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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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01/13/2016 10:36 AM

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Senator Gaetz moved the following:

Senate Amendment (with title amendment)

Delete lines 544 - 1515

and insert:

1002.385 The Gardiner Scholarship ~~Florida personal learning scholarship accounts.~~—

(1) ESTABLISHMENT OF PROGRAM.—The Gardiner Scholarship ~~Florida Personal Learning Scholarship Accounts~~ Program is established to provide the option for a parent to better meet the individual educational needs of his or her eligible child. All written explanatory materials, state websites, scholarship



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12 organization materials, letters to parents, scholarship
13 agreements, and any other information describing this program to
14 the public shall refer to a scholarship under the program as the
15 "Gardiner Scholarship."

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

17 (a) "Approved provider" means a provider approved by the
18 Agency for Persons with Disabilities, a health care practitioner
19 as defined in s. 456.001(4), or a provider approved by the
20 department pursuant to s. 1002.66.

21 (b) "Curriculum" means a complete course of study for a
22 particular content area or grade level, including any required
23 supplemental materials and associated online instruction.

24 (c) "Department" means the Department of Education.

25 (d) "Disability" means, for a 3- or 4-year-old child or for
26 a student in kindergarten to grade 12, autism spectrum disorder,
27 as defined in the Diagnostic and Statistical Manual of Mental
28 Disorders, Fifth Edition, published by the American Psychiatric
29 Association ~~s. 393.063(3)~~; cerebral palsy, as defined in s.
30 393.063(4); Down syndrome, as defined in s. 393.063(13); an
31 intellectual disability, as defined in s. 393.063(21); Prader-
32 Willi syndrome, as defined in s. 393.063(25); ~~or~~ spina bifida,
33 as defined in s. 393.063(36); ~~for a student in kindergarten,~~
34 being a high-risk child, as defined in s. 393.063(20) (a);
35 muscular dystrophy; and Williams syndrome.

36 (e) "Eligible nonprofit scholarship-funding organization"
37 or "organization" means a nonprofit scholarship-funding
38 organization that is approved pursuant to s. 1002.395(16) ~~has~~
39 ~~the same meaning as in s. 1002.395.~~

40 (f) "Eligible postsecondary educational institution" means



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41 a Florida College System institution;; a state university;; a
42 school district technical center;; a school district adult
43 general education center; an independent college or university
44 that is eligible to participate in the William L. Boyd, IV,
45 Florida Resident Access Grant Program under s. 1009.89; or an
46 accredited independent nonpublic postsecondary educational
47 institution, as defined in s. 1005.02, which is licensed to
48 operate in the state pursuant to requirements specified in part
49 III of chapter 1005.

50 (g) "Eligible private school" means a private school, as
51 defined in s. 1002.01, which is located in this state, which
52 offers an education to students in any grade from kindergarten
53 to grade 12, and which meets the requirements of:

- 54 1. Sections 1002.42 and 1002.421; and
55 2. A scholarship program under s. 1002.39 or s. 1002.395,
56 as applicable, if the private school participates in a
57 scholarship program under s. 1002.39 or s. 1002.395.

58 (h) "IEP" means individual education plan.

59 (i) "Parent" means a resident of this state who is a
60 parent, as defined in s. 1000.21.

61 (j) "Program" means the Gardiner Scholarship Florida
62 Personal Learning Scholarship Accounts Program established in
63 this section.

64 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
65 disability may request and receive from the state a Gardiner
66 Scholarship Florida personal learning scholarship account for
67 the purposes specified in subsection (5) if:

68 (a) The student:

- 69 1. Is a resident of this state;



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70 2. Is 3 or 4 years of age on or before September 1 of the
71 year in which the student applies for program participation or
72 is eligible to enroll in kindergarten through grade 12 in a
73 public school in this state;

74 3. Has a disability as defined in paragraph (2) (d); and

75 4. Is the subject of an IEP written in accordance with
76 rules of the State Board of Education or has received a
77 diagnosis of a disability ~~as defined in subsection (2)~~ from a
78 physician who is licensed under chapter 458 or chapter 459 or a
79 psychologist who is licensed under chapter 490 in this state.

80 (b) ~~Beginning January 2015,~~ The parent has applied to an
81 eligible nonprofit scholarship-funding organization to
82 participate in the program by February 1 before the school year
83 in which the student will participate or an alternative date as
84 set by the organization for any vacant, funded slots. The
85 request must be communicated directly to the organization in a
86 manner that creates a written or electronic record of the
87 request and the date of receipt of the request. In addition to
88 the application and any documentation required by the
89 organization or by State Board of Education rule, the parent may
90 submit a final verification document pursuant to this paragraph
91 to receive scholarship funds in the student's account before the
92 department confirms program eligibility pursuant to paragraph
93 (9) (e). The final verification document must consist of one of
94 the following items applicable to the student:

95 1. A completed withdrawal form from the school district, if
96 the student was enrolled in a public school before the
97 determination of program eligibility.

98 2. A letter of admission or enrollment from an eligible



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99 private school for the fiscal year in which the student wishes
100 to participate and, if applicable, a copy of the notification
101 from the private school that the student has withdrawn from the
102 John M. McKay Scholarships for Students with Disabilities
103 Program or the Florida Tax Credit Scholarship Program.

104 3. A copy of the notice of the parent's intent to establish
105 and maintain a home education program required by s.

106 1002.41(1)(a) or the annual educational evaluation of the
107 student in a home education program, which is required by s.
108 1002.41(2) ~~The organization shall notify the district and the~~
109 ~~department of the parent's intent upon receipt of the parent's~~
110 ~~request.~~

111 (4) PROGRAM PROHIBITIONS.—

112 ~~(a)~~ A student is not eligible for the program if while he
113 or she is:

114 ~~(a)~~1. Enrolled in a public school, including, but not
115 limited to, the Florida School for the Deaf and the Blind; the
116 Florida Virtual School; the College-Preparatory Boarding
117 Academy; a developmental research school authorized under s.
118 1002.32; a charter school authorized under s. 1002.33, s.
119 1002.331, or s. 1002.332; or a virtual education program
120 authorized under s. 1002.45. For purposes of this paragraph, a
121 3- or 4-year-old child who receives services funded through the
122 Florida Education Finance Program is considered to be a student
123 enrolled in a public school. Funding provided under this section
124 for a child eligible for enrollment in the Voluntary
125 Prekindergarten Education Program shall constitute funding for
126 the child under part V of this chapter, and no additional
127 funding shall be provided for the child under part V.



