

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Education Committee
2 Representative Diaz, M. offered the following:

Amendment (with title amendment)

Between lines 27 and 28, insert:

Section 1. Paragraph (e) of subsection (2), paragraphs (d) and (h) of subsection (5) of section 1002.385, Florida Statutes, are amended, and paragraph (p) is added to subsection (5) of that section, to read:

1002.385 The Gardiner Scholarship.—

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

(e) "Eligible nonprofit scholarship-funding organization" or "organization" means a nonprofit scholarship-funding organization that is approved pursuant to s. 1002.395(15) ~~s. 1002.395(16)~~.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must

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17 be used to meet the individual educational needs of an eligible
18 student and may be spent for the following purposes:

19 (d) ~~Enrollment in, or~~ Tuition or fees associated with
20 full-time or part-time enrollment in, a home education program,
21 an eligible private school, an eligible postsecondary
22 educational institution or a program offered by the
23 postsecondary institution, a private tutoring program authorized
24 under s. 1002.43, a virtual program offered by a department-
25 approved private online provider that meets the provider
26 qualifications specified in s. 1002.45(2)(a), the Florida
27 Virtual School as a private paying student, or an approved
28 online course offered pursuant to s. 1003.499 or s. 1004.0961.

29 (h) Tuition and fees for part-time tutoring services
30 provided by a person who holds a valid Florida educator's
31 certificate pursuant to s. 1012.56; a person who holds an
32 adjunct teaching certificate pursuant to s. 1012.57; a person
33 who has a bachelor's degree or a graduate degree in the subject
34 area in which instruction is given; or a person who has
35 demonstrated a mastery of subject area knowledge pursuant to s.
36 1012.56(5). As used in this paragraph, the term "part-time
37 tutoring services" does not qualify as regular school attendance
38 as defined in s. 1003.01(13)(e).

39 (p) Tuition or fees associated with enrollment in a
40 nationally or internationally recognized research-based training
41 program for a child with a neurological disorder or brain

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42 damage.

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44 A provider of any services receiving payments pursuant to this
45 subsection may not share, refund, or rebate any moneys from the
46 Gardiner Scholarship with the parent or participating student in
47 any manner. A parent, student, or provider of any services may
48 not bill an insurance company, Medicaid, or any other agency for
49 the same services that are paid for using Gardiner Scholarship
50 funds.

51 Section 2. Section 1002.411, Florida Statutes, is created
52 to read:

53 1002.411 Reading scholarship accounts.—

54 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship
55 accounts are established to provide educational options for
56 students.

57 (2) ELIGIBILITY.—Contingent upon available funds, and on a
58 first-come, first-served basis, each student in grades 3 through
59 5 who is enrolled in a Florida public school is eligible for a
60 reading scholarship account if the student scored below a Level
61 3 on the grade 3 or grade 4 statewide, standardized English
62 Language Arts (ELA) assessment in the prior school year. An
63 eligible student who is classified as an English Learner and is
64 enrolled in a program or receiving services that are
65 specifically designed to meet the instructional needs of English
66 Learner students shall receive priority.

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67 (3) PARENT AND STUDENT RESPONSIBILITIES FOR
68 PARTICIPATION.—

69 (a) For an eligible student to receive a reading
70 scholarship account, the student's parent must:

71 1. Submit an application to an eligible nonprofit
72 scholarship-funding organization by the deadline established by
73 such organization; and

74 2. Submit eligible expenses to the eligible nonprofit
75 scholarship-funding organization for reimbursement of qualifying
76 expenditures, which may include:

77 a. Instructional materials.

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

82 c. Tuition and fees for part-time tutoring services
83 provided by a person who holds a valid Florida educator's
84 certificate pursuant to s. 1012.56; a person who holds a
85 baccalaureate or graduate degree in the subject area; a person
86 who holds an adjunct teaching certificate pursuant to s.
87 1012.57; or a person who has demonstrated a mastery of subject
88 area knowledge pursuant to s. 1012.56(5).

89 d. Fees for summer education programs.

90 e. Fees for after-school education programs.

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92 A provider of any services receiving payments pursuant to this
93 subparagraph may not share any moneys from the reading
94 scholarship with, or provide a refund or rebate of any moneys
95 from such scholarship to, the parent or participating student in
96 any manner. A parent, student, or provider of any services may
97 not bill an insurance company, Medicaid, or any other agency for
98 the same services that are paid for using reading scholarship
99 funds.

100 (b) The parent is responsible for the payment of all
101 eligible expenses in excess of the amount in the account in
102 accordance with the terms agreed to between the parent and any
103 providers and may not receive any refund or rebate of any
104 expenditures made in accordance with paragraph (a).

