



258236

LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Simon) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(2) DUTIES.—The Auditor General shall:

(1) At least once every 3 years, conduct operational audits  
of the accounts and records of eligible nonprofit scholarship-



11 funding organizations receiving eligible contributions under s.  
12 1002.395, including any contracts for services with related  
13 entities, to determine compliance with the provisions of that  
14 section. Such audits shall include, but not be limited to, a  
15 determination of the eligible nonprofit scholarship-funding  
16 organization's compliance with s. 1002.395(6)(1) ~~s.~~  
17 ~~1002.395(6)(j)~~. The Auditor General shall provide its report on  
18 the results of the audits to the Governor, the President of the  
19 Senate, the Speaker of the House of Representatives, the Chief  
20 Financial Officer, and the Legislative Auditing Committee,  
21 within 30 days of completion of the audit.

22  
23 The Auditor General shall perform his or her duties  
24 independently but under the general policies established by the  
25 Legislative Auditing Committee. This subsection does not limit  
26 the Auditor General's discretionary authority to conduct other  
27 audits or engagements of governmental entities as authorized in  
28 subsection (3).

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

32 212.099 Credit for contributions to eligible nonprofit  
33 scholarship-funding organizations.—

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

35 (c) "Eligible nonprofit scholarship-funding organization"  
36 or "organization" has the same meaning as provided in s.  
37 1002.395(2) ~~s. 1002.395(2)(f)~~.

38 (7)

39 (c) The organization may, subject to the limitations of s.



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40 1002.395(6)(1)1. ~~s. 1002.395(6)(j)1.~~, use eligible contributions  
41 received during the state fiscal year in which such  
42 contributions are collected for administrative expenses.

43 Section 3. Paragraph (c) of subsection (1) of section  
44 327.371, Florida Statutes, is amended to read:

45 327.371 Human-powered vessels regulated.—

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

49 (c) When participating in practices or competitions for  
50 interscholastic, intercollegiate, intramural, or club rowing  
51 teams affiliated with an educational institution identified in  
52 s. 1000.21, s. 1002.01(3) ~~s. 1002.01(2)~~, s. 1003.01(2), s.  
53 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of  
54 the marked channel is not suitable for such practice or  
55 competition. The teams must use their best efforts to make use  
56 of the adjacent area outside of the marked channel. The  
57 commission must be notified in writing of the details of any  
58 such competition, and the notification must include, but need  
59 not be limited to, the date, time, and location of the  
60 competition.

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

63 1002.01 Definitions.—

64 (1) A "home education program" means the sequentially  
65 progressive instruction of a student directed by his or her  
66 parent ~~in order~~ to satisfy the attendance requirements of ss.  
67 1002.41, 1003.01(13), and 1003.21(1).

68 (2) A "personalized education program" means the



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69 sequentially progressive instruction of a student directed by  
70 his or her parent to satisfy the attendance requirements of ss.  
71 1003.01(13) and 1003.21(1) while registered with an eligible  
72 nonprofit scholarship-funding organization pursuant to s.  
73 1002.395. A personalized education student shall be provided the  
74 same flexibility and opportunities as provided in s. 1002.41(3)-  
75 (12).

76 (3)~~(2)~~ A "private school" is a nonpublic school defined as  
77 an individual, association, copartnership, or corporation, or  
78 department, division, or section of such organizations, that  
79 designates itself as an educational center that includes  
80 kindergarten or a higher grade or as an elementary, secondary,  
81 business, technical, or trade school below college level or any  
82 organization that provides instructional services that meet the  
83 intent of s. 1003.01(13) or that gives preemployment or  
84 supplementary training in technology or in fields of trade or  
85 industry or that offers academic, literary, or career training  
86 below college level, or any combination of the above, including  
87 an institution that performs the functions of the above schools  
88 through correspondence or extension, except those licensed under  
89 the provisions of chapter 1005. A private school may be a  
90 parochial, religious, denominational, for-profit, or nonprofit  
91 school. This definition does not include home education programs  
92 conducted in accordance with s. 1002.41.

93 Section 5. Present paragraphs (b) through (m) of subsection  
94 (2) of section 1002.394, Florida Statutes, are redesignated as  
95 paragraphs (c) through (n), respectively, a new paragraph (b) is  
96 added to subsection (2), paragraph (c) is added to subsection  
97 (8), and paragraph (d) is added to subsection (9) of that



98 section, and present paragraphs (e), (f), and (g) of subsection  
99 (2), paragraph (a) of subsection (3), subsection (4), paragraph  
100 (a) of subsection (5), paragraph (f) of subsection (6),  
101 paragraphs (b), (d), (f), and (g) of subsection (7), paragraph  
102 (a) of subsection (8), paragraphs (a) and (b) of subsection  
103 (10), paragraph (a) of subsection (11), and subsection (12) are  
104 amended, to read:

105 1002.394 The Family Empowerment Scholarship Program.—

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

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

108 1002.395(2).

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

112 (g)~~(f)~~ "Eligible postsecondary educational institution"  
113 means a Florida College System institution; a state university;  
114 a school district technical center; a school district adult  
115 general education center; an independent college or university  
116 that is eligible to participate in the William L. Boyd, IV,  
117 Effective Access to Student Education Grant Program under s.  
118 1009.89; or an accredited independent postsecondary educational  
119 institution, as defined in s. 1005.02, which is licensed to  
120 operate in this state under part III of chapter 1005 or is  
121 approved to participate in a reciprocity agreement as defined in  
122 s. 1000.35(2).

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

125 (3) SCHOLARSHIP ELIGIBILITY.—

126 (a) 1. A parent of a student may request and receive from



127 the state a scholarship for the purposes specified in paragraph  
128 (4) (a) if the student is a resident of this state and is  
129 eligible to enroll in kindergarten through grade 12 in a public  
130 school in this state.†

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

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

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

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

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

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

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

151 a. A student whose household income level does not exceed  
152 185 percent of the federal poverty level or who is in foster  
153 care or out-of-home care.

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



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156 percent of the federal poverty level.

157 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

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

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

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

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

168 5. Tuition and fees associated with full-time or part-time  
169 enrollment in an eligible postsecondary educational institution  
170 or a program offered by the postsecondary educational  
171 institution, unless the program is subject to s. 1009.25 or  
172 reimbursed pursuant to s. 1009.30; an approved preapprenticeship  
173 program as defined in s. 446.021(5) which is not subject to s.  
174 1009.25 and complies with all applicable requirements of the  
175 department pursuant to chapter 1005; a private tutoring program  
176 authorized under s. 1002.43; a virtual program offered by a  
177 department-approved private online provider that meets the  
178 provider qualifications specified in s. 1002.45(2) (a); the  
179 Florida Virtual School as a private paying student; or an  
180 approved online course offered pursuant to s. 1003.499 or s.  
181 1004.0961.

182 6. Fees for nationally standardized, norm-referenced  
183 achievement tests, Advanced Placement Examinations, industry  
184 certification examinations, assessments related to postsecondary



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185 education, or other assessments.

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

192 8. Tuition and fees for part-time tutoring services or fees  
193 for services provided by a choice navigator. Such services must  
194 be provided by a person who holds a valid Florida educator's  
195 certificate pursuant to s. 1012.56, a person who holds an  
196 adjunct teaching certificate pursuant to s. 1012.57, a person  
197 who has a bachelor's degree or a graduate degree in the subject  
198 area in which instruction is given, a person who has  
199 demonstrated a mastery of subject area knowledge pursuant to s.  
200 1012.56(5), or a person certified by a nationally or  
201 internationally recognized research-based training program as  
202 approved by the department. As used in this subparagraph, the  
203 term "part-time tutoring services" does not qualify as regular  
204 school attendance as defined in s. 1003.01(13)(e) ~~if the student~~  
205 ~~is determined eligible pursuant to subparagraph (3)(a)1. or~~  
206 ~~subparagraph (3)(a)2.~~

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

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





214 devices.

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

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

219       a. Applied behavior analysis services as provided in ss.  
220 627.6686 and 641.31098.

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

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

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

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

230       4. Tuition and ~~or~~ fees associated with full-time or part-  
231 time enrollment in a home education program;; an eligible  
232 private school;; an eligible postsecondary educational  
233 institution or a program offered by the postsecondary  
234 educational institution, unless the program is subject to s.  
235 1009.25 or reimbursed pursuant to s. 1009.30; an approved  
236 preapprenticeship program as defined in s. 446.021(5) which is  
237 not subject to s. 1009.25 and complies with all applicable  
238 requirements of the department pursuant to chapter 1005; a  
239 private tutoring program authorized under s. 1002.43;; a virtual  
240 program offered by a department-approved private online provider  
241 that meets the provider qualifications specified in s.  
242 1002.45(2)(a);; the Florida Virtual School as a private paying



243 student; 7 or an approved online course offered pursuant to s.  
244 1003.499 or s. 1004.0961.

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

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

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

259 8. Tuition and fees for part-time tutoring services or fees  
260 for services provided by a choice navigator. Such services must  
261 be provided by a person who holds a valid Florida educator's  
262 certificate pursuant to s. 1012.56, a person who holds an  
263 adjunct teaching certificate pursuant to s. 1012.57, a person  
264 who has a bachelor's degree or a graduate degree in the subject  
265 area in which instruction is given, a person who has  
266 demonstrated a mastery of subject area knowledge pursuant to s.  
267 1012.56(5), or a person certified by a nationally or  
268 internationally recognized research-based training program as  
269 approved by the department. As used in this subparagraph  
270 paragraph, the term "part-time tutoring services" does not  
271 qualify as regular school attendance as defined in s.



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272 1003.01(13)(e).

273 9. Fees for specialized summer education programs.

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

275 11. Transition services provided by job coaches.

276 12. Fees for an annual evaluation of educational progress

277 by a state-certified teacher under s. 1002.41(1)(f), if this

278 option is chosen for a home education student.

279 13. Tuition and fees associated with programs offered by

280 Voluntary Prekindergarten Education Program providers approved

281 pursuant to s. 1002.55 and school readiness providers approved

282 pursuant to s. 1002.88.

283 14. Fees for services provided at a center that is a member

284 of the Professional Association of Therapeutic Horsemanship

285 International.

286 15. Fees for services provided by a therapist who is

287 certified by the Certification Board for Music Therapists or

288 credentialed by the Art Therapy Credentials Board, Inc.

289 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of

290 educational choice:

291 (a)1. A scholarship awarded to an eligible student pursuant

292 to paragraph (3)(a) shall remain in force until:

293 a. The organization determines that the student is not

294 eligible for program renewal;

295 b. The Commissioner of Education suspends or revokes

296 program participation or use of funds;

297 c. The student's parent has forfeited participation in the

298 program for failure to comply with subsection (10);

299 d. The student enrolls in a public school. However, if a

300 student enters a Department of Juvenile Justice detention center



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301 for a period of no more than 21 days, the student is not  
302 considered to have returned to a public school on a full-time  
303 basis for that purpose; or  
304 e. The student graduates from high school or attains 21  
305 years of age, whichever occurs first.  
306 2.a. The student's scholarship account must be closed and  
307 any remaining funds shall revert to the state after:  
308 (I) Denial or revocation of program eligibility by the  
309 commissioner for fraud or abuse, including, but not limited to,  
310 the student or student's parent accepting any payment, refund,  
311 or rebate, in any manner, from a provider of any services  
312 received pursuant to paragraph (4) (a); or  
313 (II) Two consecutive fiscal years in which an account has  
314 been inactive.  
315 b. Reimbursements for program expenditures may continue  
316 until the account balance is expended or remaining funds have  
317 reverted to the state ~~student returns to a public school,~~  
318 ~~graduates from high school, or reaches the age of 21, whichever~~  
319 ~~occurs first. A scholarship student who enrolls in a public~~  
320 ~~school or public school program is considered to have returned~~  
321 ~~to a public school for the purpose of determining the end of the~~  
322 ~~scholarship's term. However, if a student enters a Department of~~  
323 ~~Juvenile Justice detention center for a period of no more than~~  
324 ~~21 days, the student is not considered to have returned to a~~  
325 ~~public school for that purpose.~~  
326 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for  
327 a Family Empowerment Scholarship while he or she is:  
328 (f) Participating in virtual instruction pursuant to s.  
329 1002.455 that receives state funding pursuant to the student's



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330 participation.

331 (7) SCHOOL DISTRICT OBLIGATIONS.—

332 (b)1. The parent of a student with a disability who does  
333 not have an IEP in accordance with subparagraph (3)(b)4. or who  
334 seeks a reevaluation of an existing IEP may request an IEP  
335 meeting and evaluation from the school district in order to  
336 obtain or revise a matrix of services. The school district shall  
337 notify a parent who has made a request for an IEP that the  
338 district is required to complete the IEP and matrix of services  
339 within 30 days after receiving notice of the parent's request.  
340 The school district shall conduct a meeting and develop an IEP  
341 and a matrix of services within 30 days after receipt of the  
342 parent's request in accordance with State Board of Education  
343 rules. The district must accept the diagnosis and consider the  
344 service plan of the licensed professional providing the  
345 diagnosis pursuant to subparagraph (3)(b)4. The school district  
346 must complete a matrix that assigns the student to one of the  
347 levels of service as they existed before the 2000-2001 school  
348 year. For a nonpublic school student without an IEP, the school  
349 district is authorized to use evaluation reports and plans of  
350 care developed by the licensed professionals under subparagraph  
351 (4)(b)3. to complete the matrix of services.

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

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



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

362 ~~(d) The school district in which a participating student~~  
363 ~~resides must notify the student and his or her parent about the~~  
364 ~~locations and times to take all statewide assessments under s.~~  
365 ~~1008.22 if the student chooses to participate in such~~  
366 ~~assessments.~~ Upon the request of the department, a school  
367 district shall coordinate with the department to provide to a  
368 participating private school the statewide assessments  
369 administered under s. 1008.22 and any related materials for  
370 administering the assessments. For a student who participates in  
371 the Family Empowerment Scholarship Program whose parent requests  
372 that the student take the statewide assessments under s.  
373 1008.22, the district in which the student attends a private  
374 school shall provide locations and times to take all statewide  
375 assessments. A school district is responsible for implementing  
376 test administrations at a participating private school,  
377 including the:

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

387 ~~(f) A school district shall report all students who are~~



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388 ~~receiving a scholarship under this program. Students receiving a~~  
389 ~~scholarship shall be reported separately from other students~~  
390 ~~reported for purposes of the Florida Education Finance Program.~~

391 ~~(g) A school district shall be held harmless for students~~  
392 ~~who are receiving a scholarship under this program from the~~  
393 ~~weighted enrollment ceiling for group 2 programs in s.~~  
394 ~~1011.62(1)(d)3.b. during the first school year in which the~~  
395 ~~students are reported.~~

396 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

397 (a) The department shall:

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

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

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

413 4. Notify eligible nonprofit scholarship-funding  
414 organizations of the deadlines for submitting the verified list  
415 of students determined to be eligible for a scholarship. An  
416 eligible nonprofit scholarship-funding organization may not



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417 submit a student for funding after February 1.  
418 ~~5. Notify each school district of a parent's participation~~  
419 ~~in the scholarship program for purposes of paragraph (7) (f).~~  
420 ~~5.6.~~ Deny or terminate program participation upon a  
421 parent's failure to comply with subsection (10).  
422 ~~6.7.~~ Notify the parent and the organization when a  
423 scholarship account is closed and program funds revert to the  
424 state.  
425 ~~7.8.~~ Notify an eligible nonprofit scholarship-funding  
426 organization of any of the organization's or other  
427 organization's identified students who are receiving  
428 scholarships under this chapter.  
429 ~~8.9.~~ Maintain on its website a list of approved providers  
430 as required by s. 1002.66, eligible postsecondary educational  
431 institutions, eligible private schools, and eligible  
432 organizations and may identify or provide links to lists of  
433 other approved providers.  
434 ~~9.10.~~ Require each organization to verify eligible  
435 expenditures before the distribution of funds for any  
436 expenditures made pursuant to subparagraphs (4) (b)1. and 2.  
437 Review of expenditures made for services specified in  
438 subparagraphs (4) (b)3.-15. may be completed after the purchase  
439 is made.  
440 ~~10.11.~~ Investigate any written complaint of a violation of  
441 this section by a parent, a student, a private school, a public  
442 school, a school district, an organization, a provider, or  
443 another appropriate party in accordance with the process  
444 established under s. 1002.421.  
445 ~~11.12.~~ Require quarterly reports by an organization, which





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446 must include, at a minimum, the number of students participating  
447 in the program; the demographics of program participants; the  
448 disability category of program participants; the matrix level of  
449 services, if known; the program award amount per student; the  
450 total expenditures for the purposes specified in paragraph  
451 (4) (b); the types of providers of services to students; and any  
452 other information deemed necessary by the department.

