

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 1565](#)

TITLE: Educational Choice

SPONSOR(S): Duggan, Booth

COMPANION BILL: [SB 1440](#) (McClain)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Student Academic Success](#)

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SUMMARY

Effect of the Bill:

The bill expands the authorized expenditures for both the Family Empowerment Scholarship Program and the Florida Tax Credit Scholarship Program (FTC) to include tuition and fees for newly defined instructional programs. Additionally, the bill expands the authorized expenditures for instructional materials under the FTC program to include digital devices.

Fiscal or Economic Impact:

None

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

The bill defines home education instructional program as a program that offers instruction and activities that augment and enhance the instruction provided by a parent. To be eligible, a home education instructional program must have publicly available and reviewable program descriptions of instruction and activities, including costs, in an easy to read and understand format. The bill authorizes the expenditure of scholarship funds for tuition and fees associated with home education instructional programs for [Family Empowerment Scholarships](#) for students with disabilities (FES-UA) recipients.

The bill defines customized instructional program (CIP) to mean a program that offers classes and courses in an instructor-directed education program, in which students participate more than three days a week. To be eligible, a CIP must have publicly available and reviewable program descriptions of classes and courses, including costs, in an easy to read and understand format. The bill authorizes the expenditure of scholarship funds for tuition and fees associated with CIPs for both FES-UA and [Florida Tax Credit Scholarship Program](#) (FTC) scholarship recipients. (Section [1](#) and [2](#)).

The bill expands the authorized expenditures for instructional materials under the FTC program to include digital devices. (Section [2](#)).

The effective date of the bill is July 1, 2025. (Section [3](#)).

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Family Empowerment Scholarship](#)

The Family Empowerment Scholarship Program (FES) was established in 2019 and provides children of families in Florida with educational options to achieve success in their education, including children of families with limited

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financial resources, children of law enforcement and military families, and children with disabilities.¹ Under the FES program, two types of scholarships are available. The FES-EO scholarship is for students to attend private school and the FES-UA scholarship is for students with disabilities.² Each scholarship has separate student eligibility requirements.

In 2023, the Legislature removed the statutory cap on the number of FES-EO scholarships that could be funded.³ Following this change, 155,698 FES-EO scholarships were funded in the 2023-2024 school year an increase from the 88,010 FES-EO scholarships funded in the 2022-2023 school year.⁴

A student is eligible for a FES-EO scholarship if the student is a resident of Florida and is eligible to enroll in kindergarten through grade 12 in a Florida public school.⁵

In 2024, the Legislature expanded eligibility for the FES-EO to include the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida and any student that received a scholarship through the Hope Scholarship Program in the 2023-2024 school year.⁶

For FES-EO scholarships, priority is given to students whose household income levels do not exceed 185 percent of the Federal Poverty Level (FPL) or who are in foster care or out-of-home care.⁷ A secondary priority must be given to a student whose household income level does exceeds 185 percent of the FPL but does not exceed 400 percent of the FPL.⁸

A student with a disability is eligible for a FES-UA scholarship if the student meets the following criteria:⁹

- The student is a resident of the state;
- The student is 3 or 4 years old during the year in which the parent applies for a scholarship, or is eligible to enroll in kindergarten through grade 12;
- The student has a qualifying disability;¹⁰ and
- The student is the subject of an Individual Educational Plan (IEP)¹¹ or has received a diagnosis of a disability by a licensed physician or psychologist.

¹ Section [1002.394, F.S.](#) See also Rule 6A-6.0952, F.A.C.

² Section [1002.394\(3\)\(a\) and \(3\)\(b\), F.S.](#) The John M. McKay Scholarship for Students with Disabilities Program and the Gardiner Scholarship Program were previously offered as two separate scholarships for students with disabilities before the programs were consolidated under the Family Empowerment Scholarship Program. The Gardiner Scholarship and the McKay Scholarship were repealed effective July 1, 2021, ss. 2 and 3, ch. 2021-27 L.O.F.

³ Section 5, ch. 2023-16, L.O.F.