105 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
106 funding organization participating in the Florida Tax Credit
107 Scholarship Program established by s. 1002.395 may establish
108 reading scholarship accounts for eligible students in accordance
109 with the requirements of eligible nonprofit scholarship-funding
110 organizations under this chapter.

111 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
112 same duties imposed by this chapter upon the department
113 regarding oversight of scholarship programs administered by an
114 eligible nonprofit scholarship-funding organization.

115 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By
116 September 30, the school district shall notify the parent of

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117 each student in grades 3 through 5 who scored below a level 3 on
118 the statewide, standardized ELA assessment in the prior school
119 year of the process to request and receive a reading
120 scholarship, subject to available funds.

121 (7) ACCOUNT FUNDING AND PAYMENT.-

122 (a) For the 2018-2019 school year, the amount of the
123 scholarship shall be \$500 per eligible student. Thereafter, the
124 maximum amount awarded an eligible student shall be provided in
125 the General Appropriations Act.

126 (b) One hundred percent of the funds appropriated for the
127 reading scholarship accounts shall be released to the department
128 at the beginning of the first quarter of each fiscal year.

129 (c) Upon notification from the eligible nonprofit
130 scholarship-funding organization that a student has been
131 determined eligible for a reading scholarship, the department
132 shall release the student's scholarship funds to such
133 organization to be deposited into the student's account.

134 (d) Accrued interest in the student's account is in
135 addition to, and not part of, the awarded funds. Account funds
136 include both the awarded funds and accrued interest.

137 (e) The eligible nonprofit scholarship-funding
138 organization may develop a system for payment of scholarship
139 funds by funds transfer, including, but not limited to, debit
140 cards, electronic payment cards, or any other means of payment
141 that the department deems to be commercially viable or cost-

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142 effective. A student's scholarship award may not be reduced for
143 debit card or electronic payment fees. Commodities or services
144 related to the development of such a system shall be procured by
145 competitive solicitation unless they are purchased from a state
146 term contract pursuant to s. 287.056.

147 (f) Payment of the scholarship shall be made by the
148 eligible nonprofit scholarship-funding organization no less
149 frequently than on a quarterly basis.

150 (g) In addition to funds appropriated for scholarships and
151 subject to a separate, specific legislative appropriation, an
152 organization may receive an amount equivalent to not more than 3
153 percent of the amount of each scholarship from state funds for
154 administrative expenses if the organization has operated as a
155 nonprofit entity for at least the preceding 3 fiscal years and
156 did not have any findings of material weakness or material
157 noncompliance in its most recent audit under s. 1002.395. Such
158 administrative expenses must be reasonable and necessary for the
159 organization's management and distribution of scholarships under
160 this section. Funds authorized under this paragraph may not be
161 used for lobbying or political activity or expenses related to
162 lobbying or political activity. An organization may not charge
163 an application fee for a scholarship. Administrative expenses
164 may not be deducted from funds appropriated for scholarships.

165 (h) Moneys received pursuant to this section do not
166 constitute taxable income to the qualified student or his or her

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167 parent.

168 (i) A student's scholarship account must be closed and any
169 remaining funds shall revert to the state after:

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

175 2. Three consecutive fiscal years in which an account has
176 been inactive.

177 (8) LIABILITY.—No liability shall arise on the part of the
178 state based on the award or use of a reading scholarship
179 account.

180 Section 3. Contingent upon CS/HB 7055 or similar
181 legislation in the 2018 Regular Session of the Legislature or an
182 extension thereof failing to become law, for the 2018-2019
183 fiscal year, the sum of \$9,700,000 in recurring funds from the
184 General Revenue Fund shall be used to fund reading scholarship
185 accounts pursuant to s. 1002.411, Florida Statutes, and \$300,000
186 in recurring funds from the General Revenue Fund shall be
187 provided as an administrative fee pursuant to s. 1002.411(7)(g),
188 Florida Statutes.

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T I T L E A M E N D M E N T

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192 Remove line 3 and insert:
193 1002.385, F.S.; revising eligible expenditures for the Gardiner
194 Scholarship Program; creating s. 1002.411, F.S.; establishing
195 reading scholarship accounts for specified purposes; providing
196 for eligibility for scholarships; providing for administration;
197 providing duties of the Department of Education; providing
198 school district obligations; specifying options for parents;
199 providing that maximum funding shall be specified in the General
200 Appropriations Act; providing for payment of funds; specifying
201 that no state liability arises from the award or use of such an
202 account; providing an appropriation; 1003.436, F.S.; authorizing
203 a district school board