453 ~~12.13.~~ Notify eligible nonprofit scholarship-funding  
454 organizations that scholarships may not be awarded in a school  
455 district in which the award will exceed 99 percent of the school  
456 district's share of state funding through the Florida Education  
457 Finance Program as calculated by the department.

458 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-  
459 funding organizations and, when the Florida Education Finance  
460 Program is recalculated, adjust the amount of state funds  
461 allocated to school districts through the Florida Education  
462 Finance Program based upon the results of the cross-check  
463 completed pursuant to subparagraph 2.

464 (c) The department shall notify each school district of the  
465 full-time equivalent student consensus estimate of students  
466 participating in the program developed pursuant to s.  
467 216.136(4) (a).

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

472 (d) For a student determined eligible pursuant to paragraph  
473 (3) (b), discuss the school's academic programs and policies,  
474 specialized services, code of conduct, and attendance policies



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475 before enrollment with the parent to determine which programs  
476 and services may meet the student's individual needs.

477

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

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

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

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

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

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

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

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



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

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

522           8. Agree to have the organization commit scholarship funds  
523 on behalf of his or her student for tuition and fees for which  
524 the parent is responsible for payment at the private school  
525 before using empowerment account funds for additional authorized  
526 uses under paragraph (4) (a). A parent is responsible for all  
527 eligible expenses in excess of the amount of the scholarship.

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

532           1. Apply to an eligible nonprofit scholarship-funding



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533 organization to participate in the program by a date set by the  
534 organization. The request must be communicated directly to the  
535 organization in a manner that creates a written or electronic  
536 record of the request and the date of receipt of the request.

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

541 a. Affirming that the student is enrolled in a program that  
542 meets regular school attendance requirements as provided in s.  
543 1003.01(13)(b), (c), or (d).

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

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

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

557 (II) Providing an annual evaluation in accordance with s.  
558 1002.41(1)(f); or

559 (III) Requiring the child to take any preassessments and  
560 postassessments selected by the provider if the child is 4 years  
561 of age and is enrolled in a program provided by an eligible



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562 Voluntary Prekindergarten Education Program provider. A student  
563 with disabilities for whom the physician or psychologist who  
564 issued the diagnosis or the IEP team determines that a  
565 preassessment and postassessment is not appropriate is exempt  
566 from this requirement. A participating provider shall report a  
567 student's scores to the parent.

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

571 e. Enrolling his or her child in a program from a Voluntary  
572 Prekindergarten Education Program provider authorized under s.  
573 1002.55, a school readiness provider authorized under s.  
574 1002.88, or an eligible private school if either option is  
575 selected by the parent.

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

589 g. Procuring the services necessary to educate the student.  
590 If such services include enrollment in an eligible private



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

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

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

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

618 2. Shall verify the household income level of students  
619 ~~pursuant to subparagraph (3) (a)1.~~ and submit the verified list



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620 of students and related documentation to the department when  
621 necessary.

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

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

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

640 6. May, from eligible contributions received pursuant to s.  
641 1002.395(6)(1)1. ~~s. 1002.395(6)(j)1.~~, use an amount not to  
642 exceed 2.5 percent of the total amount of all scholarships  
643 funded under this section for administrative expenses associated  
644 with performing functions under this section. An eligible  
645 nonprofit scholarship-funding organization that has, for the  
646 prior fiscal year, complied with the expenditure requirements of  
647 s. 1002.395(6)(1)2., may use an amount not to exceed 3 percent.  
648 Such administrative expense amount is considered within the 3



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649 percent limit on the total amount an organization may use to  
650 administer scholarships under this chapter.

651 ~~7.5.~~ Must, in a timely manner, submit any information  
652 requested by the department relating to the scholarship under  
653 this section.

654 ~~8.6.~~ Must notify the department about any violation of this  
655 section ~~by a parent or a private school.~~

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

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

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

666 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

667 (a)1. Scholarships for students determined eligible  
668 pursuant to paragraph (3) (a) may be funded once all scholarships  
669 have been funded in accordance with s. 1002.395(6)(1)2. are  
670 established for up to 18,000 students annually beginning in the  
671 2019-2020 school year. Beginning in the 2020-2021 school year,  
672 the maximum number of students participating in the scholarship  
673 program under this section shall annually increase by 1.0  
674 percent of the state's total full-time equivalent student  
675 membership. An eligible student who meets any of the following  
676 requirements shall be excluded from the maximum number of  
677 students if the student:





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

681 ~~b. Is determined eligible pursuant to subparagraph (3)(a)1.~~  
682 ~~or subparagraph (3)(a)2. and either spent the prior school year~~  
683 ~~in attendance at a Florida public school; or, beginning in the~~  
684 ~~2022-2023 school year, is eligible to enroll in kindergarten.~~  
685 ~~For purposes of this subparagraph, the term "prior school year~~  
686 ~~in attendance" means that the student was enrolled and reported~~  
687 ~~by a school district for funding during either the preceding~~  
688 ~~October or February full-time equivalent student membership~~  
689 ~~surveys in kindergarten through grade 12, which includes time~~  
690 ~~spent in a Department of Juvenile Justice commitment program if~~  
691 ~~funded under the Florida Education Finance Program.~~

692 ~~2. The scholarship amount provided to a student for any~~  
693 ~~single school year shall be for tuition and fees for an eligible~~  
694 ~~private school, not to exceed annual limits, which shall be~~  
695 ~~determined in accordance with this subparagraph. The calculated~~  
696 ~~scholarship amount for a participating student determined~~  
697 ~~eligible pursuant to paragraph (3)(a) shall be based upon the~~  
698 ~~grade level and school district in which the student was~~  
699 ~~assigned as 100 percent of the funds per unweighted full-time~~  
700 ~~equivalent in the Florida Education Finance Program for a~~  
701 ~~student in the basic program established pursuant to s.~~  
702 ~~1011.62(1)(c)1., plus a per-full-time equivalent share of funds~~  
703 ~~for all categorical programs, except for the exceptional student~~  
704 ~~education guaranteed allocation established pursuant to s.~~  
705 ~~1011.62(1)(e).~~

706 ~~3. The amount of the scholarship shall be the calculated~~



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

712 2.4. A scholarship of \$750 or an amount equal to the school  
713 district expenditure per student riding a school bus, as  
714 determined by the department, whichever is greater, may be  
715 awarded to an eligible a student who is ~~determined eligible~~  
716 ~~pursuant to subparagraph (3) (a)1. or subparagraph (3) (a)2. and~~  
717 enrolled in a Florida public school that is different from the  
718 school to which the student was assigned or in a lab school as  
719 defined in s. 1002.32 if the school district does not provide  
720 the student with transportation to the school.

721 3.5. The organization must provide the department with the  
722 documentation necessary to verify the student's participation.  
723 Upon receiving the documentation, the department shall transfer,  
724 beginning August 1, from state funds only, the amount calculated  
725 pursuant to subparagraph 2. to the organization for quarterly  
726 disbursement to parents of participating students each school  
727 year in which the scholarship is in force. For a student exiting  
728 a Department of Juvenile Justice commitment program who chooses  
729 to participate in the scholarship program, the amount of the  
730 Family Empowerment Scholarship calculated pursuant to  
731 subparagraph 2. must be transferred from the school district in  
732 which the student last attended a public school before  
733 commitment to the Department of Juvenile Justice. When a student  
734 enters the scholarship program, the organization must receive  
735 all documentation required for the student's participation,



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736 including the private school's and the student's fee schedules,  
737 at least 30 days before the first quarterly scholarship payment  
738 is made for the student.

739 ~~4.6.~~ The initial payment shall be made after the  
740 organization's verification of admission acceptance, and  
741 subsequent payments shall be made upon verification of continued  
742 enrollment and attendance at the private school. Payment must be  
743 ~~by individual warrant made payable to the student's parent or by~~  
744 funds transfer or any other means of payment that the department  
745 deems to be commercially viable or cost-effective. ~~If the~~  
746 ~~payment is made by warrant, the warrant must be delivered by the~~  
747 ~~organization to the private school of the parent's choice, and~~  
748 ~~the parent shall restrictively endorse the warrant to the~~  
749 ~~private school.~~ An organization shall ensure that the parent ~~to~~  
750 ~~whom the warrant is made has restrictively endorsed the warrant~~  
751 ~~to the private school for deposit into the account of the~~  
752 ~~private school or that the parent~~ has approved a funds transfer  
753 before any scholarship funds are deposited.

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

757 (b)1. Scholarships for students determined eligible  
758 pursuant to paragraph (3) (b) are established for up to 26,500  
759 students annually beginning in the 2022-2023 school year.  
760 Beginning in the 2023-2024 school year, the maximum number of  
761 students participating in the scholarship program under this  
762 section shall annually increase by 3.0 ~~1.0~~ percent of the  
763 state's total exceptional student education full-time equivalent  
764 student membership, not including gifted students. An eligible



765 student who meets any of the following requirements shall be  
766 excluded from the maximum number of students if the student:  
767       a. Received specialized instructional services under the  
768 Voluntary Prekindergarten Education Program pursuant to s.  
769 1002.66 during the previous school year and the student has a  
770 current IEP developed by the district school board in accordance  
771 with rules of the State Board of Education;  
772       b. Is a dependent child of a law enforcement officer or a  
773 member of the United States Armed Forces, a foster child, or an  
774 adopted child; or  
775       c. Spent the prior school year in attendance at a Florida  
776 public school or the Florida School for the Deaf and the Blind.  
777 For purposes of this subparagraph, the term "prior school year  
778 in attendance" means that the student was enrolled and reported  
779 by:  
780       (I) A school district for funding during either the  
781 preceding October or February full-time equivalent student  
782 membership surveys in kindergarten through grade 12, which  
783 includes time spent in a Department of Juvenile Justice  
784 commitment program if funded under the Florida Education Finance  
785 Program;  
786       (II) The Florida School for the Deaf and the Blind during  
787 the preceding October or February full-time equivalent student  
788 membership surveys in kindergarten through grade 12;  
789       (III) A school district for funding during the preceding  
790 October or February full-time equivalent student membership  
791 surveys, was at least 4 years of age when enrolled and reported,  
792 and was eligible for services under s. 1003.21(1)(e); or  
793       (IV) Received a John M. McKay Scholarship for Students with



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794 Disabilities in the 2021-2022 school year.

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

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

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



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823 2021 school year.

824 5. For a student who received a John M. McKay Scholarship  
825 pursuant to s. 1002.39 in the 2020-2021 school year, the amount  
826 shall be the greater of the amount calculated pursuant to  
827 subparagraph 2. or the amount the student received for the 2020-  
828 2021 school year.

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

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

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

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

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



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852           ~~11.10.~~ Moneys received pursuant to this section do not  
853 constitute taxable income to the qualified student or the parent  
854 of the qualified student.

855           Section 6. Present paragraphs (b) through (f), (g) through  
856 (i), and (j) and (k) of subsection (2) of section 1002.395,  
857 Florida Statutes, are redesignated as paragraphs (c) through  
858 (g), (i) through (k), and (o) and (p), respectively, paragraphs  
859 (e) through (f) and (g) through (q) of subsection (6) are  
860 redesignated as paragraphs (f) through (g) and (i) through (s),  
861 respectively, new paragraphs (b), (h), (l), (m), and (n) are  
862 added to subsection (2), new paragraphs (e) and (h) and  
863 paragraphs (t) (u), (v), (w), and (x) are added to subsection  
864 (6), paragraph (k) is added to subsection (9), and paragraphs  
865 (e) through (h) are added to subsection (11) of that section,  
866 and present paragraphs (e) and (g) of subsection (2), paragraph  
867 (b) of subsection (3), subsection (4), paragraphs (b) and (d)  
868 and present paragraphs (f), (j), and (o) of subsection (6),  
869 subsection (7), paragraphs (a), (b), (c), (e), (f), and (j) of  
870 subsection (9), paragraph (b) of subsection (11), and subsection  
871 (15) are amended, to read:

872           1002.395 Florida Tax Credit Scholarship Program.—

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

874           (b) “Choice navigator” means an individual who meets the  
875 requirements of sub-subparagraph (6) (d) 2.h. and who provides  
876 consultations, at a mutually agreed upon location, on the  
877 selection of, application for, and enrollment in educational  
878 options addressing the academic needs of a student; curriculum  
879 selection; and advice on career and postsecondary education  
880 opportunities. However, nothing in this section authorizes a



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881 choice navigator to oversee or exercise control over the  
882 curricula or academic programs of a personalized education  
883 program.

884 (f)~~(e)~~ "Eligible contribution" means a monetary  
885 contribution from a taxpayer, subject to the restrictions  
886 provided in this section, to an eligible nonprofit scholarship-  
887 funding organization pursuant to ss. 212.099, 212.1832,  
888 1002.395, and 1002.40. The taxpayer making the contribution may  
889 not designate a specific child as the beneficiary of the  
890 contribution.

891 (h) "Eligible postsecondary educational institution" means  
892 a Florida College System institution; a state university; a  
893 school district technical center; a school district adult  
894 general education center; an independent college or university  
895 eligible to participate in the William L. Boyd, IV, Effective  
896 Access to Student Education Grant Program under s. 1009.89; or  
897 an accredited independent postsecondary educational institution,  
898 as defined in s. 1005.02, which is licensed to operate in this  
899 state under part III of chapter 1005 or is approved to  
900 participate in a reciprocity agreement as defined in s.  
901 1000.35(2).

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

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

908 (m) "Personalized education student" means a student whose  
909 parent applies to an eligible nonprofit scholarship-funding





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910 organization for participation in a personalized education  
911 program.

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

917 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

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

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

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

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

931 a. A student whose household income level does not exceed  
932 185 percent of the federal poverty level or who is in foster  
933 care or out-of-home care.

934 b. A student whose household income level exceeds 185  
935 percent of the federal poverty level, but does not exceed 400  
936 percent of the federal poverty level. ~~who initially receives a~~  
937 scholarship based on eligibility under this paragraph remains  
938 eligible to participate until he or she graduates from high



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939 ~~school or attains the age of 21 years, whichever occurs first,~~  
940 ~~regardless of the student's household income level. A sibling of~~  
941 ~~a student who is participating in the scholarship program under~~  
942 ~~this subsection is eligible for a scholarship if the student~~  
943 ~~resides in the same household as the sibling.~~

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

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

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

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

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

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

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

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



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968 education program; or

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

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

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

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

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

996 2. Every 5 years following employment or engagement to



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997 provide services or association with an eligible nonprofit  
998 scholarship-funding organization, each owner or operator must  
999 meet level 2 screening standards as described in s. 435.04, at  
1000 which time the nonprofit scholarship-funding organization shall  
1001 request the Department of Law Enforcement to forward the  
1002 fingerprints to the Federal Bureau of Investigation for level 2  
1003 screening. If the fingerprints of an owner or operator are not  
1004 retained by the Department of Law Enforcement under subparagraph  
1005 3., the owner or operator must electronically file a complete  
1006 set of fingerprints with the Department of Law Enforcement. Upon  
1007 submission of fingerprints for this purpose, the eligible  
1008 nonprofit scholarship-funding organization shall request that  
1009 the Department of Law Enforcement forward the fingerprints to  
1010 the Federal Bureau of Investigation for level 2 screening, and  
1011 the fingerprints shall be retained by the Department of Law  
1012 Enforcement under subparagraph 3.

