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Florida's School Choice Revolution: From Politically Risky to Mainstream

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ABSTRACT

This paper traces the shift in support for school choice from Jeb Bush's failed 1994 campaign through the 2023 universal Family Empowerment Scholarship. Bush moved school choice from politically risky to the governing norm. After the state supreme court struck down Opportunity Scholarships on uniformity grounds, lawmakers routed expansion through special-needs aid and tax-credit structures that survived challenge. Each new constituency made repeal harder and built a growing constituency. By 2025, Step Up for Students reported that 1.8 million Floridians, more than half of the state's students, attended a school of their choosing.

KEYWORDS

Education policy; school choice

Introduction

On the evening of November 8, 1994, Republicans throughout the country were celebrating. Led by Newt Gingrich and the "Contract with America," the Grand 'Ol Party won control of both the United States House and the Senate for the first time in 40 years. This came just two years after Democrat Bill Clinton, the former Arkansas governor, defeated President George H.W. Bush in his reelection bid. Now, the Republicans were on the rise. During these midterm elections, not a single Republican congressman lost. Meanwhile, 35 incumbent Democrats were defeated, including the speaker of the House, Tom Foley of Washington (Glass, 2007).

The revolution also extended to governors races, where Republicans picked up important wins in New York, Pennsylvania, and California. As the *New York Times* reported, "One after another, once unassailable Democrats like Gov. Mario M. Cuomo, Gov. Ann W. Richards of Texas, Representative Dan Rostenkowski of Chicago, and Senators James Sasser of Tennessee and Harris Wofford of Pennsylvania fell to little-known Republican challengers" (Berke, 1994). Bob Dole, who would be the Republicans' presidential nominee in 1996, declared, "I've never known a better night in electoral politics for the Republican Party" (Berke, 1994).

Even the Bush family had something to celebrate. The eldest son of the former president, George W., had unseated Ann Richards to become the governor of Texas, and it wasn't particularly close. The other Bush son running for governor, however, did not fare so well in Florida. Jeb Bush, the second eldest son, had taken on incumbent governor Lawton Chiles and lost in a narrow election (Booth, 1994). It was an inauspicious beginning in statewide politics for the man who would go on to become Florida's first two-term Republican governor and who would be said to have "remade Florida" (Corrigan, 2014). Perhaps his running mate, Tom Feeney, was right when he stated, "It's possible we were just a little ahead of our time" (Booth, 1994).

Jeb Bush ran a campaign built on ideas. "He took an almost academic interest in policy, particularly on public education," noted Adam Nagourney in the *New York Times* (Nagourney, 2016). Interestingly, though, especially since Bush is known as an "education governor," education was not his main issue in the 1994 election. It was crime. When the *Orlando Sentinel* asked, "What is the one main thing you hope to accomplish as governor?" Bush did not say, "Creating the first state-wide, universal school choice system in the United States." Nor did he say, "Expanding educational opportunities for disadvantaged children." Rather, he replied, "My top priority will be to close the public-safety gap in Florida by ensuring all criminals

serve at least 85% of their sentences, reforming the juvenile justice system, and reducing the time it takes to enforce the death penalty” (Candidates forum, 1994).

This is not to say education wasn’t on his radar. Indeed, education reform was among his top priorities. His white paper on education policy was 19 pages long after all (Debenport, 1994). Though he regularly championed school choice and market competition in education, choice was not his lead message – not even in the area of education. His primary goal was to cut the size of the Department of Education (DOE). He vowed to dramatically shrink the size of the state’s DOE (Ross, 1994). An idea that some saw as simplistic (Smith stands out for GOP [GOP], 1994). As the *St. Petersburg Times* described it, he would “Reduce the Education Department to a shell and give control of public education to county school boards” (Reed, 1993).