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128 (b)2. Enrolled in a school operating for the purpose of
129 providing educational services to youth in the Department of
130 Juvenile Justice commitment programs.†

131 (c)3. Receiving a scholarship pursuant to the Florida Tax
132 Credit Scholarship Program under s. 1002.395 or the John M.
133 McKay Scholarships for Students with Disabilities Program under
134 s. 1002.39.† ~~or~~

135 (d)4. Receiving any other educational scholarship pursuant
136 to this chapter.

137 ~~(b) A student is not eligible for the program if:~~

138 ~~1. The student or student's parent has accepted any~~
139 ~~payment, refund, or rebate, in any manner, from a provider of~~
140 ~~any services received pursuant to subsection (5);~~

141 ~~2. The student's participation in the program has been~~
142 ~~denied or revoked by the commissioner of Education pursuant to~~
143 ~~subsection (10); or~~

144 ~~3. The student's parent has forfeited participation in the~~
145 ~~program for failure to comply with requirements pursuant to~~
146 ~~subsection (11).~~

147 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
148 used to meet the individual educational needs of an eligible
149 student and may be spent for the following purposes:

150 (a) Instructional materials, including digital devices,
151 digital periphery devices, and assistive technology devices that
152 allow a student to access instruction or instructional content
153 and training on the use of and maintenance agreements for these
154 devices.

155 (b) Curriculum as defined in paragraph (2) (b) .

156 (c) Specialized services by approved providers that are



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157 selected by the parent. These specialized services may include,
158 but are not limited to:

159 1. Applied behavior analysis services as provided in ss.
160 627.6686 and 641.31098.

161 2. Services provided by speech-language pathologists as
162 defined in s. 468.1125.

163 3. Occupational therapy services as defined in s. 468.203.

164 4. Services provided by physical therapists as defined in
165 s. 486.021.

166 5. Services provided by listening and spoken language
167 specialists and an appropriate acoustical environment for a
168 child who is deaf or hard of hearing and who has received an
169 implant or assistive hearing device.

170 (d) Enrollment in, or tuition or fees associated with
171 enrollment in, a home education program, an eligible private
172 school, an eligible postsecondary educational institution or a
173 program offered by the institution, a private tutoring program
174 authorized under s. 1002.43, a virtual program offered by a
175 department-approved private online provider that meets the
176 provider qualifications specified in s. 1002.45(2)(a), the
177 Florida Virtual School as a private paying student, or an
178 approved online course offered pursuant to s. 1003.499 or s.
179 1004.0961.

180 (e) Fees for nationally standardized, norm-referenced
181 achievement tests, Advanced Placement Examinations, industry
182 certification examinations, assessments related to postsecondary
183 education, or other assessments.

184 (f) Contributions to the Stanley G. Tate Florida Prepaid
185 College Program pursuant to s. 1009.98 or the Florida College



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186 Savings Program pursuant to s. 1009.981, for the benefit of the
187 eligible student.

188 (g) Contracted services provided by a public school or
189 school district, including classes. A student who receives
190 services under a contract under this paragraph is not considered
191 enrolled in a public school for eligibility purposes as
192 specified in subsection (4).

193 (h) Tuition and fees for part-time tutoring services
194 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; or a person
197 who has demonstrated a mastery of subject area knowledge
198 pursuant to s. 1012.56(5). As used in this paragraph, the term
199 "part-time tutoring services" does not qualify as regular school
200 attendance as defined in s. 1003.01(13)(e).

201 (i) Fees for specialized summer education programs.

202 (j) Fees for specialized after-school education programs.

203 (k) Transition services provided by job coaches.

204 (l) Fees for an annual evaluation of educational progress
205 by a state-certified teacher under s. 1002.41(1)(c), if this
206 option is chosen for a home education student.

207 (m) Tuition and fees associated with programs offered by
208 Voluntary Prekindergarten Education Program providers approved
209 pursuant to s. 1002.55 and school readiness providers approved
210 pursuant to s. 1002.88.

211
212 ~~A provider of any services specialized service provider,~~
213 ~~eligible private school, eligible postsecondary educational~~
214 ~~institution, private tutoring program provider, online or~~



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215 ~~virtual program provider, public school, school district, or~~
216 ~~other entity~~ receiving payments pursuant to this subsection may
217 not share, refund, or rebate any moneys from the Gardiner
218 Scholarship ~~Florida personal learning scholarship account~~ with
219 the parent or participating student in any manner.

220 (6) TERM OF THE PROGRAM.—For purposes of continuity of
221 educational choice and program integrity:

222 (a)1. The Program payments made by the state to an
223 organization for a Gardiner Scholarship under this section shall
224 continue remain in force until:

225 a. The parent does not renew program eligibility;

226 b. The organization determines that the student is not
227 eligible for program renewal;

228 c. The Commissioner of Education suspends or revokes
229 program participation or use of funds;

230 d. The student's parent has forfeited participation in the
231 program for failure to comply with subsection (11);

232 e. The student enrolls in a public school; or

233 f. The student graduates from high school or attains 22
234 years of age, whichever occurs first ~~a student participating in~~
235 ~~the program participates in any of the prohibited activities~~
236 ~~specified in subsection (4), has funds revoked by the~~
237 ~~Commissioner of Education pursuant to subsection (10), returns~~
238 ~~to a public school, graduates from high school, or attains 22~~
239 ~~years of age, whichever occurs first. A participating student~~
240 ~~who enrolls in a public school or public school program is~~
241 ~~considered to have returned to a public school for the purpose~~
242 ~~of determining the end of the program's term.~~

243 2. Reimbursements for program expenditures may continue



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244 until the account balance is expended or the account is closed
245 pursuant to paragraph (b).

246 (b)1. A student's scholarship account must be closed and
247 any remaining funds, including, but not limited to,
248 contributions made to the Stanley G. Tate Florida Prepaid
249 College Program or earnings from or contributions made to the
250 Florida College Savings Program using program funds pursuant to
251 paragraph (5)(f), shall revert to the state upon:

252 a. Denial or revocation of program eligibility by the
253 commissioner for fraud or abuse, including, but not limited to,
254 the student or student's parent accepting any payment, refund,
255 or rebate, in any manner, from a provider of any services
256 received pursuant to subsection (5); or

257 b. After any period of 3 consecutive years after high
258 school completion or graduation during which the student has not
259 been enrolled in an eligible postsecondary educational
260 institution or a program offered by the institution.