1013         3. Fingerprints submitted to the Department of Law  
1014 Enforcement as required by this paragraph must be retained by  
1015 the Department of Law Enforcement in a manner approved by rule  
1016 and entered in the statewide automated biometric identification  
1017 system authorized by s. 943.05(2)(b). The fingerprints must  
1018 thereafter be available for all purposes and uses authorized for  
1019 arrest fingerprints entered in the statewide automated biometric  
1020 identification system pursuant to s. 943.051.

1021         4. The Department of Law Enforcement shall search all  
1022 arrest fingerprints received under s. 943.051 against the  
1023 fingerprints retained in the statewide automated biometric  
1024 identification system under subparagraph 3. Any arrest record  
1025 that is identified with an owner's or operator's fingerprints



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1026 must be reported to the Department of Education. The Department  
1027 of Education shall participate in this search process by paying  
1028 an annual fee to the Department of Law Enforcement and by  
1029 informing the Department of Law Enforcement of any change in the  
1030 employment, engagement, or association status of the owners or  
1031 operators whose fingerprints are retained under subparagraph 3.  
1032 The Department of Law Enforcement shall adopt a rule setting the  
1033 amount of the annual fee to be imposed upon the Department of  
1034 Education for performing these services and establishing the  
1035 procedures for the retention of owner and operator fingerprints  
1036 and the dissemination of search results. The fee may be borne by  
1037 the owner or operator of the nonprofit scholarship-funding  
1038 organization.

1039 5. A nonprofit scholarship-funding organization whose owner  
1040 or operator fails the level 2 background screening is not  
1041 eligible to provide scholarships under this section.

1042 6. A nonprofit scholarship-funding organization whose owner  
1043 or operator in the last 7 years has filed for personal  
1044 bankruptcy or corporate bankruptcy in a corporation of which he  
1045 or she owned more than 20 percent is ~~shall~~ not be eligible to  
1046 provide scholarships under this section.

1047 7. In addition to the offenses listed in s. 435.04, a  
1048 person required to undergo background screening pursuant to this  
1049 part or authorizing statutes must not have an arrest awaiting  
1050 final disposition for, must not have been found guilty of, or  
1051 entered a plea of nolo contendere to, regardless of  
1052 adjudication, and must not have been adjudicated delinquent, and  
1053 the record must not have been sealed or expunged for, any of the  
1054 following offenses or any similar offense of another



1055 jurisdiction:

1056       a. Any authorizing statutes, if the offense was a felony.

1057       b. This chapter, if the offense was a felony.

1058       c. Section 409.920, relating to Medicaid provider fraud.

1059       d. Section 409.9201, relating to Medicaid fraud.

1060       e. Section 741.28, relating to domestic violence.

1061       f. Section 817.034, relating to fraudulent acts through

1062 mail, wire, radio, electromagnetic, photoelectronic, or

1063 photooptical systems.

1064       g. Section 817.234, relating to false and fraudulent

1065 insurance claims.

1066       h. Section 817.505, relating to patient brokering.

1067       i. Section 817.568, relating to criminal use of personal

1068 identification information.

1069       j. Section 817.60, relating to obtaining a credit card

1070 through fraudulent means.

1071       k. Section 817.61, relating to fraudulent use of credit

1072 cards, if the offense was a felony.

1073       l. Section 831.01, relating to forgery.

1074       m. Section 831.02, relating to uttering forged instruments.

1075       n. Section 831.07, relating to forging bank bills, checks,

1076 drafts, or promissory notes.

1077       o. Section 831.09, relating to uttering forged bank bills,

1078 checks, drafts, or promissory notes.

1079       p. Section 831.30, relating to fraud in obtaining medicinal

1080 drugs.

1081       q. Section 831.31, relating to the sale, manufacture,

1082 delivery, or possession with the intent to sell, manufacture, or

1083 deliver any counterfeit controlled substance, if the offense was



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1084 a felony.

1085 (d)1. For the 2023-2024 school year, may fund no more than  
1086 20,000 scholarships for students who are enrolled pursuant to  
1087 paragraph (7)(b). The number of scholarships funded for such  
1088 students may increase by 40,000 in each subsequent school year.  
1089 This subparagraph is repealed July 1, 2027.

1090 2. Must establish and maintain separate empowerment  
1091 accounts from eligible contributions for each eligible student.  
1092 For each account, the organization must maintain a record of  
1093 accrued interest retained in the student's account. The  
1094 organization must verify that scholarship funds are used for  
1095 ~~provide scholarships, from eligible contributions, to eligible~~  
1096 ~~students for the cost of:~~

1097 a.1. Tuition and fees for full-time or part-time enrollment  
1098 in an eligible private school.; ~~or~~

1099 b.2. Transportation to a Florida public school in which a  
1100 student is enrolled and that is different from the school to  
1101 which the student was assigned or to a lab school as defined in  
1102 s. 1002.32.

1103 c. Instructional materials, including digital materials and  
1104 Internet resources.

1105 d. Curriculum as defined in s. 1002.394(2).

1106 e. Tuition and fees associated with full-time or part-time  
1107 enrollment in a home education instructional program; an  
1108 eligible postsecondary educational institution or a program  
1109 offered by the postsecondary educational institution, unless the  
1110 program is subject to s. 1009.25 or reimbursed pursuant to s.  
1111 1009.30; an approved preapprenticeship program as defined in s.  
1112 446.021(5) which is not subject to s. 1009.25 and complies with



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1113 all applicable requirements of the Department of Education  
1114 pursuant to chapter 1005; a private tutoring program authorized  
1115 under s. 1002.43; a virtual program offered by a department-  
1116 approved private online provider that meets the provider  
1117 qualifications specified in s. 1002.45(2)(a); the Florida  
1118 Virtual School as a private paying student; or an approved  
1119 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1120 f. Fees for nationally standardized, norm-referenced  
1121 achievement tests, Advanced Placement Examinations, industry  
1122 certification examinations, assessments related to postsecondary  
1123 education, or other assessments.

1124 g. Contracted services provided by a public school or  
1125 school district, including classes. A student who receives  
1126 contracted services under this sub-subparagraph is not  
1127 considered enrolled in a public school for eligibility purposes  
1128 as specified in subsection (11) but rather attending a public  
1129 school on a part-time basis as authorized under s. 1002.44.

1130 h. Tuition and fees for part-time tutoring services or fees  
1131 for services provided by a choice navigator. Such services must  
1132 be provided by a person who holds a valid Florida educator's  
1133 certificate pursuant to s. 1012.56, a person who holds an  
1134 adjunct teaching certificate pursuant to s. 1012.57, a person  
1135 who has a bachelor's degree or a graduate degree in the subject  
1136 area in which instruction is given, a person who has  
1137 demonstrated a mastery of subject area knowledge pursuant to s.  
1138 1012.56(5), or a person certified by a nationally or  
1139 internationally recognized research-based training program as  
1140 approved by the Department of Education. As used in this  
1141 paragraph, the term "part-time tutoring services" does not





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1142 qualify as regular school attendance as defined in s.  
1143 1003.01(13)(e).

1144 (e) For students determined eligible pursuant to paragraph  
1145 (7)(b), must:

1146 1. Maintain a signed agreement from the parent which  
1147 constitutes compliance with the attendance requirements under  
1148 ss. 1003.01(13) and 1003.21(1).

1149 2. Receive eligible student test scores and, beginning with  
1150 the 2027-2028 school year, by August 15, annually report test  
1151 scores for students pursuant to paragraph (7)(b) to a state  
1152 university pursuant to paragraph (9)(f).

1153 3. Provide parents with information, guidance, and support  
1154 to create and annually update a student learning plan for their  
1155 student. The organization must maintain the plan and allow  
1156 parents to electronically submit, access, and revise the plan  
1157 continuously.

1158 4. Upon submission by the parent of an annual student  
1159 learning plan, fund a scholarship for a student determined  
1160 eligible.

1161 (g) ~~(f)~~ Must provide a renewal or initial scholarship to an  
1162 eligible student on a first-come, first-served basis unless the  
1163 student qualifies for priority pursuant to paragraph (f) ~~(e)~~.

1164 (h) ~~Each eligible nonprofit scholarship-funding~~  
1165 ~~organization~~ Must refer any student eligible for a scholarship  
1166 pursuant to this section who did not receive a renewal or  
1167 initial scholarship based solely on the lack of available funds  
1168 under this section and s. 1002.40(11)(i) to another eligible  
1169 nonprofit scholarship-funding organization that may have funds  
1170 available.



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1171        (1)~~(j)~~1. May use eligible contributions received pursuant  
1172 to this section and ss. 212.099, 212.1832, and 1002.40 during  
1173 the state fiscal year in which such contributions are collected  
1174 for administrative expenses if the organization has operated as  
1175 an eligible nonprofit scholarship-funding organization for at  
1176 least the preceding 3 fiscal years and did not have any findings  
1177 of material weakness or material noncompliance in its most  
1178 recent audit under paragraph (o) or is in good standing in each  
1179 state in which it administers a scholarship program and the  
1180 audited financial statements for the preceding 3 fiscal years  
1181 are free of material misstatements and going concern issues ~~(m)~~.  
1182 Administrative expenses from eligible contributions may not  
1183 exceed 3 percent of the total amount of all scholarships funded  
1184 by an eligible scholarship-funding organization under this  
1185 chapter. Such administrative expenses must be reasonable and  
1186 necessary for the organization's management and distribution of  
1187 scholarships funded under this chapter. Administrative expenses  
1188 may include developing or contracting with rideshare programs or  
1189 facilitating carpool strategies for recipients of a  
1190 transportation scholarship. No funds authorized under this  
1191 subparagraph shall be used for lobbying or political activity or  
1192 expenses related to lobbying or political activity. Up to one-  
1193 third of the funds authorized for administrative expenses under  
1194 this subparagraph may be used for expenses related to the  
1195 recruitment of contributions from taxpayers. An eligible  
1196 nonprofit scholarship-funding organization may not charge an  
1197 application fee.

1198        2. Must award ~~expend~~ for annual or partial-year  
1199 scholarships an amount equal to or greater than 75 percent of



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1200 all estimated ~~the~~ net eligible contributions, as defined in  
1201 subsection (2), and all funds carried forward from the prior  
1202 state fiscal year remaining after administrative expenses before  
1203 funding any scholarships to students determined eligible  
1204 pursuant to s. 1002.394(3)(a) during the state fiscal year in  
1205 which such contributions are collected. No more than 25 percent  
1206 of such net eligible contributions may be carried forward to the  
1207 following state fiscal year. All amounts carried forward, for  
1208 audit purposes, must be specifically identified for particular  
1209 students, by student name and the name of the school to which  
1210 the student is admitted, subject to the requirements of ss.  
1211 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable  
1212 rules and regulations issued pursuant thereto. Any amounts  
1213 carried forward shall be expended for annual or partial-year  
1214 scholarships in the following state fiscal year. No later than  
1215 September 30 of each year, net eligible contributions remaining  
1216 on June 30 of each year that are in excess of the 25 percent  
1217 that may be carried forward shall be used to provide  
1218 scholarships to eligible students or transferred to other  
1219 eligible nonprofit scholarship-funding organizations to provide  
1220 scholarships for eligible students. All transferred funds must  
1221 be deposited by each eligible nonprofit scholarship-funding  
1222 organization receiving such funds into its scholarship account.  
1223 All transferred amounts received by any eligible nonprofit  
1224 scholarship-funding organization must be separately disclosed in  
1225 the annual financial audit required under paragraph (o) ~~(m)~~.

1226 3. Must, before granting a scholarship for an academic  
1227 year, document each scholarship student's eligibility for that  
1228 academic year. A scholarship-funding organization may not grant



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1229 multiyear scholarships in one approval process.

1230 (g)~~(e)~~1.a. Must participate in the joint development of  
1231 agreed-upon procedures during the 2009-2010 state fiscal year.  
1232 The agreed-upon procedures must uniformly apply to all private  
1233 schools and must determine, at a minimum, whether the private  
1234 school has been verified as eligible by the Department of  
1235 Education under s. 1002.421; has an adequate accounting system,  
1236 system of financial controls, and process for deposit and  
1237 classification of scholarship funds; and has properly expended  
1238 scholarship funds for education-related expenses. During the  
1239 development of the procedures, the participating scholarship-  
1240 funding organizations shall specify guidelines governing the  
1241 materiality of exceptions that may be found during the  
1242 accountant's performance of the procedures. The procedures and  
1243 guidelines shall be provided to private schools and the  
1244 Commissioner of Education by March 15, 2011.

1245 b. Must participate in a joint review of the agreed-upon  
1246 procedures and guidelines developed under sub-subparagraph a.,  
1247 by February of each biennium, if the scholarship-funding  
1248 organization provided more than \$250,000 in scholarship funds ~~to~~  
1249 ~~an eligible private school~~ under this chapter during the state  
1250 fiscal year preceding the biennial review. If the procedures and  
1251 guidelines are revised, the revisions must be provided to  
1252 private schools and the Commissioner of Education by March 15 of  
1253 the year in which the revisions were completed. The revised  
1254 agreed-upon procedures and guidelines shall take effect the  
1255 subsequent school year. ~~For the 2018-2019 school year only, the~~  
1256 ~~joint review of the agreed-upon procedures must be completed and~~  
1257 ~~the revisions submitted to the commissioner no later than~~



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1258 ~~September 15, 2018. The revised procedures are applicable to the~~  
1259 ~~2018-2019 school year.~~

1260 c. Must monitor the compliance of a private school with s.  
1261 1002.421(1)(q) if the scholarship-funding organization provided  
1262 the majority of the scholarship funding to the school. For each  
1263 private school subject to s. 1002.421(1)(q), the appropriate  
1264 scholarship-funding organization shall annually notify the  
1265 Commissioner of Education by October 30 of:

1266 (I) A private school's failure to submit a report required  
1267 under s. 1002.421(1)(q); or

1268 (II) Any material exceptions set forth in the report  
1269 required under s. 1002.421(1)(q).

1270 2. Must seek input from the accrediting associations that  
1271 are members of the Florida Association of Academic Nonpublic  
1272 Schools and the Department of Education when jointly developing  
1273 the agreed-upon procedures and guidelines under sub-subparagraph  
1274 1.a. and conducting a review of those procedures and guidelines  
1275 under sub-subparagraph 1.b.

1276 (t) Must participate in the joint development of agreed-  
1277 upon purchasing guidelines for authorized uses of scholarship  
1278 funds under this chapter. By December 31, 2023, and by each  
1279 December 31 thereafter, the purchasing guidelines must be  
1280 provided to the Commissioner of Education and published on the  
1281 eligible nonprofit scholarship-funding organization's website.  
1282 Published purchasing guidelines shall remain in effect until  
1283 there is unanimous agreement to revise the guidelines and the  
1284 revisions must be provided to the commissioner and published on  
1285 the organization's website within 30 days after such revisions.

1286 (u) May permit eligible students to use program funds for



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1287 the purposes specified in paragraph (d) by paying for the  
1288 authorized use directly, then submitting a reimbursement request  
1289 to the eligible nonprofit scholarship-funding organization.  
1290 However, an eligible nonprofit scholarship-funding organization  
1291 may require the use of an online platform for direct purchases  
1292 of products so long as such use does not limit a parent's choice  
1293 of curriculum or academic programs. If a parent purchases a  
1294 product identical to one offered by an organization's online  
1295 platform for a lower price, the organization shall reimburse the  
1296 parent the cost of the product.

1297 (v) Must notify each parent that participation in the  
1298 scholarship program does not guarantee enrollment.

1299 (w) Shall commit scholarship funds on behalf of the student  
1300 for tuition and fees for which the parent is responsible for  
1301 payment at the private school before using empowerment account  
1302 funds for additional authorized uses under paragraph (d).

