

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Bartleman offered the following:

2

3 **Amendment (with directory amendment)**

4 Remove lines 375-715 and insert:

5 ~~6. Contributions to the Stanley G. Tate Florida Prepaid~~  
6 ~~College Program pursuant to s. 1009.98 or the Florida College~~  
7 ~~Savings Program pursuant to s. 1009.981 for the benefit of the~~  
8 ~~eligible student.~~

9 6.7. Contracted services provided by a public school or  
10 school district, including classes. A student who receives  
11 services under a contract under this paragraph is not considered  
12 enrolled in a public school for eligibility purposes as

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13 specified in subsection (6) but rather attending a public school  
14 on a part-time basis as authorized under s. 1002.44.

15 ~~7.8.~~ Tuition and fees for part-time tutoring services or  
16 fees for services provided by a choice navigator. Such services  
17 must be provided by a person who holds a valid Florida  
18 educator's certificate pursuant to s. 1012.56, a person who  
19 holds an adjunct teaching certificate pursuant to s. 1012.57, a  
20 person who has a bachelor's degree or a graduate degree in the  
21 subject area in which instruction is given, a person who has  
22 demonstrated a mastery of subject area knowledge pursuant to s.  
23 1012.56(5), or a person certified by a nationally or  
24 internationally recognized research-based training program as  
25 approved by the department. As used in this subparagraph  
26 ~~paragraph~~, the term "part-time tutoring services" does not  
27 qualify as regular school attendance as defined in s.  
28 1003.01(13)(e).

29 ~~8.9.~~ Fees for specialized summer education programs.

30 ~~9.10.~~ Fees for specialized after-school education  
31 programs.

32 ~~10.11.~~ Transition services provided by job coaches.

33 ~~11.12.~~ Fees for an annual evaluation of educational  
34 progress by a state-certified teacher under s. 1002.41(1)(f), if  
35 this option is chosen for a home education student.

36 ~~12.13.~~ Tuition and fees associated with programs offered  
37 by Voluntary Prekindergarten Education Program providers

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38 approved pursuant to s. 1002.55 and school readiness providers  
39 approved pursuant to s. 1002.88.

40 ~~13.14.~~ Fees for services provided at a center that is a  
41 member of the Professional Association of Therapeutic  
42 Horsemanship International.

43 ~~14.15.~~ Fees for services provided by a therapist who is  
44 certified by the Certification Board for Music Therapists or  
45 credentialed by the Art Therapy Credentials Board, Inc.

46 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of  
47 educational choice:

48 (a)1. A scholarship awarded to an eligible student  
49 pursuant to paragraph (3) (a) shall remain in force until:

50 a. The organization determines that the student is not  
51 eligible for program renewal;

52 b. The Commissioner of Education suspends or revokes  
53 program participation or use of funds;

54 c. The student's parent has forfeited participation in the  
55 program for failure to comply with subsection (10);

56 d. The student enrolls in a public school. However, if a  
57 student enters a Department of Juvenile Justice detention center  
58 for a period of no more than 21 days, the student is not  
59 considered to have returned to a public school on a full-time  
60 basis for that purpose; or

61 e. The student graduates from high school or attains 21  
62 years of age, whichever occurs first.

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63 2.a. The student's scholarship account must be closed and  
64 any remaining funds shall revert to the state after:

65 (I) Denial or revocation of program eligibility by the  
66 commissioner for fraud or abuse, including, but not limited to,  
67 the student or student's parent accepting any payment, refund,  
68 or rebate, in any manner, from a provider of any services  
69 received pursuant to paragraph (4) (a); or

70 (II) Two consecutive fiscal years in which an account has  
71 been inactive.

72 b. Reimbursements for program expenditures may continue  
73 until the account balance is expended or remaining funds have  
74 reverted to the state student returns to a public school,  
75 graduates from high school, or reaches the age of 21, whichever  
76 occurs first. A scholarship student who enrolls in a public  
77 school or public school program is considered to have returned  
78 to a public school for the purpose of determining the end of the  
79 scholarship's term. However, if a student enters a Department of  
80 Juvenile Justice detention center for a period of no more than  
81 21 days, the student is not considered to have returned to a  
82 public school for that purpose.

83 (b)1. A scholarship awarded to an eligible student  
84 pursuant to paragraph (3) (b) shall remain in force until:

85 a. The parent does not renew program eligibility;

86 b. The organization determines that the student is not  
87 eligible for program renewal;

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88 c. The Commissioner of Education suspends or revokes  
89 program participation or use of funds;

90 d. The student's parent has forfeited participation in the  
91 program for failure to comply with subsection (10);

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

93 f. The student graduates from high school or attains 22  
94 years of age, whichever occurs first.

95 2. Reimbursements for program expenditures may continue  
96 until the account balance is expended or the account is closed.

97 3. A student's scholarship account must be closed and any  
98 remaining funds, including, but not limited to, contributions  
99 made to the Stanley G. Tate Florida Prepaid College Program or  
100 earnings from or contributions made to the Florida College  
101 Savings Program using program funds ~~pursuant to subparagraph~~  
102 ~~(4)(b)6.~~, shall revert to the state after:

103 a. Denial or revocation of program eligibility by the  
104 commissioner for fraud or abuse, including, but not limited to,  
105 the student or student's parent accepting any payment, refund,  
106 or rebate, in any manner, from a provider of any services  
107 received pursuant to subsection (4);

108 b. Any period of 3 consecutive years after high school  
109 completion or graduation during which the student has not been  
110 enrolled in an eligible postsecondary educational institution or  
111 a program offered by the institution; or

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112 c. Two consecutive fiscal years in which an account has  
113 been inactive.