Aside from dismantling the DOE, this plan of giving local schools greater autonomy was not out of step with the zeitgeist in Florida at the time. Nor was it out of step with the goals of Governor Chiles. Florida had a long history of test-based accountability systems, going back to the 1970s (Blazer, 2018). In 1991, during Chiles’ first term, the state enacted *Blueprint 2000* (Blazer, 2018). A primary goal of this initiative was to return responsibility and decision-making authority to local schools. In keeping with this, Bush saw local autonomy as the first step in enacting a long-term plan to unleash an educational marketplace. When asked directly in an interview with *Voices of Florida* in June 1994 whether he saw a role for the state in helping individuals pay for private schools, Bush laid out a multi-stage plan for increasing competition in the educational marketplace. “The first step,” he said, was to “say that the Department of Education should have 50 people in it, not 2,100.” The state should not micromanage but set measurable goals and standards and hold schools accountable for achieving those goals. Second, Bush said, was “to liberate the public schools.” This meant, in part, the proliferation of charter schools, publicly funded but privately operated schools of choice. Third, Bush called for “performance standards where we measure success or failure.” Here is where he finally called for the creation of a voucher program. “Once we establish that failure has occurred, we liberate the parents in those failed schools to have the choice of a private alternative” (For Jeb Bush, public safety is the primary concern, 1994). When asked, “How soon would you like to see vouchers?” Bush said, “Four or five years. First of all, you need to prepare public schools to compete, which they can’t today.”

In a year in which Republicans were almost invincible, Jeb Bush managed to lose, and he lost in a campaign filled with ideas and bold policy solutions. Albeit policy solutions that might take “four or five years” to implement. This was not a mistake he would make four years later. When he ran again in 1998, he began cementing his legacy as a governor who would make bold educational moves. In a profile that year, *Ed Week* said, “This year, perhaps no candidate has more riding on education than Jeb Bush” (Johnston, 1998). In the years between elections, Bush reportedly had visited more than 200 schools and revised his school choice vision (Johnston, 1998). He was no longer calling for a plan that might take four or five years. He was calling for a plan now. A targeted plan that would help students escape from failing schools. Bush had moved from a wonky policy strategy to a human one. People don’t respond to esoteric ideas about shrinking the size of the department of education the same way they respond to giving their children better educational options, especially when they feel they are currently stuck in a failing system.

When Bush pushed for vouchers or opportunity scholarships in his 1994 race against Chiles, the *Wall Street Journal* described his position as “politically risky” (Gigot, 1994). His opponent, incumbent Democrat Lawton Chiles, attacked Bush’s position “as an ‘elitist’ assault on all of public education” (Gigot, 1994). While Democrats continued to make those claims, Bush helped turn the tide on school choice. By telling a message of hope to disaffected families, Bush helped move school choice from politically risky to politically valuable. By 2024, 30 years after Bush’s first run for governor, candidates who support school choice throughout the country have the electoral edge.

If you walked into the Florida Department of Education in 2025, you would see banners celebrating educational freedom in the state. “Florida leads the nation on the EdChoice Friedman Index,” one banner read. Next to it, a banner proudly proclaimed, “The Heritage Foundation Ranked Florida #1 in Education three years in a row.” What accounts for this radical transformation from an idea that was “politically risky” to one that is celebrated? That is what this chapter explores. This chapter is not about Jeb Bush. It is about the evolution of support for school choice in Florida. Nevertheless, as Bruce Springsteen has said, “You can’t start a fire without a spark.” The 1998 election of Jeb Bush was the spark for educational freedom in the

Sunshine State. And yet, a spark must have something to set aflame, and in Florida, the kindling had been stacked.

The kindling

The mistake we often make when thinking about history is that something began in an instant, when in reality what we may see as the beginning is the continuation of a long arc. This is especially true when it comes to educational freedom, where families have been fighting for the ability to educate their children according to their values and beliefs since colonial times (Shuls & McCluskey, 2025; Shuls, 2024). Under Governor Jeb Bush, the Florida legislature created the nation's first statewide private school choice program in 1999. School choice, however, especially the desire for educational freedom, did not begin in 1999. Before Bush took office, there was already a growing national movement to expand educational options, especially for students in failing schools. Between 1991 and 1999, 37 states passed charter school laws (Vergari, 2002). Florida passed its first charter school law in 1996, while Governor Chiles was still in office. The bill passed the Senate by a vote of 32 to 8 (Barszewski, 1996). Don Sullivan, the Republican Senate Education Chairman, said, "The main purpose of the charter school bill will be to make people think about what we need to evolve our school system into, what can we do to make it better" (Barszewski, 1996). Charter schools in Florida and elsewhere began to give families a taste of school choice policies. They shifted parents from passive recipients of education for their children to active participants who had the ability to make choices as consumers. As Senator Sullivan said, the system was beginning to evolve.