1303 (x) Beginning September 30, 2023, must submit to the  
1304 department quarterly reports that provide the estimated and  
1305 actual amounts of the net eligible contributions, as defined in  
1306 subsection (2), and all funds carried forward from the prior  
1307 state fiscal year.

1308  
1309 Information and documentation provided to the Department of  
1310 Education and the Auditor General relating to the identity of a  
1311 taxpayer that provides an eligible contribution under this  
1312 section shall remain confidential at all times in accordance  
1313 with s. 213.053.

1314 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
1315 PARTICIPATION.—



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1316           (a) A parent whose student will be enrolled full time in a  
1317 private school must:

1318           1. ~~The parent must~~ Select an eligible private school and  
1319 apply for the admission of his or her child.

1320           2. ~~(b) The parent must~~ Inform the child's school district  
1321 when the parent withdraws his or her child to attend an eligible  
1322 private school.

1323           3. ~~(e) Require his or her~~ any student participating in the  
1324 ~~scholarship program to~~ must remain in attendance throughout the  
1325 school year unless excused by the school for illness or other  
1326 good cause and-

1327           ~~(d) Each parent and each student has an obligation to the~~  
1328 ~~private school to~~ comply with the private school's published  
1329 policies.

1330           4. Meet with the private school's principal or the  
1331 principal's designee to review the school's academic programs  
1332 and policies, specialized services, code of student conduct, and  
1333 attendance policies before enrollment in the private school.

1334           5. ~~(e) Require his or her~~ The parent shall ensure that the  
1335 student participating in the scholarship program to take ~~takes~~  
1336 the norm-referenced assessment offered by the private school.  
1337 The parent may also choose to have the student participate in  
1338 the statewide assessments pursuant to s. 1008.22. If the parent  
1339 requests that the student participating in the scholarship  
1340 program take statewide assessments pursuant to s. 1008.22 and  
1341 the private school has not chosen to offer and administer the  
1342 statewide assessments, the parent is responsible for  
1343 transporting the student to the assessment site designated by  
1344 the school district.



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1345 ~~6.(f) Upon receipt of a scholarship warrant from the~~  
1346 ~~eligible nonprofit scholarship-funding organization, the parent~~  
1347 ~~to whom the warrant is made must restrictively endorse the~~  
1348 ~~warrant to the private school for deposit into the account of~~  
1349 ~~the private school. If payments are made by funds transfer, the~~  
1350 ~~parent must~~ Approve each payment before the scholarship funds  
1351 may be deposited by funds transfer. The parent may not designate  
1352 any entity or individual associated with the participating  
1353 private school as the parent's attorney in fact to ~~endorse a~~  
1354 ~~scholarship warrant or~~ approve a funds transfer. A participant  
1355 who fails to comply with this paragraph forfeits the  
1356 scholarship.

1357 ~~7.(g) The parent shall~~ Authorize the nonprofit scholarship-  
1358 funding organization to access information needed for income  
1359 eligibility determination and verification held by other state  
1360 or federal agencies, including the Department of Revenue, the  
1361 Department of Children and Families, the Department of  
1362 Education, the Department of Economic Opportunity, and the  
1363 Agency for Health Care Administration.

1364 8. Agree to have the organization commit scholarship funds  
1365 on behalf of his or her student for tuition and fees for which  
1366 the parent is responsible for payment at the private school  
1367 before using empowerment account funds for additional authorized  
1368 uses under paragraph (6) (d). A parent is responsible for all  
1369 eligible expenses in excess of the amount of the scholarship.

1370 (b) A parent whose student will not be enrolled full time  
1371 in a public or private school must:

1372 1. Apply to an eligible nonprofit scholarship-funding  
1373 organization to participate in the program as a personalized





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1374 education student by a date set by the organization. The request  
1375 must be communicated directly to the organization in a manner  
1376 that creates a written or electronic record of the request and  
1377 the date of receipt of the request.

1378 2. Sign an agreement with the organization and annually  
1379 submit a sworn compliance statement to the organization to  
1380 satisfy or maintain program eligibility, including eligibility  
1381 to receive and spend program payments, by:

1382 a. Affirming that the program funds are used only for  
1383 authorized purposes serving the student's educational needs, as  
1384 described in paragraph (6)(d), and that they will not receive a  
1385 payment, refund, or rebate of any funds provided under this  
1386 section.

1387 b. Affirming that the parent is responsible for all  
1388 eligible expenses in excess of the amount of the scholarship and  
1389 for the education of his or her student.

1390 c. Submitting a student learning plan to the organization  
1391 and revising the plan at least annually before program renewal.

1392 d. Requiring his or her student to take a nationally norm-  
1393 referenced test identified by the Department of Education, or a  
1394 statewide assessment under s. 1008.22, and provide assessment  
1395 results to the organization before the student's program  
1396 renewal.

1397 e. Renewing participation in the program each year. A  
1398 student whose participation in the program is not renewed may  
1399 continue to spend scholarship funds that are in his or her  
1400 account from prior years unless the account must be closed  
1401 pursuant to s. 1002.394(5)(a)2.

1402 f. Procuring the services necessary to educate the student.



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1403 When the student receives a scholarship, the district school  
1404 board is not obligated to provide the student with a free  
1405 appropriate public education.

1406  
1407 An eligible nonprofit scholarship-funding organization may not  
1408 further regulate, exercise control over, or require  
1409 documentation beyond the requirements of this subsection unless  
1410 the regulation, control, or documentation is necessary for  
1411 participation in the program.

1412 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
1413 Education shall:

1414 (a) Annually submit to the department and division, by  
1415 March 15, a list of eligible nonprofit scholarship-funding  
1416 organizations that meet the requirements of paragraph (2) (g)  
1417 ~~(2) (f)~~.

1418 (b) Annually verify the eligibility of nonprofit  
1419 scholarship-funding organizations that meet the requirements of  
1420 paragraph (2) (g) ~~(2) (f)~~.

1421 (c) Annually verify the eligibility of expenditures as  
1422 provided in paragraph (6) (d) using the audit required by  
1423 paragraph (6) (o) ~~(6) (m)~~.

1424 (e) Maintain and annually publish a list of nationally  
1425 norm-referenced tests identified for purposes of satisfying the  
1426 testing requirement in subparagraph (8) (b)1. The tests must meet  
1427 industry standards of quality in accordance with State Board of  
1428 Education rule.

1429 (f) Issue a project grant award to a state university, to  
1430 which participating private schools and eligible nonprofit  
1431 scholarship-funding organizations must report the scores of



1432 participating students on the nationally norm-referenced tests  
1433 or the statewide assessments administered ~~by the private school~~  
1434 in grades 3 through 10. The project term is 2 years, and the  
1435 amount of the project is up to \$250,000 per year. The project  
1436 grant award must be reissued in 2-year intervals in accordance  
1437 with this paragraph.

1438 1. The state university must annually report to the  
1439 Department of Education on the student performance of  
1440 participating students and, beginning with the 2027-2028 school  
1441 year, on the performance of personalized education students:

1442 a. On a statewide basis. The report shall also include, to  
1443 the extent possible, a comparison of scholarship students'  
1444 performance to the statewide student performance of public  
1445 school students with socioeconomic backgrounds similar to those  
1446 of students participating in the scholarship program. To  
1447 minimize costs and reduce time required for the state  
1448 university's analysis and evaluation, the Department of  
1449 Education shall coordinate with the state university to provide  
1450 data to the state university in order to conduct analyses of  
1451 matched students from public school assessment data and  
1452 calculate control group student performance using an agreed-upon  
1453 methodology with the state university; and

1454 b. On an individual school basis for students enrolled full  
1455 time in a private school. The annual report must include student  
1456 performance for each participating private school in which ~~at~~  
1457 ~~least 51 percent of the total~~ enrolled students in the private  
1458 school participated in a scholarship program under this section,  
1459 s. 1002.394(12) (a), or s. 1002.40 ~~the Florida Tax Credit~~  
1460 ~~Scholarship Program~~ in the prior school year. The report shall



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1461 be according to each participating private school, and for  
1462 participating students, in which there are at least 30  
1463 participating students who have scores for tests administered.  
1464 If the state university determines that the 30-participating-  
1465 student cell size may be reduced without disclosing personally  
1466 identifiable information, as described in 34 C.F.R. s. 99.12, of  
1467 a participating student, the state university may reduce the  
1468 participating-student cell size, but the cell size must not be  
1469 reduced to less than 10 participating students. The department  
1470 shall provide each private school's prior school year's student  
1471 enrollment information to the state university no later than  
1472 June 15 of each year, or as requested by the state university.

1473 2. The sharing and reporting of student performance data  
1474 under this paragraph must be in accordance with requirements of  
1475 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family  
1476 Educational Rights and Privacy Act, and the applicable rules and  
1477 regulations issued pursuant thereto, and shall be for the sole  
1478 purpose of creating the annual report required by subparagraph  
1479 1. All parties must preserve the confidentiality of such  
1480 information as required by law. The annual report must not  
1481 disaggregate data to a level that will identify individual  
1482 participating schools, except as required under sub-subparagraph  
1483 1.b., or disclose the academic level of individual students.

1484 3. The annual report required by subparagraph 1. shall be  
1485 published by the Department of Education on its website.

1486 (j) Provide a process to match the direct certification  
1487 list with the scholarship application data submitted by any  
1488 nonprofit scholarship-funding organization eligible to receive  
1489 the 3-percent administrative allowance under paragraph (6)(1)



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1490 ~~(6) (j).~~  
1491 (k) Notify each school district of the full-time equivalent  
1492 student consensus estimate of scholarship students developed  
1493 pursuant to s. 216.136(4) (a).

1494 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1495 (b) Payment of the scholarship by the eligible nonprofit  
1496 scholarship-funding organization shall be ~~by individual warrant~~  
1497 ~~made payable to the student's parent or~~ by funds transfer,  
1498 including, but not limited to, debit cards, electronic payment  
1499 cards, or any other means of payment that the department deems  
1500 to be commercially viable or cost-effective. ~~If the payment is~~  
1501 ~~made by warrant, the warrant must be delivered by the eligible~~  
1502 ~~nonprofit scholarship-funding organization to the private school~~  
1503 ~~of the parent's choice, and the parent shall restrictively~~  
1504 ~~endorse the warrant to the private school. An eligible nonprofit~~  
1505 ~~scholarship-funding organization shall ensure that the parent to~~  
1506 ~~whom the warrant is made restrictively endorsed the warrant to~~  
1507 ~~the private school for deposit into the account of the private~~  
1508 ~~school or~~ that the parent has approved a funds transfer before  
1509 any scholarship funds are deposited.

1510 (e) An eligible nonprofit scholarship-funding organization  
1511 may not transfer any funds to an account of a student determined  
1512 eligible under this section which has a balance in excess of  
1513 \$24,000.

1514 (f) A scholarship awarded to an eligible student shall  
1515 remain in force until:

1516 1. The organization determines that the student is not  
1517 eligible for program renewal;

1518 2. The Commissioner of Education suspends or revokes



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1519 program participation or use of funds;

1520 3. The student's parent has forfeited participation in the  
1521 program for failure to comply with subsection (7);

1522 4. The student enrolls in a public school. However, if a  
1523 student enters a Department of Juvenile Justice detention center  
1524 for a period of no more than 21 days, the student is not  
1525 considered to have returned to a public school on a full-time  
1526 basis for that purpose; or

1527 5. The student graduates from high school or attains 21  
1528 years of age, whichever occurs first.

1529 (g) Reimbursements for program expenditures may continue  
1530 until the account balance is expended or remaining funds have  
1531 reverted to the state.

1532 (h) A student's scholarship account must be closed and any  
1533 remaining funds shall revert to the state after:

1534 1. Denial or revocation of program eligibility by the  
1535 commissioner for fraud or abuse, including, but not limited to,  
1536 the student or student's parent accepting any payment, refund,  
1537 or rebate, in any manner, from a provider of any services  
1538 received pursuant to paragraph (6) (d); or

1539 2. Two consecutive fiscal years in which an account has  
1540 been inactive.

1541 (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;  
1542 APPLICATION.—In order to participate in the scholarship program  
1543 created under this section, a charitable organization that seeks  
1544 to be a nonprofit scholarship-funding organization must submit  
1545 an application for initial approval or renewal to the Office of  
1546 Independent Education and Parental Choice. The office shall  
1547 provide at least two application periods in which charitable



1548 organizations may apply to participate in the program no later  
1549 than September 1 of each year before the school year for which  
1550 the organization intends to offer scholarships.

1551 (a) An application for initial approval must include:

1552 1. A copy of the organization's incorporation documents and  
1553 registration with the Division of Corporations of the Department  
1554 of State.

1555 2. A copy of the organization's Internal Revenue Service  
1556 determination letter as a s. 501(c)(3) not-for-profit  
1557 organization.

1558 3. A description of the organization's financial plan that  
1559 demonstrates sufficient funds to operate throughout the school  
1560 year.

1561 4. A description of the geographic region that the  
1562 organization intends to serve and an analysis of the demand and  
1563 unmet need for eligible students in that area.

1564 5. The organization's organizational chart.

1565 6. A description of the criteria and methodology that the  
1566 organization will use to evaluate scholarship eligibility.

1567 7. A description of the application process, including  
1568 deadlines and any associated fees.

1569 8. A description of the deadlines for attendance  
1570 verification and scholarship payments.

1571 9. A copy of the organization's policies on conflict of  
1572 interest and whistleblowers.

1573 10. A copy of a surety bond or letter of credit to secure  
1574 the faithful performance of the obligations of the eligible  
1575 nonprofit scholarship-funding organization in accordance with  
1576 this section in an amount equal to 25 percent of the scholarship



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1577 funds anticipated for each school year or \$100,000, whichever is  
1578 greater. The surety bond or letter of credit must specify that  
1579 any claim against the bond or letter of credit may be made only  
1580 by an eligible nonprofit scholarship-funding organization to  
1581 provide scholarships to and on behalf of students who would have  
1582 had scholarships funded if it were not for the diversion of  
1583 funds giving rise to the claim against the bond or letter of  
1584 credit.

1585 (b) In addition to the information required by  
1586 subparagraphs (a)1.-9., an application for renewal must include:

1587 1. A surety bond or letter of credit to secure the faithful  
1588 performance of the obligations of the eligible nonprofit  
1589 scholarship-funding organization in accordance with this section  
1590 equal to the amount of undisbursed donations held by the  
1591 organization based on the annual report submitted pursuant to  
1592 paragraph (6) (o) ~~(6) (m)~~. The amount of the surety bond or letter  
1593 of credit must be at least \$100,000, but not more than \$25  
1594 million. The surety bond or letter of credit must specify that  
1595 any claim against the bond or letter of credit may be made only  
1596 by an eligible nonprofit scholarship-funding organization to  
1597 provide scholarships to and on behalf of students who would have  
1598 had scholarships funded if it were not for the diversion of  
1599 funds giving rise to the claim against the bond or letter of  
1600 credit.

1601 2. The organization's completed Internal Revenue Service  
1602 Form 990 submitted no later than November 30 of the year before  
1603 the school year that the organization intends to offer the  
1604 scholarships, notwithstanding the department's ~~September 1~~  
1605 application deadline.