⁴ Email, Florida House of Representatives, PreK-12 Appropriations Subcommittee (Sept. 19, 2024).

⁵ Section [1002.394\(3\)\(a\)1., F.S.](#)

⁶ Section [1002.394\(3\)\(a\)1., F.S.](#) In 2024, the Legislature repealed the majority of the provisions governing the Hope Scholarship Program (HSP), established in 2018, and transferred the tax credit used to fund the HSP to the Florida Tax Credit Scholarship Program. The Legislature maintained the requirement that school districts notify parents of their eligibility for a FTC Program or FES scholarship after their student is subjected to an “incident” as defined in statute. Sections 1 and 5, ch. 2024-163, L.O.F. See Section [1002.40, F.S.](#)

⁷ Section [1002.394\(3\)\(a\)2.a., F.S.](#)

⁸ Section [1002.394\(3\)\(a\)2.b., F.S.](#)

⁹ Section [1002.394\(3\)\(b\)1.-4., F.S.](#)

¹⁰ Section [1002.394\(2\)\(d\), F.S.](#) Qualifying disabilities include: Autism spectrum disorder; cerebral palsy; Down syndrome; intellectual disability; a speech impairment; a language impairment; an orthopedic impairment; an other health impairment; an emotional or a behavioral disability; a specific learning disability, including, but not limited to dyslexia, dyscalculia, or developmental aphasia; Phelan-McDermid syndrome; Prader-Willi syndrome; spina bifida; high-risk; muscular dystrophy; Williams syndrome; rare diseases; anaphylaxis; hearing impairment, including deafness; visual impairment, including blindness; traumatic brain injury; hospital or homebound; or dual sensory impaired.

¹¹ An IEP is developed for students with disabilities ages three through 21. The IEP team must include the parent; at least one Exceptional Student Education (ESE) teacher of the child; at least one general education teacher of the child; a representative of the school district, and when appropriate, the student with the disability. The IEP team develops annual goals, both academic and functional, for the student based on his or her strengths, needs, and the effect of the disability. Once the goals are determined, the team decides what type of special education services and supplementary aids the student needs and how often and where the services should be provided, e.g., in the general education class or in the ESE classroom. 34 C.F.R. s. 300.320 and .321; Rule 6A-6.03028(3), F.A.C.

For FES-UA scholarships, priority is given to a student renewing a scholarship from the previous year and then on a first-come, first-served basis for new applicants.¹²

In the 2022-2023 school year, the state funded 67,326 FES-UA scholarships and in the 2023-2024 school year the state funded 95,480 FES-UA scholarships.¹³

In 2024, the Legislature established a cap for the number of FES-UA scholarships to be funded for the 2024-25 school year at 72,615. This cap will annually increase by 5 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students. However, following any year where more than 95 percent of the number of available FES-UA scholarships are funded, the cap will increase by 6 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students the following year.¹⁴

Authorized Expenditures for under the Florida Empowerment Scholarship for Educational Opportunity

In 2023, the Legislature expanded the authorized uses for a FES-EO scholarship from solely private school tuition to include the following:¹⁵

- Tuition and fees at an eligible private school.
- Instructional materials, including digital materials and Internet resources.
- Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
- Tuition and fees associated with full-time or part-time enrollment in an eligible postsecondary educational institution¹⁶ or a program offered by the postsecondary educational institution,¹⁷ an approved preapprenticeship program,¹⁸ a private tutoring program, a virtual program offered by a DOE-approved private online provider, the Florida Virtual School as a private paying student, or an approved online course.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contracted services provided by a public school or school district, including classes. A student who receives services under a contract is not considered enrolled in a public school for scholarship eligibility purposes but rather attending a public school on a part-time basis.
- Tuition and fees for part-time tutoring services or fees for services by a choice navigator.

However, funds from a FES-EO scholarship must first be used for tuition at a participating private school prior to use on any other authorized expenditure.¹⁹

Authorized Expenditures for under the Florida Empowerment Scholarship for Students with Unique Abilities

A FES-UA scholarship may be used to cover the following expenses:²⁰

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

¹² Section [1002.394\(11\)\(b\)3, F.S.](#)

¹³ Email, Florida House of Representatives, PreK-12 Appropriations Subcommittee (Sept. 19, 2024).