261 2. The commissioner must notify the parent and the
262 organization when a Gardiner Scholarship account is closed and
263 program funds revert to the state.

264 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

265 (a)1. The parent of ~~For~~ a student with a disability who
266 does not have an IEP in accordance with subparagraph (3)(a)4. or
267 who seeks a reevaluation of an existing IEP may request an IEP
268 meeting and evaluation from the school district in order to
269 obtain or revise a matrix of services. The school district shall
270 notify a parent who has made a request for an IEP that the
271 district is required to complete the IEP and matrix of services
272 within 30 days after receiving notice of the parent's request.



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273 The school district shall conduct a meeting and develop an IEP
274 and a matrix of services within 30 days after receipt of the
275 parent's request in accordance with State Board of Education
276 rules. ~~a matrix of services under s. 1011.62(1)(e) and for whom~~
277 ~~the parent requests a matrix of services,~~ The school district
278 must complete a matrix that assigns the student to one of the
279 levels of service as they existed before the 2000-2001 school
280 year.

281 ~~2.a. Within 10 school days after a school district receives~~
282 ~~notification of a parent's request for completion of a matrix of~~
283 ~~services, the school district must notify the student's parent~~
284 ~~if the matrix of services has not been completed and inform the~~
285 ~~parent that the district is required to complete the matrix~~
286 ~~within 30 days after receiving notice of the parent's request~~
287 ~~for the matrix of services. This notice must include the~~
288 ~~required completion date for the matrix.~~

289 ~~b. The school district shall complete the matrix of~~
290 ~~services for a student whose parent has made a request. The~~
291 school district must provide the student's parent and the
292 department with the student's matrix level within 10 calendar
293 ~~school~~ days after its completion.

294 ~~b.e.~~ The department shall notify the parent and the
295 ~~eligible nonprofit scholarship-funding~~ organization of the
296 amount of the funds awarded within 10 days after receiving the
297 school district's notification of the student's matrix level.

298 ~~c.d.~~ A school district may change a matrix of services only
299 if the change is a result of an IEP reevaluation or to correct a
300 technical, typographical, or calculation error.

301 (b) For each student participating in the program who



302 chooses to participate in statewide, standardized assessments
303 under s. 1008.22 or the Florida Alternate Assessment, the school
304 district in which the student resides must notify the student
305 and his or her parent about the locations and times to take all
306 statewide, standardized assessments.

307 ~~(c) For each student participating in the program, a school~~
308 ~~district shall notify the parent about the availability of a~~
309 ~~reevaluation at least every 3 years.~~

310 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
311 private school may be sectarian or nonsectarian and shall:

312 (a) Comply with all requirements for private schools
313 participating in state school choice scholarship programs
314 pursuant to s. 1002.421.

315 (b) Provide to the ~~eligible nonprofit scholarship funding~~
316 organization, upon request, all documentation required for the
317 student's participation, including the private school's and
318 student's fee schedules.

319 (c) Be academically accountable to the parent for meeting
320 the educational needs of the student by:

321 1. At a minimum, annually providing to the parent a written
322 explanation of the student's progress.

323 2. Annually administering or making provision for students
324 participating in the program in grades 3 through 10 to take one
325 of the nationally norm-referenced tests identified by the
326 Department of Education or the statewide assessments pursuant to
327 s. 1008.22. Students with disabilities for whom standardized
328 testing is not appropriate are exempt from this requirement. A
329 participating private school shall report a student's scores to
330 the parent.



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331 3. Cooperating with the scholarship student whose parent
332 chooses to have the student participate in the statewide
333 assessments pursuant to s. 1008.22 or, if a private school
334 chooses to offer the statewide assessments, administering the
335 assessments at the school.

336 a. A participating private school may choose to offer and
337 administer the statewide assessments to all students who attend
338 the private school in grades 3 through 10.

339 b. A participating private school shall submit a request in
340 writing to the Department of Education by March 1 of each year
341 in order to administer the statewide assessments in the
342 subsequent school year.

343 (d) Employ or contract with teachers who have regular and
344 direct contact with each student receiving a scholarship under
345 this section at the school's physical location.

346 (e) Annually contract with an independent certified public
347 accountant to perform the agreed-upon procedures developed under
348 s. 1002.395(6)(o) ~~s. 1002.395(6)(n)~~ and produce a report of the
349 results if the private school receives more than \$250,000 in
350 funds from scholarships awarded under this section in the 2014-
351 2015 state fiscal year or a state fiscal year thereafter. A
352 private school subject to this paragraph must submit the report
353 by September 15, 2015, and annually thereafter to the
354 ~~scholarship-funding~~ organization that awarded the majority of
355 the school's scholarship funds. The agreed-upon procedures must
356 be conducted in accordance with attestation standards
357 established by the American Institute of Certified Public
358 Accountants.

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360 The inability of a private school to meet the requirements of
361 this subsection constitutes a basis for the ineligibility of the
362 private school to participate in the program as determined by
363 the commissioner ~~department~~.

364 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
365 shall:

366 (a) Maintain on its website a list of approved providers as
367 required in s. 1002.66, eligible postsecondary educational
368 institutions, eligible private schools, and organizations and
369 may identify or provide links to lists of other approved
370 providers.

371 (b) Require each ~~eligible nonprofit scholarship-funding~~
372 organization to verify eligible expenditures before the
373 distribution of funds for any expenditures made pursuant to
374 paragraphs (5) (a) and (b). Review of expenditures made for
375 services specified in paragraphs (5) (c) - (m) ~~(5) (e) - (g)~~ may be
376 completed after the purchase is ~~payment has been~~ made.

377 (c) Investigate any written complaint of a violation of
378 this section by a parent, a student, a private school, a public
379 school or a school district, an organization, a provider, or
380 another appropriate party in accordance with the process
381 established by s. 1002.395(9) (f).