1606           3. A copy of the statutorily required audit to the  
1607 Department of Education and Auditor General.  
1608           4. An annual report that includes:  
1609           a. The number of students who completed applications, by  
1610 county and by grade.  
1611           b. The number of students who were approved for  
1612 scholarships, by county and by grade.  
1613           c. The number of students who received funding for  
1614 scholarships within each funding category, by county and by  
1615 grade.  
1616           d. The amount of funds received, the amount of funds  
1617 distributed in scholarships, and an accounting of remaining  
1618 funds and the obligation of those funds.  
1619           e. A detailed accounting of how the organization spent the  
1620 administrative funds allowable under paragraph (6) (1) ~~(6) (j)~~.  
1621           (c) In consultation with the Department of Revenue and the  
1622 Chief Financial Officer, the Office of Independent Education and  
1623 Parental Choice shall review the application. The Department of  
1624 Education shall notify the organization in writing of any  
1625 deficiencies within 30 days after receipt of the application and  
1626 allow the organization 30 days to correct any deficiencies.  
1627           (d) Within 30 days after receipt of the finalized  
1628 application by the Office of Independent Education and Parental  
1629 Choice, the Commissioner of Education shall recommend approval  
1630 or disapproval of the application to the State Board of  
1631 Education. The State Board of Education shall consider the  
1632 application and recommendation at the next scheduled meeting,  
1633 adhering to appropriate meeting notice requirements. If the  
1634 State Board of Education disapproves the organization's



1635 application, it shall provide the organization with a written  
1636 explanation of that determination. The State Board of  
1637 Education's action is not subject to chapter 120.

1638 (e) If the State Board of Education disapproves the renewal  
1639 of a nonprofit scholarship-funding organization, the  
1640 organization must notify the affected eligible students and  
1641 parents of the decision within 15 days after disapproval. An  
1642 eligible student affected by the disapproval of an  
1643 organization's participation remains eligible under this section  
1644 until the end of the school year in which the organization was  
1645 disapproved. The student must apply and be accepted by another  
1646 eligible nonprofit scholarship-funding organization for the  
1647 upcoming school year. The student shall be given priority in  
1648 accordance with paragraph (6) (g) ~~(6) (f)~~.

1649 (f) All remaining funds held by a nonprofit scholarship-  
1650 funding organization that is disapproved for participation must  
1651 be transferred to other eligible nonprofit scholarship-funding  
1652 organizations to provide scholarships for eligible students. All  
1653 transferred funds must be deposited by each eligible nonprofit  
1654 scholarship-funding organization receiving such funds into its  
1655 scholarship account. All transferred amounts received by any  
1656 eligible nonprofit scholarship-funding organization must be  
1657 separately disclosed in the annual financial audit required  
1658 under subsection (6).

1659 (g) A nonprofit scholarship-funding organization is a  
1660 renewing organization if it maintains continuous approval and  
1661 participation in the program. An organization that chooses not  
1662 to participate for 1 year or more or is disapproved to  
1663 participate for 1 year or more must submit an application for



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1664 initial approval in order to participate in the program again.

1665 (h) The State Board of Education shall adopt rules  
1666 providing guidelines for receiving, reviewing, and approving  
1667 applications for new and renewing nonprofit scholarship-funding  
1668 organizations. The rules must include a process for compiling  
1669 input and recommendations from the Chief Financial Officer, the  
1670 Department of Revenue, and the Department of Education. The  
1671 rules must also require that the nonprofit scholarship-funding  
1672 organization make a brief presentation to assist the State Board  
1673 of Education in its decision.

1674 (i) A state university; or an independent college or  
1675 university which is eligible to participate in the William L.  
1676 Boyd, IV, Effective Access to Student Education Grant Program,  
1677 located and chartered in this state, is not for profit, and is  
1678 accredited by the Commission on Colleges of the Southern  
1679 Association of Colleges and Schools, is exempt from the initial  
1680 or renewal application process, but must file a registration  
1681 notice with the Department of Education to be an eligible  
1682 nonprofit scholarship-funding organization. The State Board of  
1683 Education shall adopt rules that identify the procedure for  
1684 filing the registration notice with the department. The rules  
1685 must identify appropriate reporting requirements for fiscal,  
1686 programmatic, and performance accountability purposes consistent  
1687 with this section, but may ~~shall~~ not exceed the requirements for  
1688 eligible nonprofit scholarship-funding organizations for  
1689 charitable organizations.

1690 Section 7. Paragraphs (e) and (f) of subsection (2) and  
1691 paragraphs (g) and (i) of subsection (11) of section 1002.40,  
1692 Florida Statutes, are amended to read:



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1693 1002.40 The Hope Scholarship Program.—  
1694 (2) DEFINITIONS.—As used in this section, the term:  
1695 (e) “Eligible nonprofit scholarship-funding organization”  
1696 or “organization” has the same meaning as provided in s.  
1697 1002.395(2) ~~s. 1002.395(2)(f)~~.  
1698 (f) “Eligible private school” has the same meaning as  
1699 provided in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.  
1700 (11) FUNDING AND PAYMENT.—  
1701 (g) An eligible nonprofit scholarship-funding organization,  
1702 subject to the limitations of s. 1002.395(6)(1)1. ~~s.~~  
1703 ~~1002.395(6)(j)1.~~, may use eligible contributions received during  
1704 the state fiscal year in which such contributions are collected  
1705 for administrative expenses.  
1706 (i) Notwithstanding s. 1002.395(6)(1)2. ~~s. 1002.395(6)~~  
1707 ~~(j)2.~~, no more than 5 percent of net eligible contributions may  
1708 be carried forward to the following state fiscal year by an  
1709 eligible scholarship-funding organization. For audit purposes,  
1710 all amounts carried forward must be specifically identified for  
1711 individual students by student name and by the name of the  
1712 school to which the student is admitted, subject to the  
1713 requirements of ss. 1002.21 and 1002.22 and 20 U.S.C. s. 1232g,  
1714 and the applicable rules and regulations issued pursuant to such  
1715 requirements. Any amounts carried forward shall be expended for  
1716 annual scholarships or partial-year scholarships in the  
1717 following state fiscal year. Net eligible contributions  
1718 remaining on June 30 of each year which are in excess of the 5  
1719 percent that may be carried forward shall be transferred to  
1720 other eligible nonprofit scholarship-funding organizations  
1721 participating in the Hope Scholarship Program to provide



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1722 scholarships for eligible students. All transferred funds must  
1723 be deposited by each eligible nonprofit scholarship-funding  
1724 organization receiving such funds into the scholarship account  
1725 of eligible students. All transferred amounts received by an  
1726 eligible nonprofit scholarship-funding organization must be  
1727 separately disclosed in the annual financial audit requirement  
1728 under s. 1002.395(6)(o) ~~s. 1002.395(6)(m)~~. If no other eligible  
1729 nonprofit scholarship-funding organization participates in the  
1730 Hope Scholarship Program, net eligible contributions in excess  
1731 of the 5 percent may be used to fund scholarships for students  
1732 eligible under s. 1002.395 only after fully exhausting all  
1733 contributions made in support of scholarships under that section  
1734 in accordance with the priority established in s. 1002.395(6)(f)  
1735 ~~before s. 1002.395(6)(e) prior to~~ awarding any initial  
1736 scholarships.

1737 Section 8. Subsection (1) and paragraph (c) of subsection  
1738 (3) of section 1002.421, Florida Statutes, are amended to read:  
1739 1002.421 State school choice scholarship program  
1740 accountability and oversight.—

1741 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
1742 school participating in an educational scholarship program  
1743 established pursuant to this chapter must be a private school as  
1744 defined in s. 1002.01 ~~s. 1002.01(2)~~ in this state, be  
1745 registered, and be in compliance with all requirements of this  
1746 section in addition to private school requirements outlined in  
1747 s. 1002.42, specific requirements identified within respective  
1748 scholarship program laws, and other provisions of Florida law  
1749 that apply to private schools, and must:

1750 (a) Comply with the antidiscrimination provisions of 42



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1751 U.S.C. s. 2000d.

1752 (b) Notify the department of its intent to participate in a  
1753 scholarship program.

1754 (c) Notify the department of any change in the school's  
1755 name, school director, mailing address, or physical location  
1756 within 15 days after the change.

1757 (d) Provide to the department or scholarship-funding  
1758 organization all documentation required for a student's  
1759 participation, including the private school's and student's  
1760 individual fee schedule, and attendance verification as required  
1761 by the department or scholarship-funding organization, prior to  
1762 scholarship payment.

1763 (e) Annually complete and submit to the department a  
1764 notarized scholarship compliance statement certifying that all  
1765 school employees and contracted personnel with direct student  
1766 contact have undergone background screening pursuant to s.  
1767 435.12 and have met the screening standards as provided in s.  
1768 435.04.

1769 (f) Demonstrate fiscal soundness and accountability by:

1770 1. Being in operation for at least 3 school years or  
1771 obtaining a surety bond or letter of credit for the amount equal  
1772 to the scholarship funds for any quarter and filing the surety  
1773 bond or letter of credit with the department.

1774 2. Requiring the parent of each scholarship student to  
1775 personally restrictively endorse the scholarship warrant to the  
1776 school or to approve a funds transfer before any funds are  
1777 deposited for a student. The school may not act as attorney in  
1778 fact for the parent of a scholarship student under the authority  
1779 of a power of attorney executed by such parent, or under any



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1780 other authority, to endorse a scholarship warrant or approve a  
1781 funds transfer on behalf of such parent.

1782 (g) Meet applicable state and local health, safety, and  
1783 welfare laws, codes, and rules, including:

1784 1. Firesafety.

1785 2. Building safety.

1786 (h) Employ or contract with teachers who hold baccalaureate  
1787 or higher degrees, have at least 3 years of teaching experience  
1788 in public or private schools, or have special skills, knowledge,  
1789 or expertise that qualifies them to provide instruction in  
1790 subjects taught.

1791 (i) Maintain a physical location in this ~~the~~ state at which  
1792 each student has regular and direct contact with teachers.

1793 (j) Publish on the school's website, or provide in a  
1794 written format, information for parents regarding the school,  
1795 including, but not limited to, programs, services, ~~and~~ the  
1796 qualifications of classroom teachers, and a statement that a  
1797 parentally placed private school student with a disability does  
1798 not have an individual right to receive some or all of the  
1799 special education and related services that the student would  
1800 receive if enrolled in a public school under the Individuals  
1801 with Disabilities Education Act (IDEA), as amended.

1802 (k) At a minimum, provide the parent of each scholarship  
1803 student with a written explanation of the student's progress on  
1804 a quarterly basis.

1805 (l) Cooperate with a student whose parent chooses to  
1806 participate in the statewide assessments pursuant to s. 1008.22.

1807 (m) Require each employee and contracted personnel with  
1808 direct student contact, upon employment or engagement to provide



1809 services, to undergo a state and national background screening,  
1810 pursuant to s. 943.0542, by electronically filing with the  
1811 Department of Law Enforcement a complete set of fingerprints  
1812 taken by an authorized law enforcement agency or an employee of  
1813 the private school, a school district, or a private company who  
1814 is trained to take fingerprints and deny employment to or  
1815 terminate an employee if he or she fails to meet the screening  
1816 standards under s. 435.04. Results of the screening shall be  
1817 provided to the participating private school. For purposes of  
1818 this paragraph:

1819 1. An "employee or contracted personnel with direct student  
1820 contact" means any employee or contracted personnel who has  
1821 unsupervised access to a scholarship student for whom the  
1822 private school is responsible.

1823 2. The costs of fingerprinting and the background check may  
1824 ~~shall~~ not be borne by the state.

1825 3. Continued employment of an employee or contracted  
1826 personnel after notification that he or she has failed the  
1827 background screening under this paragraph shall cause a private  
1828 school to be ineligible for participation in a scholarship  
1829 program.

1830 4. An employee or contracted personnel holding a valid  
1831 Florida teaching certificate who has been fingerprinted pursuant  
1832 to s. 1012.32 is not required to ~~comply with the provisions of~~  
1833 this paragraph.

1834 5. All fingerprints submitted to the Department of Law  
1835 Enforcement as required by this section shall be retained by the  
1836 Department of Law Enforcement in a manner provided by rule and  
1837 entered in the statewide automated biometric identification





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1838 system authorized by s. 943.05(2)(b). Such fingerprints shall  
1839 thereafter be available for all purposes and uses authorized for  
1840 arrest fingerprints entered in the statewide automated biometric  
1841 identification system pursuant to s. 943.051.

1842         6. The Department of Law Enforcement shall search all  
1843 arrest fingerprints received under s. 943.051 against the  
1844 fingerprints retained in the statewide automated biometric  
1845 identification system under subparagraph 5. Any arrest record  
1846 that is identified with the retained fingerprints of a person  
1847 subject to the background screening under this section shall be  
1848 reported to the employing school with which the person is  
1849 affiliated. Each private school participating in a scholarship  
1850 program is required to participate in this search process by  
1851 informing the Department of Law Enforcement of any change in the  
1852 employment or contractual status of its personnel whose  
1853 fingerprints are retained under subparagraph 5. The Department  
1854 of Law Enforcement shall adopt a rule setting the amount of the  
1855 annual fee to be imposed upon each private school for performing  
1856 these searches and establishing the procedures for the retention  
1857 of private school employee and contracted personnel fingerprints  
1858 and the dissemination of search results. The fee may be borne by  
1859 the private school or the person fingerprinted.

1860         7. Employees and contracted personnel whose fingerprints  
1861 are not retained by the Department of Law Enforcement under  
1862 subparagraphs 5. and 6. are required to be refingerprinted and  
1863 must meet state and national background screening requirements  
1864 upon reemployment or reengagement to provide services in order  
1865 to comply with the requirements of this section.

1866         8. Every 5 years following employment or engagement to



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1867 provide services with a private school, employees or contracted  
1868 personnel required to be screened under this section must meet  
1869 screening standards under s. 435.04, at which time the private  
1870 school shall request the Department of Law Enforcement to  
1871 forward the fingerprints to the Federal Bureau of Investigation  
1872 for national processing. If the fingerprints of employees or  
1873 contracted personnel are not retained by the Department of Law  
1874 Enforcement under subparagraph 5., employees and contracted  
1875 personnel must electronically file a complete set of  
1876 fingerprints with the Department of Law Enforcement. Upon  
1877 submission of fingerprints for this purpose, the private school  
1878 shall request that the Department of Law Enforcement forward the  
1879 fingerprints to the Federal Bureau of Investigation for national  
1880 processing, and the fingerprints shall be retained by the  
1881 Department of Law Enforcement under subparagraph 5.

1882 (n) Adopt policies establishing standards of ethical  
1883 conduct for educational support employees, instructional  
1884 personnel, and school administrators. The policies must require  
1885 all educational support employees, instructional personnel, and  
1886 school administrators, as defined in s. 1012.01, to complete  
1887 training on the standards; establish the duty of educational  
1888 support employees, instructional personnel, and school  
1889 administrators to report, and procedures for reporting, alleged  
1890 misconduct by other educational support employees, instructional  
1891 personnel, and school administrators which affects the health,  
1892 safety, or welfare of a student; and include an explanation of  
1893 the liability protections provided under ss. 39.203 and 768.095.  
1894 A private school, or any of its employees, may not enter into a  
1895 confidentiality agreement regarding terminated or dismissed



1896 educational support employees, instructional personnel, or  
1897 school administrators, or employees, personnel, or  
1898 administrators who resign in lieu of termination, based in whole  
1899 or in part on misconduct that affects the health, safety, or  
1900 welfare of a student, and may not provide the employees,  
1901 personnel, or administrators with employment references or  
1902 discuss the employees', personnel's, or administrators'  
1903 performance with prospective employers in another educational  
1904 setting, without disclosing the employees', personnel's, or  
1905 administrators' misconduct. Any part of an agreement or a  
1906 contract that has the purpose or effect of concealing misconduct  
1907 by educational support employees, instructional personnel, or  
1908 school administrators which affects the health, safety, or  
1909 welfare of a student is void, is contrary to public policy, and  
1910 may not be enforced.

1911 (o) Before employing a person in any position that requires  
1912 direct contact with students, conduct employment history checks  
1913 of previous employers, screen the person through use of the  
1914 screening tools described in s. 1001.10(5), and document the  
1915 findings. If unable to contact a previous employer, the private  
1916 school must document efforts to contact the employer. The  
1917 private school may not employ a person whose educator  
1918 certificate is revoked, who is barred from reapplying for an  
1919 educator certificate, or who is on the disqualification list  
1920 maintained by the department pursuant to s. 1001.10(4)(b).

