraph 1. shall be
1798 published by the Department of Education on its website.

1799 (i) Require quarterly reports by an eligible nonprofit
1800 scholarship-funding organization regarding the number of

1801 students participating in the ~~scholarship~~ program;7 the private
1802 schools at which the students are enrolled; the number of
1803 scholarship applications received, the number of applications
1804 processed within 30 days after receipt, and the number of
1805 incomplete applications received; data related to reimbursement
1806 submissions, including the average number of days for a
1807 reimbursement to be reviewed and the average number of days for
1808 a reimbursement to be approved; any parent input and feedback
1809 collected regarding the program;7 and any other information
1810 deemed necessary by the Department of Education.

1811 (10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

1812 (b) Upon the request of the Department of Education, a
1813 school district shall coordinate with the department to provide
1814 to a participating private school the statewide assessments
1815 administered under s. 1008.22 and any related materials for
1816 administering the assessments. A school district is responsible
1817 for implementing test administrations at a participating private
1818 school, including the:

1819 1. Provision of training for participating private school
1820 staff on test security and assessment administration procedures;

1821 2. Distribution of testing materials to a participating
1822 private school;

1823 3. Retrieval of testing materials from a participating
1824 private school;

1825 4. Provision of the required format for a participating

1826 private school to submit information to the district for test
 1827 administration and enrollment purposes; and

1828 5. Provision of any required assistance, monitoring, or
 1829 investigation at a participating private school.

1830 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1831 (c) If a scholarship student is attending an eligible
 1832 private school full time, the initial payment shall be made
 1833 after the organization's verification of admission acceptance,
 1834 and subsequent payments shall be made upon verification of
 1835 continued enrollment and attendance at the eligible private
 1836 school. Payments shall be made within 7 business days after
 1837 approval by the parent pursuant to paragraph (7) (a) and the
 1838 private school pursuant to paragraph (8) (b) ~~An eligible~~
 1839 ~~nonprofit scholarship-funding organization shall obtain~~
 1840 ~~verification from the private school of a student's continued~~
 1841 ~~attendance at the school for each period covered by a~~
 1842 ~~scholarship payment.~~

1843 (f) A scholarship awarded to an eligible student shall
 1844 remain in force until:

1845 1. The organization determines that the student is not
 1846 eligible for program renewal;

1847 2. The Commissioner of Education suspends or revokes
 1848 program participation or use of funds;

1849 3. The student's parent has forfeited participation in the
 1850 program for failure to comply with subsection (7);

1851 4. The student who uses the scholarship for full-time
 1852 tuition and fees at an eligible private school pursuant to
 1853 subparagraph (6)(d)2. enrolls full time in a public school.
 1854 However, if a student enters a Department of Juvenile Justice
 1855 detention center for a period of no more than 21 days, the
 1856 student is not considered to have returned to a public school on
 1857 a full-time basis for that purpose; or

1858 5. The student graduates from high school or attains 21
 1859 years of age, whichever occurs first.

1860 (h) A student's scholarship account must be closed and any
 1861 remaining funds shall revert to the state after:

1862 1. Denial or revocation of program eligibility by the
 1863 commissioner for fraud or abuse, including, but not limited to,
 1864 the student or student's parent accepting any payment, refund,
 1865 or rebate, in any manner, from a provider of any services
 1866 received pursuant to paragraph (6)(d); ~~or~~

1867 2. Two consecutive fiscal years in which an account has
 1868 been inactive; or

1869 3. The student remains unenrolled in an eligible private
 1870 school for 30 days while receiving a scholarship that requires
 1871 full-time enrollment.

1872 (i) Moneys received pursuant to this section do not
 1873 constitute taxable income to the qualified student or the parent
 1874 of the qualified student.