Voucher programs and other private school choice policies also took root in the 1990s, though the initial support was much more tepid. Vouchers faced three major obstacles. First, unlike charter schools, which could not be religious and, at times, received support from Democratic education reformers, the religious element made vouchers more polarizing. Second, there was not a strong evidence base to support the development of voucher programs. Aside from the federal Alum Rock Voucher Demonstration in the 1970s (Levinson, 1976), which many considered a failure because private schools declined to participate, there were no rigorous evaluations of voucher programs in the early 1990s. Third, there was the legal question: Were vouchers constitutional? This was both a federal and a state question. At the federal level, opponents claimed private school vouchers violated the establishment clause. At the state level, where many states had prohibitions on public funds going to religious institutions or "uniform" clauses for public education, vouchers faced an even more strenuous legal challenge.

As a result, the first state-created, private school scholarship programs tended to be small. The Wisconsin Legislature created what most call the first "modern voucher program" in 1990, The Milwaukee Parental Choice Program (Witte, 1998). In its first year, 577 students applied for the program. By the fifth year, the program had nearly doubled to 1,046 applicants (Witte, 1998). Another limited program was created by the Ohio General Assembly in 1995, the Cleveland Scholarship Program (Peterson et al., 1999). Supporters also developed privately funded programs in various cities, including Washington, D.C. (1997) (Peterson et al., 1998), Dayton, OH (1998) (Howell & Peterson, 2000), San Antonio, TX (1999) (Greene, 2001a), and Charlotte, NC (1999) (Greene, 2001b).

When politicians take office, they often claim to have a bold, new vision. When Jeb Bush entered the Governor's office in January of 1999, vouchers were mostly untried and untested, especially at the state level. His vision for statewide private school choice programs was certainly bold, but it was hardly new. Bush inherited a Republican-controlled legislature, which consisted of members who had long been champions of educational reform and school choice. Between 1992 and 1995, "several dozen school choice and charter school bills had failed" in the legislature (Terzian & Boyd, 2004). In 1997, Sen. John McKay, a Republican from Bradenton, proposed a state-wide voucher program with no income restrictions (White, 1997). Covering the McKay proposal, the *Sarasota Herald Tribune* noted, "Climate may be right for school vouchers" (White, 1997).

The proposal passed the Senate Education Committee with a vote of 5 to 4, but failed to win ultimate approval (Griffin, 1996). At the time, the Democrats still controlled the FL House. That would change later that year, as Republicans won majorities in the Senate and House in 1996. When Bush was elected in 1998, he would take office with majorities in both the House (72 R to 48D) and Senate (25 R to 15D) (Ballotpedia,

n.d.). He would also had Frank Brogan by his side as Lt. Governor. Brogan had been elected as the commissioner of education in 1994 and was a supporter of vouchers (Terzian & Boyd, 2004).

Bush also inherited a climate ready for change. In January of 1997, the *Orlando Sentinel* noted, “The Governor’s Education Summit in Orlando may not have produced unique strategies to help Florida’s schools, but it may have created something perhaps equally as important—momentum for change. Concern about poor schools appears to be reaching critical mass, spurring business executives and political leaders . . . to commit to making improvements this year” (Yasuda, 1997). Jeb Bush, it seems, was a man for the moment as much as he was the man making the moment.

The nation’s first state-wide voucher program

When Bush took office in January 1999, the policy-oriented governor was primed to hit the ground running with his education agenda. The thirty-first Regular Session of the Legislature of Florida convened on Tuesday, March 2, 1999 (Florida Senate, 1999). In his address, the newly sworn-in Governor pledged his dedication to education reform:

Over the last year-and-a-half, I’ve visited more than 200 Florida schools. I have met with hundreds of dedicated teachers and principals who shared with me their firsthand reports about the challenges they face day-in and day-out. I’ve listened to the hopes and concerns of thousands of students and parents.

And I learned that while many of our students are receiving the education that will serve them well in the future, we have an education system that is tragically leaving children behind . . .

Together, let’s send an unmistakable message for our children – IN FLORIDA, FAILURE IS NO LONGER AN OPTION.

To fix this problem, we must first recognize that there is no silver bullet that will solve all that ails our educational system overnight.

Our efforts must be systemic and sustained.

Education will remain my top priority until we can honestly say that our system no longer leaves any child behind. Today, as Governor, I make this commitment: I will never waver in my dedication to transforming our public schools into centers of educational excellence.

As a down payment on that commitment, in January, with many of you standing by our side, Lieutenant Governor Frank Brogan and I announced our A+ Plan for Education.