1921 (p) Require each owner or operator of the private school,  
1922 prior to employment or engagement to provide services, to  
1923 undergo level 2 background screening as provided under chapter  
1924 435. For purposes of this paragraph, the term "owner or



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1925 operator" means an owner, operator, superintendent, or principal  
1926 of, or a person with equivalent decisionmaking authority over, a  
1927 private school participating in a scholarship program  
1928 established pursuant to this chapter. The fingerprints for the  
1929 background screening must be electronically submitted to the  
1930 Department of Law Enforcement and may be taken by an authorized  
1931 law enforcement agency or a private company who is trained to  
1932 take fingerprints. However, the complete set of fingerprints of  
1933 an owner or operator may not be taken by the owner or operator.  
1934 The owner or operator shall provide a copy of the results of the  
1935 state and national criminal history check to the Department of  
1936 Education. The cost of the background screening may be borne by  
1937 the owner or operator.

1938 1. Every 5 years following employment or engagement to  
1939 provide services, each owner or operator must meet level 2  
1940 screening standards as described in s. 435.04, at which time the  
1941 owner or operator shall request the Department of Law  
1942 Enforcement to forward the fingerprints to the Federal Bureau of  
1943 Investigation for level 2 screening. If the fingerprints of an  
1944 owner or operator are not retained by the Department of Law  
1945 Enforcement under subparagraph 2., the owner or operator must  
1946 electronically file a complete set of fingerprints with the  
1947 Department of Law Enforcement. Upon submission of fingerprints  
1948 for this purpose, the owner or operator shall request that the  
1949 Department of Law Enforcement forward the fingerprints to the  
1950 Federal Bureau of Investigation for level 2 screening, and the  
1951 fingerprints shall be retained by the Department of Law  
1952 Enforcement under subparagraph 2.

1953 2. Fingerprints submitted to the Department of Law



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1954 Enforcement as required by this paragraph must be retained by  
1955 the Department of Law Enforcement in a manner approved by rule  
1956 and entered in the statewide automated biometric identification  
1957 system authorized by s. 943.05(2)(b). The fingerprints must  
1958 thereafter be available for all purposes and uses authorized for  
1959 arrest fingerprints entered in the statewide automated biometric  
1960 identification system pursuant to s. 943.051.

1961         3. The Department of Law Enforcement shall search all  
1962 arrest fingerprints received under s. 943.051 against the  
1963 fingerprints retained in the statewide automated biometric  
1964 identification system under subparagraph 2. Any arrest record  
1965 that is identified with an owner's or operator's fingerprints  
1966 must be reported to the owner or operator, who must report to  
1967 the Department of Education. Any costs associated with the  
1968 search shall be borne by the owner or operator.

1969         4. An owner or operator who fails the level 2 background  
1970 screening is not eligible to participate in a scholarship  
1971 program under this chapter.

1972         5. In addition to the offenses listed in s. 435.04, a  
1973 person required to undergo background screening pursuant to this  
1974 part or authorizing statutes may not have an arrest awaiting  
1975 final disposition for, must not have been found guilty of, or  
1976 entered a plea of nolo contendere to, regardless of  
1977 adjudication, and must not have been adjudicated delinquent for,  
1978 and the record must not have been sealed or expunged for, any of  
1979 the following offenses or any similar offense of another  
1980 jurisdiction:

- 1981             a. Any authorizing statutes, if the offense was a felony.
- 1982             b. This chapter, if the offense was a felony.



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- 1983 c. Section 409.920, relating to Medicaid provider fraud.  
1984 d. Section 409.9201, relating to Medicaid fraud.  
1985 e. Section 741.28, relating to domestic violence.  
1986 f. Section 817.034, relating to fraudulent acts through  
1987 mail, wire, radio, electromagnetic, photoelectronic, or  
1988 photooptical systems.  
1989 g. Section 817.234, relating to false and fraudulent  
1990 insurance claims.  
1991 h. Section 817.505, relating to patient brokering.  
1992 i. Section 817.568, relating to criminal use of personal  
1993 identification information.  
1994 j. Section 817.60, relating to obtaining a credit card  
1995 through fraudulent means.  
1996 k. Section 817.61, relating to fraudulent use of credit  
1997 cards, if the offense was a felony.  
1998 l. Section 831.01, relating to forgery.  
1999 m. Section 831.02, relating to uttering forged instruments.  
2000 n. Section 831.07, relating to forging bank bills, checks,  
2001 drafts, or promissory notes.  
2002 o. Section 831.09, relating to uttering forged bank bills,  
2003 checks, drafts, or promissory notes.  
2004 p. Section 831.30, relating to fraud in obtaining medicinal  
2005 drugs.  
2006 q. Section 831.31, relating to the sale, manufacture,  
2007 delivery, or possession with the intent to sell, manufacture, or  
2008 deliver any counterfeit controlled substance, if the offense was  
2009 a felony.  
2010 6. At least 30 calendar days before a transfer of ownership  
2011 of a private school, the owner or operator shall notify the



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2012 parent of each scholarship student.

2013           7. The owner or operator of a private school that has been  
2014 deemed ineligible to participate in a scholarship program  
2015 pursuant to this chapter may not transfer ownership or  
2016 management authority of the school to a relative in order to  
2017 participate in a scholarship program as the same school or a new  
2018 school. For purposes of this subparagraph, the term "relative"  
2019 means father, mother, son, daughter, grandfather, grandmother,  
2020 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
2021 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
2022 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
2023 stepdaughter, stepbrother, stepsister, half-brother, or half-  
2024 sister.

2025           (q) Provide a report from an independent certified public  
2026 accountant who performs the agreed-upon procedures developed  
2027 pursuant to s. 1002.395(6)(q) ~~s. 1002.395(6)(e)~~ if the private  
2028 school receives more than \$250,000 in funds from scholarships  
2029 awarded under this chapter in a state fiscal year. A private  
2030 school subject to this subsection must annually submit the  
2031 report by September 15 to the scholarship-funding organization  
2032 that awarded the majority of the school's scholarship funds.  
2033 However, a school that receives more than \$250,000 in  
2034 scholarship funds only through the John M. McKay Scholarship for  
2035 Students with Disabilities Program pursuant to s. 1002.39 must  
2036 submit the annual report by September 15 to the department. The  
2037 agreed-upon procedures must be conducted in accordance with  
2038 attestation standards established by the American Institute of  
2039 Certified Public Accountants.

2040           (r) Prohibit education support employees, instructional



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2041 personnel, and school administrators from employment in any  
2042 position that requires direct contact with students if the  
2043 personnel or administrators are ineligible for such employment  
2044 pursuant to this section or s. 1012.315, or have been terminated  
2045 or have resigned in lieu of termination for sexual misconduct  
2046 with a student. If the prohibited conduct occurs subsequent to  
2047 employment, the private school must report the person and the  
2048 disqualifying circumstances to the department for inclusion on  
2049 the disqualification list maintained pursuant to s.  
2050 1001.10(4)(b).

2051  
2052 The department shall suspend the payment of funds to a private  
2053 school that knowingly fails to comply with this subsection, and  
2054 shall prohibit the school from enrolling new scholarship  
2055 students, for 1 fiscal year and until the school complies. If a  
2056 private school fails to meet the requirements of this subsection  
2057 or has consecutive years of material exceptions listed in the  
2058 report required under paragraph (q), the commissioner may  
2059 determine that the private school is ineligible to participate  
2060 in a scholarship program.

2061 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

2062 The Commissioner of Education:

2063 (c) May permanently deny or revoke the authority of an  
2064 owner, an officer, or a director ~~or operator~~ to establish or  
2065 operate a private school in this the state and include such  
2066 individual on the disqualification list maintained by the  
2067 department pursuant to s. 1001.10(4)(b) if the commissioner  
2068 decides that the owner, officer, or director: ~~or operator~~

2069 1. Is operating or has operated an educational institution





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2070 in this ~~the~~ state or another state or jurisdiction in a manner  
2071 contrary to the health, safety, or welfare of the public; or

2072 2. Has operated an educational institution that closed  
2073 during the school year. An individual may be removed from the  
2074 disqualification list if the individual reimburses the  
2075 department or eligible nonprofit scholarship-funding  
2076 organization the amount of scholarship funds received by the  
2077 educational institution during the school year in which it  
2078 closed, and shall include such individuals on the  
2079 disqualification list maintained by the department pursuant to  
2080 s. 1001.10(4)(b).

2081 Section 9. Section 1002.44, Florida Statutes, is created to  
2082 read:

2083 1002.44 Part-time public school enrollment.—

2084 (1) Any public school in this state, including a charter  
2085 school, may enroll a student who meets the regular school  
2086 attendance criteria in s. 1003.01(13)(b)-(f) on a part-time  
2087 basis, subject to space and availability according to the  
2088 school's capacity determined pursuant to s. 1002.31(2)(b).

2089 (2) A student attending a public school on a part-time  
2090 basis pursuant to this section shall generate full-time  
2091 equivalent student membership as described in s. 1011.61(1)(b).

2092 A student receiving a scholarship under this chapter who attends  
2093 a public school on a part-time basis through contracted services  
2094 provided by the public school or school district may not be  
2095 reported for funding.

2096 (3) A student attending a public school on a part-time  
2097 basis pursuant to this section is not considered to be in  
2098 regular attendance at a public school as defined in s.



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2099 1003.01(13)(a).

2100 Section 10. Paragraphs (d) and (e) of subsection (13) and  
2101 subsection (14) of section 1003.01, Florida Statutes, are  
2102 amended, and paragraph (f) is added to subsection (13) of that  
2103 section, to read:

2104 1003.01 Definitions.—As used in this chapter, the term:

2105 (13) “Regular school attendance” means the actual  
2106 attendance of a student during the school day as defined by law  
2107 and rules of the State Board of Education. Regular attendance  
2108 within the intent of s. 1003.21 may be achieved by attendance  
2109 in:

2110 (d) A home education program that meets the requirements of  
2111 chapter 1002; ~~or~~

2112 (e) A private tutoring program that meets the requirements  
2113 of chapter 1002; or—

2114 (f) A personalized education program that meets the  
2115 requirements of s. 1002.395.

2116 (14) “Core-curricula courses” means:

2117 (a) Courses in language arts/reading, mathematics, social  
2118 studies, and science in prekindergarten through grade 3,  
2119 excluding extracurricular courses pursuant to subsection (15);

2120 (b) Courses in grades 4 through 8 in subjects that are  
2121 measured by state assessment at any grade level and courses  
2122 required for middle school promotion, excluding extracurricular  
2123 courses pursuant to subsection (15);

2124 (c) Courses in grades 9 through 12 in subjects that are  
2125 measured by state assessment at any grade level and courses that  
2126 are specifically identified by name in statute as required for  
2127 high school graduation and that are not measured by state



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2128 assessment, excluding extracurricular courses pursuant to  
2129 subsection (15);

2130 (d) Exceptional student education courses; and

2131 (e) English for Speakers of Other Languages courses.

2132

2133 The term is limited in meaning and used for the sole purpose of  
2134 designating classes that are subject to the maximum class size  
2135 requirements established in s. 1, Art. IX of the State  
2136 Constitution. This term does not include courses offered under  
2137 ss. 1002.321(3)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and  
2138 1003.499 ~~ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37,~~  
2139 ~~1002.45, and 1003.499.~~

2140 Section 11. No later than November 1, 2023, the State Board  
2141 of Education shall develop and recommend to the Governor and  
2142 Legislature for adoption during the 2024 legislative session  
2143 repeals and revisions to the Florida Early Learning-20 Education  
2144 Code, chapters 1000-1013, Florida Statutes, to reduce regulation  
2145 of public schools. The state board shall review the entirety of  
2146 the Florida Early Learning-20 Education Code for potential  
2147 repeals and revisions. The state board must make recommendations  
2148 addressing repeals and revisions to the statutes governing the  
2149 transportation of students. The state board shall consider input  
2150 from teachers, superintendents, administrators, school boards,  
2151 public and private postsecondary institutions, home educators,  
2152 and other entities identified by the state board.

2153 Section 12. Subsection (10) is added to section 1001.10,  
2154 Florida Statutes, to read:

2155 1001.10 Commissioner of Education; general powers and  
2156 duties.-



2157           (10) Due to the range of school choice options and the  
2158 variety of ways students learn, the commissioner shall develop  
2159 an online portal that enables parents to choose the best  
2160 educational options for their student. The portal, at a minimum,  
2161 must:

2162           (a) Recommend educational options based on questions about  
2163 the student, including the needs and interests of the student.

2164           (b) Advise parents on the recommended educational options  
2165 for their student.

2166           (c) Enable schools to develop a school profile and connect  
2167 directly with families who express interest in the school.

2168           (d) Allow parents to complete the school enrollment  
2169 process.

2170           Section 13. Paragraph (c) of subsection (22) of section  
2171 1002.20, Florida Statutes, is amended to read:

2172           1002.20 K-12 student and parent rights.—Parents of public  
2173 school students must receive accurate and timely information  
2174 regarding their child's academic progress and must be informed  
2175 of ways they can help their child to succeed in school. K-12  
2176 students and their parents are afforded numerous statutory  
2177 rights including, but not limited to, the following:

2178           (22) TRANSPORTATION.—

2179           (c) *Parental consent.*—Each parent of a public school  
2180 student must be notified in writing and give written consent  
2181 before the student may be transported in a privately owned motor  
2182 vehicle to a school function, ~~in accordance with the provisions~~  
2183 ~~of s. 1006.22(2)(b).~~

2184           Section 14. Subsection (2) of section 1003.25, Florida  
2185 Statutes, is amended to read:



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2186           1003.25 Procedures for maintenance and transfer of student  
2187 records.—

2188           (2) The procedure for transferring and maintaining records  
2189 of students who transfer from school to school shall be  
2190 prescribed by rules of the State Board of Education. The  
2191 transfer of records shall occur within 5 ~~3~~ school days. The  
2192 records shall include:

2193           (a) Verified reports of serious or recurrent behavior  
2194 patterns, including threat assessment evaluations and  
2195 intervention services.

2196           (b) Psychological evaluations, including therapeutic  
2197 treatment plans and therapy or progress notes created or  
2198 maintained by school district or charter school staff, as  
2199 appropriate.

2200           Section 15. Subsection (4) of section 1003.4282, Florida  
2201 Statutes, is amended to read:

2202           1003.4282 Requirements for a standard high school diploma.—

2203           ~~(4) ONLINE COURSE REQUIREMENT. At least one course within~~  
2204 ~~the 24 credits required under this section must be completed~~  
2205 ~~through online learning.~~

2206           ~~(a) An online course taken in grade 6, grade 7, or grade 8~~  
2207 ~~fulfills the requirements of this subsection. The requirement is~~  
2208 ~~met through an online course offered by the Florida Virtual~~  
2209 ~~School, a virtual education provider approved by the State Board~~  
2210 ~~of Education, a high school, or an online dual enrollment~~  
2211 ~~course. A student who is enrolled in a full-time or part-time~~  
2212 ~~virtual instruction program under s. 1002.45 meets the~~  
2213 ~~requirement.~~

2214           ~~(b) A district school board or a charter school governing~~



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2215 ~~board, as applicable, may allow a student to satisfy the online~~  
2216 ~~course requirements of this subsection by completing a blended~~  
2217 ~~learning course or a course in which the student earns a~~  
2218 ~~nationally recognized industry certification in information~~  
2219 ~~technology that is identified on the CAPE Industry Certification~~  
2220 ~~Funding List pursuant to s. 1008.44 or passing the information~~  
2221 ~~technology certification examination without enrolling in or~~  
2222 ~~completing the corresponding course or courses, as applicable.~~

2223  
2224 ~~For purposes of this subsection, a school district may not~~  
2225 ~~require a student to take the online or blended learning course~~  
2226 ~~outside the school day or in addition to a student's courses for~~  
2227 ~~a given semester. This subsection does not apply to a student~~  
2228 ~~who has an individual education plan under s. 1003.57 which~~  
2229 ~~indicates that an online or blended learning course would be~~  
2230 ~~inappropriate or to an out-of-state transfer student who is~~  
2231 ~~enrolled in a Florida high school and has 1 academic year or~~  
2232 ~~less remaining in high school.~~

2233 Section 16. Subsection (2) of section 1006.21, Florida  
2234 Statutes, is amended to read:

2235 1006.21 Duties of district school superintendent and  
2236 district school board regarding transportation.-

2237 (2) After considering recommendations of the district  
2238 school superintendent, the district school board shall make  
2239 provision for the transportation of students to the public  
2240 schools or school activities they are required or expected to  
2241 attend; authorize transportation routes arranged efficiently and  
2242 economically; provide the necessary transportation facilities,  
2243 and, when authorized under rules of the State Board of Education



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2244 and if more economical to do so, provide limited subsistence in  
2245 lieu thereof; and adopt the necessary rules to ensure safety,  
2246 economy, and efficiency in the operation of all buses and other  
2247 vehicles used to transport students, as prescribed in this  
2248 chapter.