382 (d) Require quarterly reports by an ~~eligible nonprofit~~
383 ~~scholarship-funding~~ organization, which must, at a minimum,
384 include regarding the number of students participating in the
385 program; the demographics of program participants; the
386 disability category of program participants; the matrix level of
387 services, if known; the program award amount per student; the
388 total expenditures for the purposes specified in subsection



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389 ~~(5);~~ the types of providers of services to students; ~~and any~~
390 other information deemed necessary by the department.

391 (e) Compare the list of students participating in the
392 program with the public school student enrollment lists,
393 Voluntary Prekindergarten Education Program enrollment lists,
394 and the list of students participating in school choice
395 scholarship programs established pursuant to this chapter before
396 each scholarship award is provided to the organization, and
397 subsequently throughout the school year, each program payment to
398 avoid duplicate payments and confirm program eligibility. A
399 parent who files a final verification pursuant to paragraph
400 (3) (b) shall receive scholarship funds before the department
401 confirms program eligibility.

402 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

403 (a) The Commissioner of Education:

404 1. ~~Shall deny, suspend, or revoke a student's participation~~
405 ~~in the program if the health, safety, or welfare of the student~~
406 ~~is threatened or fraud is suspected.~~

407 2. ~~Shall deny, suspend, or revoke an authorized use of~~
408 ~~program funds if the health, safety, or welfare of the student~~
409 ~~is threatened or fraud is suspected.~~

410 3. ~~May deny, suspend, or revoke an authorized use of~~
411 ~~program funds for material failure to comply with this section~~
412 ~~and applicable department rules if the noncompliance is~~
413 ~~correctable within a reasonable period of time. Otherwise, the~~
414 ~~commissioner shall deny, suspend, or revoke an authorized use~~
415 ~~for failure to materially comply with the law and rules adopted~~
416 ~~under this section.~~

417 4. ~~Shall require compliance by the appropriate party by a~~



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418 ~~date certain for all nonmaterial failures to comply with this~~
419 ~~section and applicable department rules. The commissioner May~~
420 ~~deny,~~ suspend, or revoke program participation or use of program
421 funds by the student or participation or eligibility of an
422 organization, eligible private school, eligible postsecondary
423 educational institution, approved provider, or other party for a
424 violation of this section.

425 2. May determine the length of, and conditions for lifting,
426 a suspension or revocation specified in this subsection.

427 3. May recover unexpended program funds or withhold payment
428 of an equal amount of program funds to recover program funds
429 that were not authorized for use.

430 4. Shall deny or terminate program participation upon a
431 parent's forfeiture of a Gardiner Scholarship pursuant to
432 subsection (11) under this section thereafter.

433 (b) In determining whether to ~~deny,~~ suspend, or revoke
434 participation or lift a suspension or revocation in accordance
435 with this subsection, the commissioner may consider factors that
436 include, but are not limited to, acts or omissions that by a
437 participating entity which led to a previous suspension denial
438 or revocation of participation in a state or federal program or
439 an education scholarship program; failure to reimburse the
440 eligible nonprofit scholarship-funding organization for program
441 funds improperly received or retained by the entity; failure to
442 reimburse government funds improperly received or retained;
443 imposition of a prior criminal sanction related to the person or
444 entity or its officers or employees; imposition of a civil fine
445 or administrative fine, license revocation or suspension, or
446 program eligibility suspension, termination, or revocation



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447 related to a person's or an entity's management or operation; or
448 other types of criminal proceedings in which the person or
449 entity or its officers or employees were found guilty of,
450 regardless of adjudication, or entered a plea of nolo contendere
451 or guilty to, any offense involving fraud, deceit, dishonesty,
452 or moral turpitude.

453 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
454 PARTICIPATION.—A parent who applies for program participation
455 under this section is exercising his or her parental option to
456 determine the appropriate placement or the services that best
457 meet the needs of his or her child. The scholarship award for a
458 student is based on a matrix that assigns the student to support
459 Level III services. If a parent receives ~~chooses to request and~~
460 ~~receive~~ an IEP and a matrix of services from the school district
461 pursuant to subsection (7), the amount of the payment shall be
462 adjusted as needed, when the school district completes the
463 matrix.

464 (a) To satisfy or maintain program eligibility, including
465 eligibility to receive and spend program payments ~~enroll an~~
466 ~~eligible student in the program~~, the parent must sign an
467 agreement with the ~~eligible nonprofit scholarship funding~~
468 organization and annually submit a notarized, sworn compliance
469 statement to the organization to:

470 1. Affirm that the student is enrolled in a program that
471 meets regular school attendance requirements as provided in s.
472 1003.01(13)(b)-(d).

473 2. Affirm that ~~Use~~ the program funds are used only for
474 authorized purposes serving the student's educational needs, as
475 described in subsection (5).



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476 3. Affirm that the parent is responsible for the education
477 of his or her student by, as applicable: takes all appropriate
478 standardized assessments as specified in this section.

479 a. Requiring the student to ~~If the parent enrolls the child~~
480 ~~in an eligible private school, the student must take an~~
481 assessment in accordance with paragraph (8) (c); selected by the
482 private school pursuant to s. 1002.395(7) (e).

483 b. Providing an ~~If the parent enrolls the child in a home~~
484 ~~education program, the parent may choose to participate in an~~
485 ~~assessment as part of the annual evaluation in accordance with~~
486 ~~provided for in s. 1002.41(1) (c); or.~~

487 c. Requiring the child to take any pre- and post-
488 assessments selected by the provider if the child is 4 years of
489 age and is enrolled in a program provided by an eligible
490 Voluntary Prekindergarten Education Program provider. A student
491 with disabilities for whom a pre- and post-assessment is not
492 appropriate is exempt from this requirement. A participating
493 provider shall report a student's scores to the parent.

494 4. ~~Notify the school district that the student is~~
495 ~~participating in the Personal Learning Scholarship Accounts if~~
496 ~~the parent chooses to enroll in a home education program as~~
497 ~~provided in s. 1002.41.~~

498 5. ~~Request participation in the program by the date~~
499 ~~established by the eligible nonprofit scholarship-funding~~
500 ~~organization.~~

501 ~~4.6.~~ Affirm that the student remains in good standing with
502 the provider or school if those options are selected by the
503 parent.