His A+ for Education plan was a comprehensive package that included creating an A-to-F grading scale for public schools, financial incentives for school performance, and vouchers for students in failing schools. By the end of the month, the House had passed Bush’s signature bill. Alex Diaz de la Portilla, the primary sponsor of the bill, was reported by *EdWeek* to have said, “We have a moral obligation to tell parents: ‘We’re going to give you a choice’” (Sandham, 1999). Though the vote in the house was strongly in favor, 71 for to 49 against, it was split mostly along party lines, and the vote came “after nearly six hours of speeches and pleas from both its critics and supporters” (Sandham, 1999). The Senate ultimately passed the A+ Education Plan on the final day of the legislative session.

Opposition to the legislation was strident throughout the session, all the way through the bill’s signing, and even afterward. Before Bush signed the bill into law, he reportedly received more than 8,000 calls or e-mails in opposition (Kleindienst, 1999). Naturally, the opposition came most strenuously from teachers’ unions. David Clark, the spokesperson for the Florida chapter of the National Education Association, stated, “People have gotten really angry. They’re opposed to vouchers” (Kleindienst, 1999). Predictions from the critics were dire. Stanley Elam, writing in the *Phi Delta Kappan* magazine, said, “Even if the courts fail to declare Florida’s voucher plan unconstitutional, there is a good chance that, in effect, the public will” (Elam, 1999). He warned that the Republicans push for vouchers would “come back to haunt them” at the end of Bush’s first term (Elam, 1999). Elam was no Nostradamus. Bush would go on to win his reelection bid by double digits.

The Opportunity Scholarship, part of Governor Bush’s A+ accountability plan, went into effect in the fall of 1999. Though the program was state-wide, it was limited to students in failing schools.

This structure also meant that parents had to wait until late in the summer, after the grades had been determined, to learn whether they were eligible and then to make educational decisions in a short period of time. As a result, students in just two schools were eligible for scholarships in the first year of the program (Elam, 1999). This meant that in the first year of the nation's first state-wide program, fewer students were eligible, roughly 900, than in the targeted programs in Milwaukee or Cleveland. Roughly 70 chose to apply to a private school (Elam, 1999).

There were also important legal questions hanging overhead. That same summer, the case that would ultimately become the seminal voucher case in the United States, *Zelman v. Simmons-Harris*, was filed in district court in Ohio (Simmons-Harris v. Zelman, 1999). Ultimately, the U.S. Supreme Court, in a 5–4 decision, would uphold the constitutionality of the Ohio voucher program (Garnett & Pearsall, 2005). Although, in the summer of 1999, that ruling was not a foregone conclusion. More importantly, the program faced a legal challenge under the state's constitution. The day after Governor Bush signed the A + scholarship program into law, teachers' unions and other left-leaning political action groups filed a legal complaint under the Florida Constitution (Bush v. Holmes, 2000). Following an initial ruling by a trial court judge, who ruled without hearing any evidence, the case would take six years to be fully resolved (Garnett & Pearsall, 2005).

In the end, the Supreme Court ruled with the plaintiffs. As legal scholars Richard Garnett and Christopher Pearsall stated, "In enacting the OSP in 1999, Florida was the first state to institute a school choice program statewide, and others have followed suit. It also ended up being the first statewide school choice program invalidated by its state Supreme Court" (Garnett & Pearsall, 2005).

From legal defeat to Triumph

At the same time that the Opportunity Scholarship Program was passed, Senator John McKay finally also managed to get a special needs scholarship program passed. As the legislation stated, this was a "separate and distinct" program from the Opportunity Scholarship Program (Florida Senat, 1999). Initially a pilot program, the McKay scholarship was expanded in the following years, making over 350,000 students with Individualized Education Plans (IEP) eligible (Winters & Greene, 2011). By 2009, more than 20,000 students were using a McKay scholarship (Winters & Greene, 2011). In Bush v. Holmes, school choice proponents tasted defeat, but they also saw a pathway to victory. Though the court invalidated the Opportunity Scholarship Program, it did not touch the McKay scholarships. This was because the court did not invalidate vouchers or private school scholarships entirely under the state's Blaine amendment, rather it invalidated the program based on the "uniformity" clause in the state's constitution (Garnett & Pearsall, 2005). The McKay scholarship never saw the same legal challenge, possibly because the use of private institutions to serve students with special needs was a normal practice or possibly because opponents did not want to be seen attacking such a program.