1875 Section 5. Section 1002.40, Florida Statutes, is repealed.

1876 Section 6. Paragraph (i) of subsection (1) of section
 1877 1002.421, Florida Statutes, is amended to read:

1878 1002.421 State school choice scholarship program
 1879 accountability and oversight.—

1880 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 1881 school participating in an educational scholarship program
 1882 established pursuant to this chapter must be a private school as
 1883 defined in s. 1002.01 in this state, be registered, and be in
 1884 compliance with all requirements of this section in addition to
 1885 private school requirements outlined in s. 1002.42, specific
 1886 requirements identified within respective scholarship program
 1887 laws, and other provisions of Florida law that apply to private
 1888 schools, and must:

1889 (i) Maintain a physical location in the state at which
 1890 each student has regular and direct contact with teachers.
 1891 Regular and direct contact with teachers may be satisfied for
 1892 students enrolled in a personalized education program if
 1893 students have regular and direct contact with teachers at the
 1894 physical location at least two school days per week and the
 1895 student learning plan addresses the remaining instructional
 1896 time.

1897
 1898 The department shall suspend the payment of funds to a private
 1899 school that knowingly fails to comply with this subsection, and
 1900 shall prohibit the school from enrolling new scholarship

1901 students, for 1 fiscal year and until the school complies. If a
 1902 private school fails to meet the requirements of this subsection
 1903 or has consecutive years of material exceptions listed in the
 1904 report required under paragraph (q), the commissioner may
 1905 determine that the private school is ineligible to participate
 1906 in a scholarship program.

1907 Section 7. Paragraph (a) of subsection (2) of section
 1908 1002.45, Florida Statutes, is amended to read:

1909 1002.45 Virtual instruction programs.—

1910 (2) PROVIDER QUALIFICATIONS.—

1911 (a) The department shall annually publish on its website a
 1912 list of providers approved by the State Board of Education to
 1913 offer virtual instruction programs. To be approved, a virtual
 1914 instruction program provider must document that it:

1915 ~~1. Is nonsectarian in its programs, admission policies,~~
 1916 ~~employment practices, and operations;~~

1917 1.2. Complies with the antidiscrimination provisions of s.
 1918 1000.05;

1919 ~~2.3.~~ 2.3. Locates an administrative office or offices in this
 1920 state, requires its administrative staff to be state residents,
 1921 requires all instructional staff to be Florida-certified
 1922 teachers under chapter 1012 and conducts background screenings
 1923 for all employees or contracted personnel, as required by s.
 1924 1012.32, using state and national criminal history records;

1925 ~~3.4.~~ 3.4. Electronically provides to parents and students

1926 specific information that includes, but is not limited to, the
 1927 following teacher-parent and teacher-student contact information
 1928 for each course:

1929 a. How to contact the instructor via phone, e-mail, or
 1930 online messaging tools.

1931 b. How to contact technical support via phone, e-mail, or
 1932 online messaging tools.

1933 c. How to contact the administration office via phone, e-
 1934 mail, or online messaging tools.

1935 d. Any requirement for regular contact with the instructor
 1936 for the course and clear expectations for meeting the
 1937 requirement.

1938 e. The requirement that the instructor in each course
 1939 must, at a minimum, conduct one contact with the parent and the
 1940 student each month;

1941 ~~4.5.~~ Possesses prior, successful experience offering
 1942 virtual instruction courses to elementary, middle, or high
 1943 school students as demonstrated by quantified student learning
 1944 gains in each subject area and grade level provided for
 1945 consideration as an instructional program option. However, for a
 1946 virtual instruction program provider without sufficient prior,
 1947 successful experience offering online courses, the State Board
 1948 of Education may conditionally approve the virtual instruction
 1949 program provider to offer courses measured pursuant to
 1950 subparagraph (7)(a)2. Conditional approval shall be valid for 1

1951 school year only and, based on the virtual instruction program
 1952 provider's experience in offering the courses, the State Board
 1953 of Education may grant approval to offer a virtual instruction
 1954 program;

1955 ~~5.6.~~ Is accredited by a regional accrediting association
 1956 as defined by State Board of Education rule;

1957 ~~6.7.~~ Ensures instructional and curricular quality through
 1958 a detailed curriculum and student performance accountability
 1959 plan that addresses every subject and grade level it intends to
 1960 provide through contract with the school district, including:

1961 a. Courses and programs that meet the standards of the
 1962 International Association for K-12 Online Learning and the
 1963 Southern Regional Education Board.