504 7. ~~Apply for admission of his or her child if the private~~



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505 ~~school option is selected by the parent.~~

506 ~~8. Annually renew participation in the program.~~

507 ~~Notwithstanding any changes to the student's IEP, a student who~~
508 ~~was previously eligible for participation in the program shall~~
509 ~~remain eligible to apply for renewal as provided in subsection~~
510 ~~(6).~~

511 ~~9. Affirm that the parent will not transfer any college~~
512 ~~savings funds to another beneficiary.~~

513 ~~10. Affirm that the parent will not take possession of any~~
514 ~~funding provided by the state for the Florida Personal Learning~~
515 ~~Scholarship Accounts.~~

516 ~~11. Maintain a portfolio of records and materials which~~
517 ~~must be preserved by the parent for 2 years and be made~~
518 ~~available for inspection by the district school superintendent~~
519 ~~or the superintendent's designee upon 15 days' written notice.~~
520 ~~This paragraph does not require the superintendent to inspect~~
521 ~~the portfolio. The portfolio of records and materials must~~
522 ~~consist of:~~

523 ~~a. A log of educational instruction and services which is~~
524 ~~made contemporaneously with delivery of the instruction and~~
525 ~~services and which designates by title any reading materials~~
526 ~~used; and~~

527 ~~b. Samples of any writings, worksheets, workbooks, or~~
528 ~~creative materials used or developed by the student.~~

529 (b) The parent must file an application for initial program
530 participation with an organization by the dates established
531 pursuant to this section.

532 (c) The parent must notify the school district that the
533 student is participating in the Gardiner Scholarship Program if



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534 the parent chooses to enroll the student in a home education
535 program as provided in s. 1002.41. This notification is not in
536 lieu of the required notification a parent must submit to the
537 district when establishing a home education program pursuant to
538 s. 1002.41(1)(a).

539 (d) The parent must enroll his or her child in a program
540 from a Voluntary Prekindergarten Education Program provider
541 authorized under s. 1002.55, a school readiness provider
542 authorized under s. 1002.88, or an eligible private school if
543 either option is selected by the parent.

544 (e) The parent must annually renew participation in the
545 program. Notwithstanding any changes to the student's IEP, a
546 student who was previously eligible for participation in the
547 program shall remain eligible to apply for renewal. However, for
548 a high-risk child to continue to participate in the program in
549 the school year after he or she reaches 6 years of age, the
550 child's application for renewal of program participation must
551 contain documentation that the child has a disability defined in
552 paragraph (2)(d) other than high-risk status.

553 (f) ~~(b)~~ The parent is responsible for procuring the services
554 necessary to educate the student. When the student receives a
555 Gardiner Scholarship ~~personal learning scholarship account~~, the
556 district school board is not obligated to provide the student
557 with a free appropriate public education. For purposes of s.
558 1003.57 and the Individuals with Disabilities in Education Act,
559 a participating student has only those rights that apply to all
560 other unilaterally parentally placed students, except that, when
561 requested by the parent, school district personnel must develop
562 an individual education plan or matrix level of services.



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563 (g) ~~(e)~~ The parent is responsible for the ~~payment of~~ all
564 eligible expenses in excess of the amount of the Gardiner
565 Scholarship ~~personal learning scholarship account in accordance~~
566 ~~with the terms agreed to between the parent and the providers.~~

567 (h) The parent may not transfer any prepaid college plan or
568 college savings plan funds contributed pursuant to paragraph
569 (5) (f) to another beneficiary while the plan contains funds
570 contributed pursuant to this section.

571 (i) The parent may not receive a payment, refund, or rebate
572 from an approved provider of any services under this program.

573
574 A parent who fails to comply with this subsection forfeits the
575 Gardiner Scholarship ~~personal learning scholarship account.~~

576 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS
577 ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP ACCOUNTS.—An
578 ~~eligible nonprofit scholarship funding organization~~
579 ~~participating in the Florida Tax Credit Scholarship Program~~
580 ~~established under s. 1002.395~~ may establish Gardiner
581 Scholarships ~~personal learning scholarship accounts~~ for eligible
582 students by:

583 (a) Receiving applications and determining student
584 eligibility in accordance with the requirements of this section.
585 ~~The organization shall notify the department of the applicants~~
586 ~~for the program by March 1 before the school year in which the~~
587 ~~student intends to participate.~~ When an application is approved
588 ~~received~~, the ~~scholarship funding~~ organization must provide the
589 department with information on the student to enable the
590 department to determine ~~report the student for~~ funding in
591 accordance with subsection (13).



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592 (b) Notifying parents of their receipt of a scholarship on
593 a first-come, first-served basis, based upon the funds provided
594 ~~for this program in the General Appropriations Act.~~

595 (c) Establishing a date pursuant to paragraph (3)(b) by
596 which a parent must confirm initial or continuing participation
597 in the program and ~~confirm the establishment or continuance of a~~
598 ~~personal learning scholarship account.~~

599 (d) Reviewing applications and awarding scholarship funds
600 to approved applicants using the following priorities:

- 601 1. Renewing students from the previous school year;
602 2. Students retained on the previous school year's wait
603 list;
604 3. Newly approved applicants; and
605 4. Late-filed applicants.

606
607 An approved student who does not receive a scholarship must be
608 placed on the wait list in the order in which his or her
609 application is approved. The ~~Establishing a date and process by~~
610 ~~which~~ students on the wait list or subsequent late-filing
611 applicants may be allowed to participate in the program during
612 the fiscal school year, within the amount of funds provided ~~for~~
613 ~~this program in the General Appropriations Act.~~ A student who
614 does not receive a scholarship within the fiscal year shall be
615 retained on the wait list for the subsequent year.

616 (e) Establishing and maintaining separate accounts for each
617 eligible student. For each account, the organization must
618 maintain a record of accrued interest that is retained in the
619 student's account and available only for authorized program
620 expenditures.



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621 (f) Verifying qualifying educational expenditures pursuant
622 to the requirements of paragraph (9) (b) ~~(8) (b)~~.

623 (g) Returning any remaining program ~~unused~~ funds to the
624 department pursuant to paragraph (6) (b) ~~when the student is no~~
625 ~~longer eligible for a personal scholarship learning account.~~

626 (h) Notifying the parent about the availability of, and the
627 requirements associated with, requesting an initial IEP or IEP
628 reevaluation every 3 years for each student participating in the
629 program.

630 (i) Notifying the department of any violation of this
631 section.

632 (j) Documenting each scholarship student's eligibility for
633 a fiscal year before granting a scholarship for that fiscal year
634 pursuant to paragraph (3) (b).