2249 Section 17. Subsections (1), (2), (11), and (13) of section  
2250 1006.22, Florida Statutes, are amended to read:

2251 1006.22 Safety and health of students being transported.—  
2252 Maximum regard for safety and adequate protection of health are  
2253 primary requirements that must be observed by district school  
2254 boards in routing buses, appointing drivers, and providing and  
2255 operating equipment, in accordance with all requirements of law  
2256 and rules of the State Board of Education in providing  
2257 transportation pursuant to s. 1006.21:

2258 ~~(1)(a) District school boards shall use school buses, as~~  
2259 ~~defined in s. 1006.25, for all regular transportation. Regular~~  
2260 ~~transportation or regular use means transportation of students~~  
2261 ~~to and from school or school-related activities that are part of~~  
2262 ~~a scheduled series or sequence of events to the same location.~~  
2263 ~~“Students” means, for the purposes of this section, students~~  
2264 ~~enrolled in the public schools in prekindergarten disability~~  
2265 ~~programs and in kindergarten through grade 12. District school~~  
2266 ~~boards may regularly use motor vehicles other than school buses~~  
2267 ~~only under the following conditions:~~

2268 ~~1. When the transportation is for physically handicapped or~~  
2269 ~~isolated students and the district school board has elected to~~  
2270 ~~provide for the transportation of the student through written or~~  
2271 ~~oral contracts or agreements.~~

2272 ~~2. When the transportation is a part of a comprehensive~~



2273 ~~contract for a specialized educational program between a~~  
2274 ~~district school board and a service provider who provides~~  
2275 ~~instruction, transportation, and other services.~~

2276 ~~3. When the transportation is provided through a public~~  
2277 ~~transit system.~~

2278 ~~4. When the transportation is for trips to and from school~~  
2279 ~~sites or agricultural education sites or for trips to and from~~  
2280 ~~agricultural education-related events or competitions, but is~~  
2281 ~~not for customary transportation between a student's residence~~  
2282 ~~and such sites.~~

2283 ~~5. When the transportation is for trips to and from school~~  
2284 ~~sites but is not for customary transportation between a~~  
2285 ~~student's residence and such sites.~~

2286 ~~(b) When the transportation of students is provided, as~~  
2287 ~~authorized in this subsection, in a vehicle other than a school~~  
2288 ~~bus that is owned, operated, rented, contracted, or leased by a~~  
2289 ~~school district or charter school, the following provisions~~  
2290 ~~shall apply:~~

2291 ~~1. The vehicle must be designed to transport fewer than 10~~  
2292 ~~students or be a multifunction school activity bus, as defined~~  
2293 ~~in 49 C.F.R. s. 571.3, if it is designed to transport more than~~  
2294 ~~10 persons. Students must be transported in designated seating~~  
2295 ~~positions and must use the occupant crash protection system~~  
2296 ~~provided by the manufacturer unless the student's physical~~  
2297 ~~condition prohibits such use.~~

2298 ~~2. An authorized vehicle may not be driven by a student on~~  
2299 ~~a public right-of-way. An authorized vehicle may be driven by a~~  
2300 ~~student on school or private property as part of the student's~~  
2301 ~~educational curriculum if no other student is in the vehicle.~~





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2302           ~~3. The driver of an authorized vehicle transporting~~  
2303 ~~students must maintain a valid driver license and must comply~~  
2304 ~~with the requirements of the school district's locally adopted~~  
2305 ~~safe driver plan, which includes review of driving records for~~  
2306 ~~disqualifying violations.~~

2307           ~~4. The district school board or charter school must adopt a~~  
2308 ~~policy that addresses procedures and liability for trips under~~  
2309 ~~this paragraph, including a provision that school buses are to~~  
2310 ~~be used whenever practical and specifying consequences for~~  
2311 ~~violation of the policy.~~

2312           ~~(1)(2) Except as provided in subsection (1), District~~  
2313 ~~school boards may authorize the transportation of students in~~  
2314 ~~privately owned motor vehicles on a case-by-case basis only in~~  
2315 ~~the following circumstances:~~

2316           ~~(a) When a student is ill or injured and must be taken home~~  
2317 ~~or to a medical treatment facility under nonemergency~~  
2318 ~~circumstances; and~~

2319           ~~1. The school has been unable to contact the student's~~  
2320 ~~parent or the parent or responsible adult designated by the~~  
2321 ~~parent is not available to provide the transportation;~~

2322           ~~2. Proper adult supervision of the student is available at~~  
2323 ~~the location to which the student is being transported;~~

2324           ~~3. The transportation is approved by the school principal,~~  
2325 ~~or a school administrator designated by the principal to grant~~  
2326 ~~or deny such approval, or in the absence of the principal and~~  
2327 ~~designee, by the highest ranking school administrator or teacher~~  
2328 ~~available under the circumstances; and~~

2329           ~~4. If the school has been unable to contact the parent~~  
2330 ~~prior to the transportation, the school shall continue to seek~~



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2331 ~~to contact the parent until the school is able to notify the~~  
2332 ~~parent of the transportation and the pertinent circumstances.~~

2333 ~~(b) When the transportation is in connection with a school~~  
2334 ~~function or event regarding which the district school board or~~  
2335 ~~school has undertaken to participate or to sponsor or provide~~  
2336 ~~the participation of students; and~~

2337 ~~1. The function or event is a single event that is not part~~  
2338 ~~of a scheduled series or sequence of events to the same~~  
2339 ~~location, such as, but not limited to, a field trip, a~~  
2340 ~~recreational outing, an interscholastic competition or~~  
2341 ~~cooperative event, an event connected with an extracurricular~~  
2342 ~~activity offered by the school, or an event connected to an~~  
2343 ~~educational program, such as, but not limited to, a job~~  
2344 ~~interview as part of a cooperative education program;~~

2345 ~~2. Transportation is not available, as a practical matter,~~  
2346 ~~using a school bus or school district passenger car; and~~

2347 ~~3. Each student's parent is notified, in writing, regarding~~  
2348 ~~the transportation arrangement and gives written consent before~~  
2349 ~~a student is transported in a privately owned motor vehicle.~~

2350 ~~(c) When a district school board requires employees such as~~  
2351 ~~school social workers and attendance officers to use their own~~  
2352 ~~motor vehicles to perform duties of employment, and such duties~~  
2353 ~~include the occasional transportation of students.~~

2354 ~~(10)~~ ~~(11)~~ The district school superintendent shall notify  
2355 the district school board of any school bus or other vehicle  
2356 used to transport students that does not meet all requirements  
2357 of law and rules of the State Board of Education, and the  
2358 district school board shall, if the school bus is in an unsafe  
2359 condition, withdraw it from use as a school bus until the bus



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2360 meets the requirements. The department may inspect or have  
2361 inspected any school bus to determine whether the bus meets  
2362 requirements of law and rules of the State Board of Education.  
2363 The department may, after due notice to a district school board  
2364 that any school bus does not meet certain requirements of law  
2365 and rules of the State Board of Education, rule that the bus  
2366 must be withdrawn from use as a school bus, this ruling to be  
2367 effective immediately or upon a date specified in the ruling,  
2368 whereupon the district school board shall withdraw the school  
2369 bus from use as a school bus until it meets requirements of law  
2370 and rules of the State Board of Education and until the  
2371 department has officially revoked the pertinent ruling.  
2372 Notwithstanding any other provisions of this chapter, general  
2373 purpose urban transit systems are declared qualified to  
2374 transport students to and from school.

2375 (12) ~~(13)~~ The State Board of Education may adopt rules to  
2376 implement this section as are necessary to protect or desirable  
2377 ~~in the interest of~~ student health and safety.

2378 Section 18. Subsection (4) of section 1006.25, Florida  
2379 Statutes, is amended to read:

2380 1006.25 School buses.—School buses shall be defined and  
2381 meet specifications as follows:

2382 (4) OCCUPANT PROTECTION SYSTEMS.—Students may be  
2383 transported only in designated seating positions, except as  
2384 provided in s. 1006.22(11) ~~s. 1006.22(12)~~, and must use the  
2385 occupant crash protection system provided by the manufacturer,  
2386 which system must comply with the requirements of 49 C.F.R. part  
2387 571 or with specifications of the State Board of Education.

2388 Section 19. Subsection (1) of section 1006.27, Florida



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2389 Statutes, is amended to read:

2390 1006.27 Pooling of school buses and other vehicles and  
2391 related purchases by district school boards; transportation  
2392 services contracts.—

2393 (1) The department shall assist district school boards in  
2394 securing school buses and other vehicles for transporting  
2395 students, contractual needs, equipment, and supplies at as  
2396 reasonable prices as possible by providing a plan under which  
2397 district school boards may voluntarily pool their bids for such  
2398 purchases. The department shall prepare bid forms and  
2399 specifications, obtain quotations of prices and make such  
2400 information available to district school boards in order to  
2401 facilitate this service. District school boards from time to  
2402 time, as prescribed by State Board of Education rule, shall  
2403 furnish the department with information concerning the prices  
2404 paid for such items and the department shall furnish to district  
2405 school boards periodic information concerning the lowest prices  
2406 at which school buses and other vehicles, equipment, and related  
2407 supplies are available based upon comparable specifications.

2408 Section 20. Paragraph (k) is added to subsection (2) of  
2409 section 1011.71, Florida Statutes, to read:

2410 1011.71 District school tax.—

2411 (2) In addition to the maximum millage levy as provided in  
2412 subsection (1), each school board may levy not more than 1.5  
2413 mills against the taxable value for school purposes for charter  
2414 schools pursuant to s. 1013.62(1) and (3) and for district  
2415 schools to fund:

2416 (k) Payment of salaries and benefits for employees whose  
2417 job duties support activities funded by this subsection.



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2418           Section 21. Effective upon this act becoming a law,  
2419 subsection (3), paragraphs (d), (g), and (h) of subsection (5),  
2420 paragraph (f) of subsection (6), and paragraphs (d) and (e) of  
2421 subsection (7) of section 1012.56, Florida Statutes, are  
2422 amended, and paragraph (i) is added to subsection (5) of that  
2423 section, to read:

2424           1012.56 Educator certification requirements.—

2425           (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of  
2426 demonstrating mastery of general knowledge are:

2427           (a) Achievement of passing scores on the general knowledge  
2428 examination required by state board rule;

2429           (b) Documentation of a valid professional standard teaching  
2430 certificate issued by another state;

2431           (c) Documentation of a valid certificate issued by the  
2432 National Board for Professional Teaching Standards or a national  
2433 educator credentialing board approved by the State Board of  
2434 Education;

2435           (d) Documentation of two semesters of successful, full-time  
2436 or part-time teaching in a Florida College System institution,  
2437 state university, or private college or university that awards  
2438 an associate or higher degree and is an accredited institution  
2439 or an institution of higher education identified by the  
2440 Department of Education as having a quality program;

2441           (e) Achievement of passing scores, identified in state  
2442 board rule, on national or international examinations that test  
2443 comparable content and relevant standards in verbal, analytical  
2444 writing, and quantitative reasoning skills, including, but not  
2445 limited to, the verbal, analytical writing, and quantitative  
2446 reasoning portions of the Graduate Record Examination. Passing



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2447 scores identified in state board rule must be at approximately  
2448 the same level of rigor as is required to pass the general  
2449 knowledge examinations; or

2450 (f) Documentation of receipt of a master's or higher degree  
2451 from an accredited postsecondary educational institution that  
2452 the Department of Education has identified as having a quality  
2453 program resulting in a baccalaureate degree or higher.

2454  
2455 A school district that employs an individual who does not  
2456 achieve passing scores on any subtest of the general knowledge  
2457 examination must provide information regarding the availability  
2458 of state-level and district-level supports and instruction to  
2459 assist him or her in achieving a passing score. Such information  
2460 must include, but need not be limited to, state-level test  
2461 information guides, school district test preparation resources,  
2462 and preparation courses offered by state universities and  
2463 Florida College System institutions. The requirement of mastery  
2464 of general knowledge must be waived for an individual who has  
2465 been provided 3 years of supports and instruction and who has  
2466 been rated effective or highly effective under s. 1012.34 for  
2467 each of the last 3 years.

2468 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of  
2469 demonstrating mastery of subject area knowledge are:

2470 (d) For a subject requiring a master's or higher degree,  
2471 completion of the subject area specialization requirements  
2472 specified in state board rule and achievement of a passing score  
2473 on the Florida-developed subject area examination or a  
2474 standardized examination that is directly related to the subject  
2475 specified in state board rule;



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2476 (g) Documentation of successful completion of a United  
2477 States Defense Language Institute Foreign Language Center  
2478 program; ~~or~~

2479 (h) Documentation of a passing score on the Defense  
2480 Language Proficiency Test (DLPT); or

2481 (i) For a subject requiring only a baccalaureate degree for  
2482 which a Florida subject area examination has been developed,  
2483 documentation of receipt of a master's or higher degree from an  
2484 accredited postsecondary educational institution that the  
2485 Department of Education has identified as having a quality  
2486 program resulting in a baccalaureate degree or higher in the  
2487 certificate subject area as identified by state board rule.

2488  
2489 School districts are encouraged to provide mechanisms for middle  
2490 grades teachers holding only a K-6 teaching certificate to  
2491 obtain a subject area coverage for middle grades through  
2492 postsecondary coursework or district add-on certification.

2493 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
2494 COMPETENCE.—Acceptable means of demonstrating mastery of  
2495 professional preparation and education competence are:

2496 (f) Successful completion of professional preparation  
2497 courses as specified in state board rule, successful completion  
2498 of a professional preparation and education competence program  
2499 pursuant to paragraph (8) (b), and documentation of 3 years of  
2500 being rated effective or highly effective under s. 1012.34 while  
2501 holding a temporary certificate ~~achievement of a passing score~~  
2502 ~~on the professional education competency examination required by~~  
2503 ~~state board rule;~~

2504



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2505 The State Board of Education shall adopt rules to implement this  
2506 subsection by December 31, 2014, including rules to approve  
2507 specific teacher preparation programs that are not identified in  
2508 this subsection which may be used to meet requirements for  
2509 mastery of professional preparation and education competence.

2510 (7) TYPES AND TERMS OF CERTIFICATION.—

2511 (d) A person who is issued a temporary certificate under  
2512 paragraph (b) subparagraph (b)2. must be assigned a teacher  
2513 mentor for a minimum of 2 school years after commencing  
2514 employment. Each teacher mentor selected by the school district,  
2515 charter school, or charter management organization must:

2516 1. Hold a valid professional certificate issued pursuant to  
2517 this section;

2518 2. Have earned at least 3 years of teaching experience in  
2519 prekindergarten through grade 12; and

2520 3. Have earned an effective or highly effective rating on  
2521 the prior year's performance evaluation under s. 1012.34.

2522 (e)~~1.~~ A temporary certificate issued under paragraph (b)  
2523 subparagraph (b)1. is valid for 5 ~~3~~ school fiscal years and is  
2524 nonrenewable.