1964 b. Instructional content and services that align with, and
 1965 measure student attainment of, student proficiency in the state
 1966 academic standards.

1967 c. Mechanisms that determine and ensure that a student has
 1968 satisfied requirements for grade level promotion and high school
 1969 graduation with a standard diploma, as appropriate;

1970 ~~7.8.~~ Publishes, in accordance with disclosure requirements
 1971 adopted in rule by the State Board of Education, as part of its
 1972 application as an approved virtual instruction program provider
 1973 and in all contracts negotiated pursuant to this section:

1974 a. Information and data about the curriculum of each full-
 1975 time and part-time virtual instruction program.

1976 b. School policies and procedures.

1977 c. Certification status and physical location of all

1978 administrative and instructional personnel.

1979 d. Hours and times of availability of instructional

1980 personnel.

1981 e. Student-teacher ratios.

1982 f. Student completion and promotion rates.

1983 g. Student, educator, and school performance

1984 accountability outcomes;

1985 8.9. If the approved virtual instruction program provider

1986 is a Florida College System institution, employs instructors who

1987 meet the certification requirements for instructional staff

1988 under chapter 1012; and

1989 9.10. Performs an annual financial audit of its accounts

1990 and records conducted by an independent auditor who is a

1991 certified public accountant licensed under chapter 473. The

1992 independent auditor shall conduct the audit in accordance with

1993 rules adopted by the Auditor General and in compliance with

1994 generally accepted auditing standards, and include a report on

1995 financial statements presented in accordance with generally

1996 accepted accounting principles. The audit report shall be

1997 accompanied by a written statement from the approved virtual

1998 instruction program provider in response to any deficiencies

1999 identified within the audit report and shall be submitted by the

2000 approved virtual instruction program provider to the State Board

2001 of Education and the Auditor General no later than 9 months
 2002 after the end of the preceding fiscal year.

2003 Section 8. Paragraph (c) of subsection (1) of section
 2004 1003.4156, Florida Statutes, is amended to read:

2005 1003.4156 General requirements for middle grades
 2006 promotion.—

2007 (1) In order for a student to be promoted to high school
 2008 from a school that includes middle grades 6, 7, and 8, the
 2009 student must successfully complete the following courses:

2010 (c) Three middle grades or higher courses in social
 2011 studies. One of these courses must be at least a one-semester
 2012 civics education course that includes the roles and
 2013 responsibilities of federal, state, and local governments; the
 2014 structures and functions of the legislative, executive, and
 2015 judicial branches of government; and the meaning and
 2016 significance of historic documents, such as the Articles of
 2017 Confederation, the Declaration of Independence, and the
 2018 Constitution of the United States. All instructional materials
 2019 for the civics education course must be reviewed and approved by
 2020 the Commissioner of Education, in consultation with
 2021 organizations that may include, but are not limited to, the
 2022 Florida Joint Center for Citizenship, the Bill of Rights
 2023 Institute, Hillsdale College, the Gilder Lehrman Institute of
 2024 American History, iCivics, and the Constitutional Sources
 2025 Project, and with educators, school administrators,

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2024

2026 postsecondary education representatives, elected officials,
2027 business and industry leaders, parents, and the public. Any
2028 errors and inaccuracies the commissioner identifies in state-
2029 adopted materials must be corrected pursuant to s. 1006.35.
2030 After consulting with such entities and individuals, the
2031 commissioner shall review the current state-approved civics
2032 education course instructional materials and the test
2033 specifications for the statewide, standardized EOC assessment in
2034 civics education and shall make recommendations for improvements
2035 to the materials and test specifications by December 31, 2019.
2036 By December 31, 2020, the department shall complete a review of
2037 the statewide civics education course standards. Each student's
2038 performance on the statewide, standardized EOC assessment in
2039 civics education required under s. 1008.22 constitutes 30
2040 percent of the student's final course grade. A middle grades
2041 student who transfers into the state's public school system from
2042 out of country, out of state, a private school, a personalized
2043 education program, or a home education program after the
2044 beginning of the second term of grade 8 is not required to meet
2045 the civics education requirement for promotion from the middle
2046 grades if the student's transcript documents passage of three
2047 courses in social studies or two year-long courses in social
2048 studies that include coverage of civics education.