635 (13) FUNDING AND PAYMENT.—

636 (a)1. The maximum funding amount granted for an eligible
637 student with a disability, pursuant to subsection (3), shall be
638 equivalent to the base student allocation in the Florida
639 Education Finance Program multiplied by the appropriate cost
640 factor for the educational program which would have been
641 provided for the student in the district school to which he or
642 she would have been assigned, multiplied by the district cost
643 differential.

644 2. In addition, an amount equivalent to a share of the
645 guaranteed allocation for exceptional students in the Florida
646 Education Finance Program shall be determined and added to the
647 amount in subparagraph 1. The calculation shall be based on the
648 methodology and the data used to calculate the guaranteed
649 allocation for exceptional students for each district in chapter



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650 2000-166, Laws of Florida. Except as provided in subparagraph
651 3., the calculation shall be based on the student's grade, the
652 matrix level of services, and the difference between the 2000-
653 2001 basic program and the appropriate level of services cost
654 factor, multiplied by the 2000-2001 base student allocation and
655 the 2000-2001 district cost differential for the sending
656 district. The calculated amount must also include an amount
657 equivalent to the per-student share of supplemental academic
658 instruction funds, instructional materials funds, technology
659 funds, and other categorical funds as provided in the General
660 Appropriations Act.

661 3. Except as otherwise provided in subsection (7), the
662 calculation for all students participating in the program shall
663 be based on the matrix that assigns the student to support Level
664 III of services. If a parent chooses to request and receive a
665 matrix of services from the school district, when the school
666 district completes the matrix, the amount of the payment shall
667 be adjusted as needed.

668 (b) The amount of the awarded funds shall be 90 percent of
669 the calculated amount. One hundred percent of the funds
670 appropriated for the program shall be released to the department
671 at the beginning of the first quarter of each fiscal year.

672 (c) Upon notification from the organization that a parent
673 has filed a final verification document pursuant to paragraph
674 (3) (b) or upon notification from the organization that a 3- or
675 4-year-old child's application has been approved for the
676 program, the department shall release the student's scholarship
677 funds to the organization to be deposited into the student's
678 account ~~an eligible student's graduation from an eligible~~



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679 ~~postsecondary educational institution or after any period of 4~~
680 ~~consecutive years after high school graduation in which the~~
681 ~~student is not enrolled in an eligible postsecondary educational~~
682 ~~institution, the student's personal learning scholarship account~~
683 ~~shall be closed, and any remaining funds shall revert to the~~
684 ~~state.~~

685 (d) For initial eligibility for the program, students
686 determined eligible by the organization for a Gardiner
687 Scholarship by:

688 1. September 1 shall receive 100 percent of the total
689 awarded funds.

690 2. November 1 shall receive 75 percent of the total awarded
691 funds.

692 3. February 1 shall receive 50 percent of the total awarded
693 funds.

694 4. April 1 shall receive 25 percent of the total awarded
695 funds.

696 (e) Accrued interest in the student's account is in
697 addition to, and not part of, the awarded funds. Program funds
698 include both the awarded funds and accrued interest.

699 (f) ~~(d)~~ The eligible nonprofit scholarship-funding
700 organization may shall develop a system for payment of benefits
701 by ~~electronic~~ funds transfer, including, but not limited to,
702 debit cards, electronic payment cards, or any other means of
703 ~~electronic~~ payment that the department deems to be commercially
704 viable or cost-effective. A student's scholarship award may not
705 be reduced for debit card or electronic payment fees.

706 Commodities or services related to the development of such a
707 system shall be procured by competitive solicitation unless they



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708 are purchased from a state term contract pursuant to s. 287.056.

709 (g) In addition to funds appropriated for scholarship
710 awards and subject to a separate, specific legislative
711 appropriation, an organization may receive an amount equivalent
712 to not more than 3 percent of the amount of each scholarship
713 award from state funds for administrative expenses if the
714 organization has operated as a nonprofit entity for at least the
715 preceding 3 fiscal years and did not have any findings of
716 material weakness or material noncompliance in its most recent
717 audit under s. 1002.395(6)(m). Such administrative expenses must
718 be reasonable and necessary for the organization's management
719 and distribution of scholarships under this section. Funds
720 authorized under this paragraph may not be used for lobbying or
721 political activity or expenses related to lobbying or political
722 activity. An organization may not charge an application fee for
723 a scholarship. Administrative expenses may not be deducted from
724 funds appropriated for scholarship awards.

725 (h) ~~(e)~~ Moneys received pursuant to this section do not
726 constitute taxable income to the qualified student or parent of
727 the qualified student.

728 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

729 (a) The Auditor General shall conduct an annual ~~financial~~
730 ~~and operational~~ audit of accounts and records of each ~~eligible~~
731 ~~scholarship-funding~~ organization that participates in the
732 program. As part of this audit, the Auditor General shall
733 verify, at a minimum, the total amount of students served and
734 the eligibility of reimbursements made by the ~~each eligible~~
735 ~~nonprofit scholarship-funding~~ organization and transmit that
736 information to the department. The Auditor General shall provide



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737 the commissioner with a copy of each annual operational audit
738 performed pursuant to this subsection within 10 days after the
739 audit is finalized.

740 (b) The Auditor General shall notify the department of any
741 ~~eligible nonprofit scholarship-funding~~ organization that fails
742 to comply with a request for information.

743 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
744 Department of Health, the Agency for Persons with Disabilities,
745 and the Department of Education shall work with an ~~eligible~~
746 ~~nonprofit scholarship-funding~~ organization for easy or automated
747 access to lists of licensed providers of services specified in
748 paragraph (5) (c) to ensure efficient administration of the
749 program.

750 (16) LIABILITY.—The state is not liable for the award or
751 any use of awarded funds under this section.

752 (17) SCOPE OF AUTHORITY.—This section does not expand the
753 regulatory authority of this state, its officers, or any school
754 district to impose additional regulation on participating
755 private schools, independent nonpublic postsecondary educational
756 institutions, and private providers beyond those reasonably
757 necessary to enforce requirements expressly set forth in this
758 section.

759 (18) RULES.—The State Board of Education shall adopt rules
760 pursuant to ss. 120.536(1) and 120.54 to administer this
761 section.