Even as the Opportunity Scholarship Program case wound through the courts, Bush and Republicans in the legislature continued to push for school choice. In 2001, there was a proposal to expand the program to students in "overcrowded schools" (Sandham, 2001). While that proposal failed, the legislature managed to pass the nation's first corporate-tax-credit scholarship program (Florida Senate, 2001). Unlike vouchers, which directly appropriated funds from the state for the use of paying private school tuition, tax-credit scholarships were funded by donations. When corporations donated to scholarship organizations, they were eligible for a 100% credit toward their tax liability (limited to 75% of their total tax liability). This structure would ultimately survive a Florida constitutional challenge (EdChoice, n.d.).

Over the next several years, legislators continued to introduce bills to expand the scholarship programs (*Northwest Florida Daily News*, 2008; Florida House of Representatives, 2003; Johnson, 2005), increase caps on corporate contributions (Matus, 2008), and even attempted to change the constitution to remove legal objections to vouchers (Bousquet, 2006). The push continued even after Bush left office. In 2014, Governor Rick Scott signed Florida's first education savings account program, Florida Personal Learning Scholarship Accounts, into law (Florida Senate, 2014). The program was initially limited to students with specific diagnoses but was expanded and renamed the Gardiner Scholarship. In 2021, under Governor Ron DeSantis, it was folded into the Family Empowerment Scholarship Program (Florida Department of Education, n.d.).

Initially created in 2019, empowerment scholarships were limited to students whose household income did not exceed 300% of the federal poverty line and to foster children (Florida Department of Education, [n.d.](#)). In 2021, the legislature consolidated programs and expanded educational options once more (Florida Senate, [2021](#)). Then in 2023, nearly 25 years after Jeb Bush ran as the education governor, Ron DeSantis signed into law HB 1 making the program universal. In a press statement, DeSantis said, “Florida is number one when it comes to education freedom and education choice, and today’s bill signing represents the largest expansion of education choice in the history of these United States. When you combine private scholarships, charter schools, and district choice programs, Florida already has 1.3 million students attending a school of their choosing” (Executive Office of Governor Ron DeSantis, [2023](#)).

Conclusion

The number of students using school choice programs in Florida continues to grow. In 2025, Step Up for Students, the nonprofit organization that manages the state’s scholarship programs, reported that 1.8 million Florida students choose their school (Step Up for Students, [2025](#)). This included charter schools, open enrollment, private school scholarship programs, and even students/families who personally pay tuition to private schools. This represented more than half of all students in Florida.

It has long been thought in school choice circles that school choice is a policy proposal that builds a constituency (Shuls, Goldberg, & Woodworth, [2026](#)). Absent these programs, most families simply accept the school to which they are assigned, or they choose to move into their desired school zone. Most parents, however, do not think of themselves as educational consumers. Without the ability to make decisions, they are passive recipients. By giving parents educational options, you empower them to choose. You make them consumers with the ability to “shop” for the best school for their child. You also make them constituents invested in a program, willing to protect it. The experience in Florida suggests this is true. When Jeb Bush launched the first voucher program, the program was sued. One of the plaintiffs was the NAACP. In 2016, Martin Luther King III led a march in support of Florida’s Tax Credit Scholarship Program. The march drew an estimated 10,000 people (Tallahassee Democrat, [2016](#)).

Writing in 2007, education researchers Doug Harris, Carolyn Herrington, and Amy Albee noted, “Given Florida’s historical interest in educational reform – especially accountability – it is perhaps unsurprising that the state has been one of the most aggressive in pursuing vouchers as a reform strategy” (Harris et al., [2007](#)). Perhaps, but the success of Florida was not a foregone conclusion. It took leadership, and Florida was blessed with a cadre of school choice champions in the House, the Senate, and the Governor’s mansion. It also helped that those champions tended to be in the same party, and that party had majorities in both chambers.

At the time of this writing, school choice in Florida seems to be the norm. There are certainly still detractors, including many in traditional public school district leadership. Yet, school choice has become commonplace. I have seen this first-hand. When purchasing a car, the dealer donated a portion of the purchase price to the scholarship tax-credit program. When speaking to a new neighbor, a public school educator nonetheless, I was informed of school choice options. She even used one of the options for her own children. Even the state department of education, as noted earlier in this chapter, proudly displays banners celebrating the state’s rankings in educational freedom. This may be the real success of the Florida experience. They have made school choice mainstream.

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