2525 ~~2. A temporary certificate issued under subparagraph (b)2.~~  
2526 ~~is valid for 5 school fiscal years, is limited to a one-time~~  
2527 ~~issuance, and is nonrenewable.~~

2528  
2529 At least 1 year before an individual's temporary certificate is  
2530 set to expire, the department shall electronically notify the  
2531 individual of the date on which his or her certificate will  
2532 expire and provide a list of each method by which the  
2533 qualifications for a professional certificate can be completed.





2534 The State Board of Education shall adopt rules to allow the  
2535 department to extend the validity period of a temporary  
2536 certificate for 2 years when the requirements for the  
2537 professional certificate were not completed due to the serious  
2538 illness or injury of the applicant, the military service of an  
2539 applicant's spouse, other extraordinary extenuating  
2540 circumstances, or if the certificateholder is rated highly  
2541 effective in the immediate prior year's performance evaluation  
2542 pursuant to s. 1012.34 or has completed a 2-year mentorship  
2543 program pursuant to subsection (8). The department shall extend  
2544 the temporary certificate upon approval by the Commissioner of  
2545 Education. A written request for extension of the certificate  
2546 shall be submitted by the district school superintendent, the  
2547 governing authority of a university lab school, the governing  
2548 authority of a state-supported school, or the governing  
2549 authority of a private school.

2550 Section 22. Paragraph (e) is added to subsection (6) of  
2551 section 1013.64, Florida Statutes, to read:

2552 1013.64 Funds for comprehensive educational plant needs;  
2553 construction cost maximums for school district capital  
2554 projects.—Allocations from the Public Education Capital Outlay  
2555 and Debt Service Trust Fund to the various boards for capital  
2556 outlay projects shall be determined as follows:

2557 (6)

2558 (e) Notwithstanding the requirements of this subsection, an  
2559 unfinished construction project for new construction of  
2560 educational plant space that was started on or before July 1,  
2561 2026, is exempt from the total cost per student station  
2562 requirements established in paragraph (b).



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2563           Section 23. Subsection (3) of section 1002.321, Florida  
2564 Statutes, is amended to read:

2565           1002.321 Digital learning.—

2566           ~~(3) DIGITAL PREPARATION. As required under s. 1003.4282, A~~  
2567 ~~student entering grade 9 in the 2011-2012 school year and~~  
2568 ~~thereafter who seeks a high school diploma must take at least~~  
2569 ~~one online course.~~

2570           Section 24. Paragraphs (a) and (b) of subsection (2) of  
2571 section 1003.5716, Florida Statutes, are amended to read:

2572           1003.5716 Transition to postsecondary education and career  
2573 opportunities.—All students with disabilities who are 3 years of  
2574 age to 21 years of age have the right to a free, appropriate  
2575 public education. As used in this section, the term "IEP" means  
2576 individual education plan.

2577           (2) Beginning not later than the first IEP to be in effect  
2578 when the student enters high school, attains the age of 14, or  
2579 when determined appropriate by the parent and the IEP team,  
2580 whichever occurs first, the IEP must include the following  
2581 statements that must be updated annually:

2582           (a) A statement of intent to pursue a standard high school  
2583 diploma and a Scholar or Merit designation, pursuant to s.  
2584 1003.4285, as determined by the parent.

2585           1. The statement must document discussion of the process  
2586 for a student with a disability who meets the requirements for a  
2587 standard high school diploma to defer the receipt of such  
2588 diploma pursuant to s. 1003.4282(8)(c) ~~s. 1003.4282(9)(e)~~.

2589           2. For the IEP in effect at the beginning of the school  
2590 year the student is expected to graduate, the statement must  
2591 include a signed statement by the parent, the guardian, or the



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2592 student, if the student has reached the age of majority and  
2593 rights have transferred to the student, that he or she  
2594 understands the process for deferment and identifying if the  
2595 student will defer the receipt of his or her standard high  
2596 school diploma.

2597 (b) A statement of intent to receive a standard high school  
2598 diploma before the student attains the age of 22 and a  
2599 description of how the student will fully meet the requirements  
2600 in s. 1003.4282, including, but not limited to, a portfolio  
2601 pursuant to s. 1003.4282(8)(b) ~~s. 1003.4282(9)(b)~~ which meets  
2602 the criteria specified in State Board of Education rule. The IEP  
2603 must also specify the outcomes and additional benefits expected  
2604 by the parent and the IEP team at the time of the student's  
2605 graduation.

2606 Section 25. Subsection (2) of section 1003.499, Florida  
2607 Statutes, is amended to read:

2608 1003.499 Florida Approved Courses and Tests (FACT)  
2609 Initiative.—

2610 (2) FLORIDA APPROVED COURSES.—The Department of Education  
2611 shall annually publish online a list of providers approved to  
2612 offer Florida approved courses which shall be listed in the  
2613 online catalog pursuant to s. 1002.321(5) ~~s. 1002.321(6)~~.

2614 (a) As used in this section, the term "Florida approved  
2615 courses" means online courses provided by individuals which  
2616 include, but are not limited to, massive open online courses or  
2617 remedial education associated with the courses that are measured  
2618 pursuant to s. 1008.22. Massive open online courses may be  
2619 authorized in the following subject areas: Algebra I, biology,  
2620 geometry, and civics. Courses may be applied toward requirements



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2621 for promotion or graduation in whole, in subparts, or in a  
2622 combination of whole and subparts. A student may not be required  
2623 to repeat subparts that are satisfactorily completed.

2624 (b) A Florida approved course must be annually identified,  
2625 approved, published, and shared for consideration by interested  
2626 students and school districts. The Commissioner of Education  
2627 shall approve each Florida approved course for application in K-  
2628 12 public schools in accordance with rules of the State Board of  
2629 Education.

2630 Section 26. Paragraph (c) of subsection (2) of section  
2631 1003.27, Florida Statutes, is amended to read:

2632 1003.27 Court procedure and penalties.—The court procedure  
2633 and penalties for the enforcement of the provisions of this  
2634 part, relating to compulsory school attendance, shall be as  
2635 follows:

2636 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2637 (c) Each designee of the governing body of each private  
2638 school and each parent whose child is enrolled in a home  
2639 education program or personalized education program may provide  
2640 the Department of Highway Safety and Motor Vehicles with the  
2641 legal name, sex, date of birth, and social security number of  
2642 each minor student under his or her jurisdiction who fails to  
2643 satisfy relevant attendance requirements and who fails to  
2644 otherwise satisfy the requirements of s. 322.091. The Department  
2645 of Highway Safety and Motor Vehicles may not issue a driver  
2646 license or learner's driver license to, and shall suspend any  
2647 previously issued driver license or learner's driver license of,  
2648 any such minor student pursuant to s. 322.091.

2649 Section 27. Paragraph (k) of subsection (4) of section



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2650 1003.485, Florida Statutes, is amended to read:  
2651 1003.485 The New Worlds Reading Initiative.—  
2652 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator  
2653 shall:  
2654 (k) Expend eligible contributions received only for the  
2655 purchase and delivery of books and to implement the requirements  
2656 of this section, as well as for administrative expenses not to  
2657 exceed 2 percent of total eligible contributions.  
2658 Notwithstanding s. 1002.395(6)(l)2. ~~s. 1002.395(6)(j)2.~~, the  
2659 administrator may carry forward up to 25 percent of eligible  
2660 contributions made before January 1 of each state fiscal year  
2661 and 100 percent of eligible contributions made on or after  
2662 January 1 of each state fiscal year to the following state  
2663 fiscal year for purposes authorized by this subsection. Any  
2664 eligible contributions in excess of the allowable carry forward  
2665 not used to provide additional books throughout the year to  
2666 eligible students shall revert to the state treasury.  
2667 Section 28. Subsections (3) and (5) of section 1009.30,  
2668 Florida Statutes, are amended to read:  
2669 1009.30 Dual Enrollment Scholarship Program.—  
2670 (3)(a) The program shall reimburse eligible postsecondary  
2671 institutions for tuition and related instructional materials  
2672 costs for dual enrollment courses taken during the fall or  
2673 spring terms by eligible students, consisting of:  
2674 1. Private school students who take dual enrollment courses  
2675 pursuant to s. 1007.271(24)(b); ~~or~~  
2676 2. Home education program secondary students; or  
2677 3. Personalized education program secondary students.  
2678 (b) ~~Beginning in the 2022 summer term,~~ The program shall



2679 reimburse institutions for tuition and related instructional  
2680 materials costs for dual enrollment courses taken by public  
2681 school, private school, ~~or~~ home education program secondary  
2682 students, or personalized education program secondary students  
2683 during the summer term.

2684 (5) Each participating institution must report to the  
2685 department any ~~eligible~~ secondary students eligible pursuant to  
2686 subsection (3) from private schools or home education programs  
2687 who were enrolled during the fall or spring terms within 30 days  
2688 after the end of regular registration. Each participating  
2689 institution must report to the department any secondary students  
2690 eligible pursuant to subsection (3) public school, private  
2691 school, or home education program students who were enrolled  
2692 during the summer term within 30 days after the end of regular  
2693 registration. For each dual enrollment course in which the  
2694 student is enrolled, the report must include a unique student  
2695 identifier, the postsecondary institution name, the  
2696 postsecondary course number, and the postsecondary course name.  
2697 The department shall reimburse each participating institution no  
2698 later than 30 days after the institution has reported enrollment  
2699 for that term.

2700 Section 29. Except as otherwise expressly provided in this  
2701 act and except for this section, which shall take effect upon  
2702 this act becoming a law, this act shall take effect July 1,  
2703 2023.

2704  
2705 ===== T I T L E A M E N D M E N T =====

2706 And the title is amended as follows:

2707 Delete everything before the enacting clause



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2708 and insert:

2709                                   A bill to be entitled  
2710           An act relating to education; amending ss. 11.45,  
2711           212.099, and 327.371, F.S.; conforming cross-  
2712           references; amending s. 1002.01, F.S.; defining the  
2713           term "personalized education program"; amending s.  
2714           1002.394, F.S.; providing and revising definitions;  
2715           revising student eligibility and ineligibility  
2716           requirements for the Family Empowerment Scholarship  
2717           Program; revising the approved uses of scholarship  
2718           funds; providing that certain scholarships remain in  
2719           force until certain criteria are met; requiring the  
2720           closure of a scholarship account and the reversion of  
2721           funds to the state under certain circumstances;  
2722           authorizing reimbursements for certain expenditures  
2723           until certain criteria are met; revising obligations  
2724           of school districts, the Department of Education,  
2725           private schools, and eligible nonprofit scholarship-  
2726           funding organizations; revising responsibilities of  
2727           parents; requiring scholarship funds to be deposited  
2728           by funds transfers rather than through warrant  
2729           endorsement; requiring certain criteria to be met  
2730           before the funding of certain scholarships; revising  
2731           provisions for the calculation of an award amount for  
2732           certain students; prohibiting the transfer of funds to  
2733           an eligible student's account under certain  
2734           conditions; deleting obsolete language; conforming  
2735           provisions and cross-references to changes made by the  
2736           act; amending s. 1002.395, F.S.; providing and



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2737 revising definitions; revising student eligibility and  
2738 ineligibility requirements for the Florida Tax Credit  
2739 Scholarship Program; revising obligations of eligible  
2740 nonprofit scholarship-funding organizations and the  
2741 department; establishing certain limitations on the  
2742 number of scholarships funded through the program;  
2743 revising the approved uses of scholarship funds;  
2744 revising requirements for the use of certain  
2745 contributions for administrative expenses; revising  
2746 the amount of funds that must be awarded through  
2747 scholarships; requiring the development of specified  
2748 guidelines; authorizing organizations to require the  
2749 use of an online platform for specified purchases so  
2750 long as such use does not limit specified choices;  
2751 requiring an organization to provide reimbursement in  
2752 specified circumstances; requiring organizations to  
2753 submit specified quarterly reports; revising  
2754 responsibilities of parents; requiring scholarship  
2755 funds to be deposited by funds transfers rather than  
2756 through warrant endorsement; requiring the department  
2757 to annually publish a list of specified tests;  
2758 revising the requirements of a specified annual  
2759 report; requiring the department to notify school  
2760 districts of specified estimates; prohibiting the  
2761 transfer of funds to an eligible student's account  
2762 under certain conditions; providing that certain  
2763 scholarships remain in force until certain criteria  
2764 are met; authorizing reimbursements for certain  
2765 expenditures until certain criteria are met; requiring





2766 the closure of a scholarship account and the reversion  
2767 of funds to the state under certain circumstances;  
2768 requiring the Office of Independent Education and  
2769 Parental Choice to provide a specified number of  
2770 application periods for specified purposes; deleting  
2771 obsolete language; conforming provisions and cross-  
2772 references to changes made by the act; amending s.  
2773 1002.40, F.S.; conforming cross-references; amending  
2774 s. 1002.421, F.S.; revising the eligibility criteria  
2775 and obligations of private schools participating in  
2776 certain educational scholarship programs; revising the  
2777 criteria for the Commissioner of Education to  
2778 permanently deny or revoke the authority of certain  
2779 individuals to establish or operate a private school  
2780 in this state; authorizing the commissioner to include  
2781 specified individuals on a specified disqualification  
2782 list; authorizing that such individuals be removed  
2783 from such list if they provide specified  
2784 reimbursements; making technical changes; conforming  
2785 cross-references; creating s. 1002.44, F.S.;  
2786 authorizing public schools, including charter schools,  
2787 to enroll certain students on a part-time basis;  
2788 providing funding for such students; prohibiting  
2789 certain students from being reported for funding;  
2790 providing that such students are not considered to be  
2791 in regular attendance at such schools; amending s.  
2792 1003.01, F.S.; conforming provisions and cross-  
2793 references to changes made by the act; requiring the  
2794 State Board of Education to develop and recommend to



2795 the Governor and the Legislature for adoption during  
2796 the 2024 legislative session repeals and revisions to  
2797 the Florida Early Learning-20 Education Code by a  
2798 specified date; providing requirements for the state  
2799 board relating to such recommendations; amending s.  
2800 1001.10, F.S.; requiring the Commissioner of Education  
2801 to develop an online portal for specified purpose;  
2802 providing requirements for such portal; amending s.  
2803 1002.20, F.S.; conforming a cross-reference; amending  
2804 s. 1003.25, F.S.; revising the timeframe in which  
2805 student records must be transferred; amending s.  
2806 1003.4282, F.S.; deleting the online course  
2807 requirement for a standard high school diploma;  
2808 amending s. 1006.21, F.S.; authorizing a district  
2809 school board to use other vehicles to transport  
2810 students; amending s. 1006.22, F.S.; deleting a  
2811 requirement that district school boards use school  
2812 buses for all regular transportation; deleting  
2813 provisions relating to circumstances in which students  
2814 may be transported in privately owned motor vehicles;  
2815 conforming a provision to changes made by the act;  
2816 amending s. 1006.25, F.S.; conforming a cross-  
2817 reference; amending s. 1006.27, F.S.; conforming  
2818 provisions to changes made by the act; amending s.  
2819 1011.71, F.S.; authorizing that a specified district  
2820 school board levy be used to pay salaries and benefits  
2821 for specified employees; amending s. 1012.56, F.S.;  
2822 exempting specified individuals from certain mastery  
2823 of general knowledge requirements; revising the



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2824 acceptable means of demonstrating mastery of subject  
2825 area knowledge and mastery of professional preparation  
2826 and education competence, respectively; revising  
2827 requirements for the department to issue temporary  
2828 certificates; revising the validity period for certain  
2829 temporary certificates; amending s. 1013.64, F.S.;  
2830 providing that certain construction projects are  
2831 exempt from the total cost per student station  
2832 requirements; amending ss. 1002.321, 1003.5716,  
2833 1003.499, 1003.27, 1003.485, and 1009.30, F.S.;  
2834 conforming cross-references and provisions to changes  
2835 made by the act; providing effective dates.