762 ~~(19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL~~
763 ~~YEAR. Notwithstanding the provisions of this section related to~~
764 ~~notification and eligibility timelines, an eligible nonprofit~~
765 ~~scholarship-funding organization may enroll parents on a rolling~~



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766 ~~schedule on a first come, first served basis, within the amount~~
767 ~~of funds provided in the General Appropriations Act.~~

768 Section 6. Paragraph (j) of subsection (6) and paragraphs
769 (a), (b), and (f) of subsection (16) of section 1002.395,
770 Florida Statutes, are amended to read:

771 1002.395 Florida Tax Credit Scholarship Program.—

772 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
773 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
774 organization:

775 (j)1. May use up to 3 percent of eligible contributions
776 received during the state fiscal year in which such
777 contributions are collected for administrative expenses if the
778 organization has operated as an eligible nonprofit scholarship-
779 funding organization under this section for at least the
780 preceding 3 state fiscal years and did not have any ~~negative~~
781 ~~financial~~ findings of material weakness or material
782 noncompliance in its most recent audit under paragraph (m). Such
783 administrative expenses must be reasonable and necessary for the
784 organization's management and distribution of eligible
785 contributions under this section. No funds authorized under this
786 subparagraph shall be used for lobbying or political activity or
787 expenses related to lobbying or political activity. Up to one-
788 third of the funds authorized for administrative expenses under
789 this subparagraph may be used for expenses related to the
790 recruitment of contributions from taxpayers. ~~If~~ An eligible
791 nonprofit scholarship-funding organization may not charge
792 ~~charges~~ an application fee ~~for a scholarship, the application~~
793 ~~fee must be immediately refunded to the person that paid the fee~~
794 ~~if the student is not enrolled in a participating school within~~



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795 ~~12 months.~~

796 2. Must expend for annual or partial-year scholarships an
797 amount equal to or greater than 75 percent of the net eligible
798 contributions remaining after administrative expenses during the
799 state fiscal year in which such contributions are collected. No
800 more than 25 percent of such net eligible contributions may be
801 carried forward to the following state fiscal year. All amounts
802 carried forward, for audit purposes, must be specifically
803 identified for particular students, by student name and the name
804 of the school to which the student is admitted, subject to the
805 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
806 and the applicable rules and regulations issued pursuant
807 thereto. Any amounts carried forward shall be expended for
808 annual or partial-year scholarships in the following state
809 fiscal year. Net eligible contributions remaining on June 30 of
810 each year that are in excess of the 25 percent that may be
811 carried forward shall be transferred to other eligible nonprofit
812 scholarship-funding organizations to provide scholarships for
813 eligible students. All transferred funds must be deposited by
814 each eligible nonprofit scholarship-funding organization
815 receiving such funds into its scholarship account. All
816 transferred amounts received by any eligible nonprofit
817 scholarship-funding organization must be separately disclosed in
818 the annual financial audit required under paragraph (m) ~~returned~~
819 to the State Treasury for deposit in the General Revenue Fund.

820 3. Must, before granting a scholarship for an academic
821 year, document each scholarship student's eligibility for that
822 academic year. A scholarship-funding organization may not grant
823 multiyear scholarships in one approval process.



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824
825 Information and documentation provided to the Department of
826 Education and the Auditor General relating to the identity of a
827 taxpayer that provides an eligible contribution under this
828 section shall remain confidential at all times in accordance
829 with s. 213.053.

830 (16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
831 APPLICATION.—In order to participate in the scholarship program
832 created under this section, a charitable organization that seeks
833 to be a nonprofit scholarship-funding organization must submit
834 an application for initial approval or renewal to the Office of
835 Independent Education and Parental Choice no later than
836 September 1 of each year before the school year for which the
837 organization intends to offer scholarships.

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

839 1. A copy of the organization's incorporation documents and
840 registration with the Division of Corporations of the Department
841 of State.

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

845 3. A description of the organization's financial plan that
846 demonstrates sufficient funds to operate throughout the school
847 year.

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

851 5. The organization's organizational chart.

852 6. A description of the criteria and methodology that the



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853 organization will use to evaluate scholarship eligibility.

854 7. A description of the application process, including
855 deadlines and any associated fees.

856 8. A description of the deadlines for attendance
857 verification and scholarship payments.

858 9. A copy of the organization's policies on conflict of
859 interest and whistleblowers.

860 10. A copy of a surety bond or letter of credit to secure
861 the faithful performance of the obligations of the eligible
862 nonprofit scholarship-funding organization in accordance with
863 this section in an amount equal to 25 percent of the scholarship
864 funds anticipated for each school year or \$100,000, whichever is
865 greater. The surety bond or letter of credit must specify that
866 any claim against the bond or letter of credit may be made only
867 by an eligible nonprofit scholarship-funding organization to
868 provide scholarships to and on behalf of students who would have
869 had scholarships funded if it were not for the diversion of
870 funds giving rise to the claim against the bond or letter of
871 credit.

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

874 1. A surety bond or letter of credit to secure the faithful
875 performance of the obligations of the eligible nonprofit
876 scholarship-funding organization in accordance with this section
877 equal to the amount of undisbursed donations held by the
878 organization based on the annual report submitted pursuant to
879 paragraph (6) (m). The amount of the surety bond or letter of
880 credit must be at least \$100,000, but not more than \$25 million.
881 The surety bond or letter of credit must specify that any claim



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882 against the bond or letter of credit may be made only by an
883 eligible nonprofit scholarship-funding organization to provide
884 scholarships to and on behalf of students who would have had
885 scholarships funded if it were not for the diversion of funds
886 giving rise to the claim against the bond or letter of credit.

887 2. The organization's completed Internal Revenue Service
888 Form 990 submitted no later than November 30 of the year before
889 the school year that the organization intends to offer the
890 scholarships, notwithstanding the September 1 application
891 deadline.

892 3. A copy of the statutorily required audit to the
893 Department of Education and Auditor General.

894 4. An annual report that includes:

895 a. The number of students who completed applications, by
896 county and by grade.

897 b. The number of students who were approved for
898 scholarships, by county and by grade.

899 c. The number of students who received funding for
900 scholarships within each funding category, by county and by
901 grade.

902 d. The amount of funds received, the amount of funds
903 distributed in scholarships, and an accounting of remaining
904 funds and the obligation of those funds.