¹⁴ Section [1002.394\(12\)\(b\)1, F.S.](#)

¹⁵ Section [1002.394\(4\)\(a\), F.S.](#)

¹⁶ "Eligible postsecondary educational institution" includes institutions that offer distance learning under a reciprocity agreement.

¹⁷ Unless the program is subject to a statutory fee exemption or the dual enrollment scholarship.

¹⁸ Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.

¹⁹ Section [1002.394\(11\)\(a\)11, F.S.](#)

²⁰ Section [1002.394\(4\)\(b\), F.S.](#)

- Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
- Specialized services²¹ by approved providers or by a hospital in this state which are selected by the parent.
- Tuition or fees associated with full-time or part-time enrollment in a home education program; an eligible private school; an eligible postsecondary educational institution²² or a program offered by the postsecondary educational institution; an approved preapprenticeship program;²³ a private tutoring program; a virtual program offered by an approved private online provider; the Florida Virtual School as a private paying student; or an approved online course.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contributions to the Stanley G. Tate Florida Prepaid College Program or the Florida College Savings Program for the benefit of the eligible student.
- Contracted services provided by a public school or school district, including classes.²⁴
- Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator.
- Fees for specialized summer education programs or specialized after-school education programs.
- Transition services provided by job coaches.²⁵
- Fees for a home education student's annual evaluation of educational progress by a state-certified teacher.
- Tuition and fees for a Voluntary Prekindergarten program or school readiness program offered by an eligible provider or prekindergarten program offered by a participating private school.
- Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.

Beginning in 2024, and annually thereafter, the Florida Center for Students with Unique Abilities is required to develop the purchasing guidelines for authorized uses of scholarship funds for FES-UA scholarship recipients.²⁶ The center is required to consult with recipients of FES-UA scholarships in the development of the guidelines and must provide the finalized guidelines to each SFO that administers FES-UA scholarships.²⁷

Florida Tax Credit Scholarship Program

The FTC Program was created in 2001 and allows taxpayers to make private, voluntary contributions to non-profit scholarship-funding organizations (SFO), that can then be awarded as Florida scholarships to eligible low-income students for private school tuition and fees.²⁸ Taxpayers can receive a tax credit for use against their liability for corporate income tax, insurance premium tax, severance taxes on oil and gas production; or self-accrued sales tax liabilities of direct pay permit holders or alcoholic beverage taxes on beer, wine and spirits,²⁹ and rental or license fees.³⁰ The tax credit is equal to 100 percent of the eligible contributions made.³¹

²¹ Specialized services may include, but are not limited to, applied behavior analysis services, services provided by speech-language pathologists, occupational therapy services, services provided by physical therapists, or services provided by listening and spoken language specialists.

²² "Eligible postsecondary educational institution" includes institutions that offer distance learning under a reciprocity agreement.

²³ Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.

²⁴ While contracted services are considered part-time enrollment, a student who receives services under such a contract is not considered enrolled in a public school for scholarship eligibility purposes.

²⁵ Transition services are defined as a coordinated set of activities which are focused on improving the academic and functional achievement of a student with a disability to facilitate the student's movement from school to post-school activities, based on the specific student's needs. Section [1002.394\(4\)\(b\)11, F.S.](#)

²⁶ Section [1004.6495\(5\)\(e\), F.S.](#) See Florida Center for Students with Unique Abilities, *Family Empowerment Scholarship for Student with Unique Abilities (FES-UA) Purchasing Guide*, available at <https://go.stepupforstudents.org/hubfs/GUIDES/FES-UA%20Purchasing%20Guide%202024-25.pdf>.

²⁷ *Id.*

²⁸ Section [1002.395, F.S.](#) See also Rule 6A-6.0960, F.A.C.

²⁹ Section [1002.395\(1\) and \(5\), F.S.](#)

³⁰ Section [212.099\(b\), F.S.](#) (2018).