2049 Section 9. Subsection (6) of section 1003.4282, Florida
2050 Statutes, is amended to read:

2051 1003.4282 Requirements for a standard high school
 2052 diploma.—
 2053 (6) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning
 2054 with the 2012-2013 school year, if a student transfers to a
 2055 Florida public high school from out of country, out of state, a
 2056 private school, a personalized education program, or a home
 2057 education program and the student's transcript shows a credit in
 2058 Algebra I, the student must pass the statewide, standardized
 2059 Algebra I EOC assessment in order to earn a standard high school
 2060 diploma unless the student earned a comparative score, passed a
 2061 statewide assessment in Algebra I administered by the
 2062 transferring entity, or passed the statewide mathematics
 2063 assessment the transferring entity uses to satisfy the
 2064 requirements of the Elementary and Secondary Education Act, as
 2065 amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. ss.
 2066 6301 et seq. If a student's transcript shows a credit in high
 2067 school reading or English Language Arts II or III, in order to
 2068 earn a standard high school diploma, the student must take and
 2069 pass the statewide, standardized grade 10 ELA assessment, or
 2070 earn a concordant score. If a transfer student's transcript
 2071 shows a final course grade and course credit in Algebra I,
 2072 Geometry, Biology I, or United States History, the transferring
 2073 course final grade and credit shall be honored without the
 2074 student taking the requisite statewide, standardized EOC
 2075 assessment and without the assessment results constituting 30

2076 | percent of the student's final course grade.

2077 | Section 10. Paragraph (1) of subsection (4) of section
2078 | 1003.485, Florida Statutes, is amended to read:

2079 | 1003.485 The New Worlds Reading Initiative.—

2080 | (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
2081 | shall:

2082 | (1) Expend eligible contributions received only for the
2083 | purchase and delivery of books and to implement the requirements
2084 | of this section, as well as for administrative expenses not to
2085 | exceed 2 percent of total eligible contributions.

2086 | Notwithstanding s. 1002.395(6)(1)3. ~~s. 1002.395(6)(1)2.~~, the
2087 | administrator may carry forward up to 25 percent of eligible
2088 | contributions made before January 1 of each state fiscal year
2089 | and 100 percent of eligible contributions made on or after
2090 | January 1 of each state fiscal year to the following state
2091 | fiscal year for purposes authorized by this subsection. Any
2092 | eligible contributions in excess of the allowable carry forward
2093 | not used to provide additional books throughout the year to
2094 | eligible students shall revert to the state treasury.

2095 | Section 11. Effective upon this act becoming a law,
2096 | paragraph (e) is added to subsection (5) of section 1004.6495,
2097 | Florida Statutes, to read:

2098 | 1004.6495 Florida Postsecondary Comprehensive Transition
2099 | Program and Florida Center for Students with Unique Abilities.—

2100 | (5) CENTER RESPONSIBILITIES.—The Florida Center for

2101 Students with Unique Abilities is established within the
2102 University of Central Florida. At a minimum, the center shall:
2103 (e) By July 1, 2024, develop the purchasing guidelines for
2104 authorized uses of scholarship funds for the Family Empowerment
2105 Scholarship Program under s. 1002.394(4) (b) and by each July 1
2106 thereafter, revise such guidelines. The center must consult with
2107 parents of a student with a disability participating in the
2108 scholarship program in the development and revision of the
2109 guidelines and must provide the guidelines to each eligible
2110 nonprofit scholarship-funding organization that awards
2111 scholarships to a student eligible for the scholarship program
2112 under s. 1002.394(3) (b) for publishing on each organization's
2113 website.

2114 Section 12. Except as otherwise expressly provided in this
2115 act and except for this section, which shall take effect upon
2116 this act becoming a law, this act shall take effect July 1,
2117 2024.