905 e. A detailed accounting of how the organization spent the
906 administrative funds allowable under paragraph (6)(j).

907 (f) All remaining funds held by a nonprofit scholarship-
908 funding organization that is disapproved for participation must
909 be transferred ~~revert to the Department of Revenue for~~
910 ~~redistribution~~ to other eligible nonprofit scholarship-funding



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911 organizations to provide scholarships for eligible students. All
912 transferred funds must be deposited by each eligible nonprofit
913 scholarship-funding organization receiving such funds into its
914 scholarship account. All transferred amounts received by any
915 eligible nonprofit scholarship-funding organization must be
916 separately disclosed in the annual financial audit required
917 under subsection (6).

918 Section 7. Paragraph (aa) is added to subsection (4) of
919 section 1009.971, Florida Statutes, to read:

920 1009.971 Florida Prepaid College Board.—

921 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
922 board shall have the powers and duties necessary or proper to
923 carry out the provisions of ss. 1009.97-1009.988, including, but
924 not limited to, the power and duty to:

925 (aa) Adopt rules relating to the purchase and use of a
926 prepaid college plan authorized under s. 1009.98 or a college
927 savings plan authorized under s. 1009.981 for the Gardiner
928 Scholarship Program pursuant to s. 1002.385, which may include,
929 but need not be limited to:

930 1. The use of such funds for postsecondary education
931 programs for students with disabilities;

932 2. Effective procedures that allow program funds to be used
933 in conjunction with other funds used by a parent in the purchase
934 of a prepaid college plan or a college savings plan;

935 3. The tracking and accounting of program funds separately
936 from other funds contributed to a prepaid college plan or a
937 college savings plan;

938 4. The reversion of program funds, including, but not
939 limited to, earnings from contributions to the Florida College



940 Savings Plan;
941 5. The use of program funds only after private payments
942 have been used for prepaid college plan or college savings plan
943 expenditures;
944 6. Contracting with each eligible nonprofit scholarship-
945 funding organization to establish mechanisms to implement s.
946 1002.385, including, but not limited to, identifying the source
947 of funds being deposited in the plans; and
948 7. The development of a written agreement that defines the
949 owner and beneficiary of an account and outlines
950 responsibilities for the use of the advance payment contract
951 funds or savings program funds.
952 Section 8. Subsection (11) is added to section 1009.98,
953 Florida Statutes, to read:
954 1009.98 Stanley G. Tate Florida Prepaid College Program.—
955 (11) IMPLEMENTATION PROCEDURES.—
956 (a) A prepaid college plan may be purchased, accounted for,
957 used, and terminated as provided in s. 1002.385.
958 (b) A qualified beneficiary may apply the benefits of an
959 advance payment contract toward the program fees of a program
960 designed for students with disabilities conducted by a state
961 postsecondary institution. A transfer authorized under this
962 subsection may not exceed the redemption value of the advance
963 payment contract at a state postsecondary institution or the
964 number of semester credit hours contracted on behalf of a
965 qualified beneficiary. A qualified beneficiary may not be
966 changed while a prepaid college plan contains funds contributed
967 under s. 1002.385.
968 Section 9. Subsection (10) is added to section 1009.981,



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969 Florida Statutes, to read:
970 1009.981 Florida College Savings Program.—
971 (10) IMPLEMENTATION PROCEDURES.—
972 (a) A college savings plan may be purchased, accounted for,
973 used, and terminated as provided in s. 1002.385.
974 (b) A designated beneficiary may apply the benefits of a
975 participation agreement toward the program fees of a program
976 designed for students with disabilities conducted by a state
977 postsecondary institution. A designated beneficiary may not be
978 changed while a college savings plan contains funds contributed
979 under s. 1002.385.

980 Section 10. For the 2016-2017 fiscal year:
981 (1) The sum of \$71.2 million in recurring funds from the
982 General Revenue Fund is appropriated to the Department of
983 Education for scholarship awards under the Gardiner Scholarship
984 Program. In addition to the funds

985
986 ===== T I T L E A M E N D M E N T =====

987 And the title is amended as follows:
988 Delete lines 60 - 104
989 and insert:
990 payments; amending s. 1002.385, F.S.; changing the
991 name of the "Florida Personal Learning Scholarship
992 Account Program" to the "Gardiner Scholarship
993 Program"; revising terms for purposes of the Gardiner
994 Scholarship Program; revising program eligibility
995 criteria and program prohibitions for such
996 scholarships; authorizing a parent to submit a
997 specified document to receive scholarship funds before



998 confirmed eligibility; requiring that authorized
999 program funds be used to support the student's
1000 educational needs; authorizing program funds to be
1001 spent for specified fees and services; revising the
1002 terms of the program; providing for the reversion of
1003 certain funds to the state; revising the obligations
1004 of school districts, parents, and the Department of
1005 Education with respect to the program; revising the
1006 authority of the Commissioner of Education to deny,
1007 suspend, or revoke certain program participation and
1008 use of program funds; specifying maximum periods for
1009 certain suspensions and revocations; authorizing the
1010 commissioner to recover program funds through certain
1011 means; revising information that must be provided for
1012 the program by scholarship-funding organizations and
1013 parents of applicants; specifying priority for
1014 participation in the program; revising funding and
1015 payment provisions for the program; requiring the
1016 Auditor General to provide the commissioner with
1017 program annual operational audits by a specified time;
1018 amending s. 1002.395, F.S.; prohibiting a scholarship-
1019 funding organization from charging an application fee;
1020 deleting a requirement that certain fees be returned
1021 to the General Revenue Fund; providing for the
1022 transfer of contributions in excess of the amount that
1023 may be carried forward; revising the surety bond or
1024 letter of credit requirements for nonprofit
1025 scholarship-funding organizations submitting initial
1026 or renewal scholarship program participation



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1027 applications; providing for the deposit of certain
1028 transferred funds by certain scholarship-funding
1029 organizations; requiring that certain deposited funds
1030 be separately disclosed; amending s. 1009.971, F.S.;
1031 revising the duties of the Florida Prepaid College
1032 Board; amending ss. 1009.98 and 1009.981, F.S.;
1033 providing implementation procedures for the Stanley G.
1034 Tate Florida Prepaid College Program and the Florida
1035 College Savings Program relating to plans purchased
1036 through the Gardiner Scholarship