³¹ Sections [220.1875](#) and [1002.395\(5\), F.S.](#)

In 2023, the Legislature expanded eligibility for a FTC Program scholarship for all Floridians eligible to attend public school in Florida while simultaneously turning the scholarship into an educational savings account by expanding the authorized uses for the FTC scholarship.³² Also in 2023, the Legislature expanded educational options within the FTC Program by creating the Personalized Education Program (PEP) Scholarship, a parent directed educational choice option, that must be registered with a SFO that administers FTC scholarships.³³ Students enrolled in a PEP are authorized to participate in the FTC Program and the PEP satisfies mandatory school attendance requirements.³⁴ Students in PEP are provided access to the same programs and services as home education program students.³⁵

A student is eligible for a FTC Program scholarship if the student is a resident of the state and is eligible to enroll in kindergarten through grade 12 in a public school.³⁶

For the 2023-24 school year, SFOs funded 127,539 FTC-Private School scholarships and 19,454 PEP scholarships.

Authorized Expenditures Under the Florida Tax Credit Scholarship Program

Authorized uses of FTC Program scholarship funds include:³⁷

- Tuition and fees for enrollment in an eligible private school.
- Instructional materials, including digital materials and Internet resources.
- Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
- Tuition and fees associated with full-time or part-time enrollment in a home education instructional program, an eligible postsecondary educational institution or a program offered by the postsecondary educational institution,³⁸ an approved preapprenticeship program,³⁹ a private tutoring program, a virtual program offered by a department-approved private online provider, the Florida Virtual School as a private paying student, or an approved online course.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contracted services provided by a public school or school district, including classes. A student who receives services under a contract is not considered enrolled in a public school for scholarship eligibility purposes but rather attending a public school on a part-time basis.
- Tuition and fees for part-time tutoring services or fees for services by a choice navigator.

However, funds from an FTC-Private School scholarship must first be used for tuition at a participating private school prior to use on any other authorized expenditure.⁴⁰

³² Section 6, ch. 2023-16, L.O.F.

³³ Section [1002.01\(2\), F.S.](#)

³⁴ Sections [1002.395\(7\)\(b\)](#) and [1003.01\(16\)\(f\), F.S.](#)

³⁵ Section [1002.01\(2\), F.S.](#)

³⁶ Section [1002.395\(3\)\(b\)1., F.S.](#)

³⁷ Section [1002.395\(6\)\(d\)2., F.S.](#)

³⁸ Unless the program is subject to a statutory fee exemption or the dual enrollment scholarship. Additionally, eligible postsecondary educational institution includes approved higher education institutions which participate in distance education through reciprocity agreements. The National Council for State Authorization Reciprocity Agreements (NC-SARA) is a private nonprofit organization with the goal of improving student access to distance learning. NC-SARA helps states, institutions, policymakers, and students understand the purpose and benefits of participating in these reciprocity agreements. There are currently more than 2,200 institutions in 49 member states, including Florida, participating in such reciprocity agreements, greatly expanding access to educational options for Florida's students. NC-SARA, *About NC-SARA*, <https://www.nc-sara.org/about-nc-sara> (last visited Mar. 26, 2025).

³⁹ Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.

⁴⁰ Section [1002.395\(6\)\(w\), F.S.](#)

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/HB 1403	Tomkow	Simon	Became law on July 1, 2024.
2023	CS/CS/CS/CS/HB 1	Tuck, Plasencia	Simon	Became law on July 1, 2023.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Student Academic Success Subcommittee	12 Y, 1 N, As CS	4/1/2025	Sanchez	Wolff
THE CHANGES ADOPTED BY THE COMMITTEE: <ul style="list-style-type: none">• Amended the definition of Home Education Instructional Program and defined Customized Instructional Program.• Added Home Education Instructional Program and Customized Instructional Programs to the authorized expenditures for specified educational choice scholarships.• Removed changes to child care facility definition, changes in educational choice scholarship timelines, addition of national tutoring organization as an authorized expense under educational choice scholarships, and additional requirements for school districts related to educational choice scholarship programs.				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.