114 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible  
115 for a Family Empowerment Scholarship while he or she is:

116 (f) Participating in virtual instruction pursuant to s.  
117 1002.455 that receives state funding pursuant to the student's  
118 participation.

119 (7) SCHOOL DISTRICT OBLIGATIONS.—

120 (b)1. The parent of a student with a disability who does  
121 not have an IEP in accordance with subparagraph (3)(b)4. or who  
122 seeks a reevaluation of an existing IEP may request an IEP  
123 meeting and evaluation from the school district in order to  
124 obtain or revise a matrix of services. The school district shall  
125 notify a parent who has made a request for an IEP that the  
126 district is required to complete the IEP and matrix of services  
127 within 30 days after receiving notice of the parent's request.  
128 The school district shall conduct a meeting and develop an IEP  
129 and a matrix of services within 30 days after receipt of the  
130 parent's request in accordance with State Board of Education  
131 rules. The district must accept the diagnosis and consider the  
132 service plan of the licensed professional providing the  
133 diagnosis pursuant to subparagraph (3)(b)4. The school district  
134 must complete a matrix that assigns the student to one of the  
135 levels of service as they existed before the 2000-2001 school  
136 year. For a nonpublic school student without an IEP, the school

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137 district is authorized to use evaluation reports and plans of  
138 care developed by the licensed professionals under subparagraph  
139 (4)(b)3. to complete the matrix of services.

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

143 b. The department shall notify the parent and the  
144 organization of the amount of the funds awarded within 10 days  
145 after receiving the school district's notification of the  
146 student's matrix level.

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

150 ~~(d) The school district in which a participating student~~  
151 ~~resides must notify the student and his or her parent about the~~  
152 ~~locations and times to take all statewide assessments under s.~~  
153 ~~1008.22 if the student chooses to participate in such~~  
154 ~~assessments.~~ Upon the request of the department, a school  
155 district shall coordinate with the department to provide to a  
156 participating private school the statewide assessments  
157 administered under s. 1008.22 and any related materials for  
158 administering the assessments. For a student who participates in  
159 the Family Empowerment Scholarship Program whose parent requests  
160 that the student take the statewide assessments under s.  
161 1008.22, the district in which the student attends a private

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162 school shall provide locations and times to take all statewide  
163 assessments. A school district is responsible for implementing  
164 test administrations at a participating private school,  
165 including the:

166 1. Provision of training for private school staff on test  
167 security and assessment administration procedures;

168 2. Distribution of testing materials to a private school;

169 3. Retrieval of testing materials from a private school;

170 4. Provision of the required format for a private school  
171 to submit information to the district for test administration  
172 and enrollment purposes; and

173 5. Provision of any required assistance, monitoring, or  
174 investigation at a private school.

175 ~~(f) A school district shall report all students who are~~  
176 ~~receiving a scholarship under this program. Students receiving a~~  
177 ~~scholarship shall be reported separately from other students~~  
178 ~~reported for purposes of the Florida Education Finance Program.~~

179 ~~(g) A school district shall be held harmless for students~~  
180 ~~who are receiving a scholarship under this program from the~~  
181 ~~weighted enrollment ceiling for group 2 programs in s.~~  
182 ~~1011.62(1)(d)3.b. during the first school year in which the~~  
183 ~~students are reported.~~

184 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.-

185 (a) The department shall:

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186 1. Publish and update, as necessary, information on the  
187 department website about the Family Empowerment Scholarship  
188 Program, including, but not limited to, student eligibility  
189 criteria, parental responsibilities, and relevant data.

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

196 3. Maintain and annually publish a list of nationally  
197 norm-referenced tests identified for purposes of satisfying the  
198 testing requirement in subparagraph (9)(c)1. The tests must meet  
199 industry standards of quality in accordance with state board  
200 rule.

201 4. Notify eligible nonprofit scholarship-funding  
202 organizations of the deadlines for submitting the verified list  
203 of students determined to be eligible for a scholarship. An  
204 eligible nonprofit scholarship-funding organization may not  
205 submit a student for funding after February 1.

206 ~~5. Notify each school district of a parent's participation~~  
207 ~~in the scholarship program for purposes of paragraph (7)(f).~~

208 ~~5.6.~~ Deny or terminate program participation upon a  
209 parent's failure to comply with subsection (10).

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210        ~~6.7.~~ Notify the parent and the organization when a  
211 scholarship account is closed and program funds revert to the  
212 state.

213        ~~7.8.~~ Notify an eligible nonprofit scholarship-funding  
214 organization of any of the organization's or other  
215 organization's identified students who are receiving  
216 scholarships under this chapter.

217        ~~8.9.~~ Maintain on its website a list of approved providers  
218 as required by s. 1002.66, eligible postsecondary educational  
219 institutions, eligible private schools, and eligible  
220 organizations and may identify or provide links to lists of  
221 other approved providers.

222        ~~9.10.~~ Require each organization to verify eligible  
223 expenditures before the distribution of funds for any  
224 expenditures made pursuant to subparagraphs (4) (b)1. and 2.  
225 Review of expenditures made for services specified in  
226 subparagraphs (4) (b) 3.-14. ~~(4) (b) 3.-15.~~ may be completed after  
227 the purchase is made.

228        ~~10.11.~~ Investigate any written complaint of a violation of  
229 this section by a parent, a student, a private school, a public  
230 school, a school district, an organization, a provider, or  
231 another appropriate party in accordance with the process  
232 established under s. 1002.421.

233        ~~11.12.~~ Require quarterly reports by an organization, which  
234 must include, at a minimum, the number of students participating

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235 in the program; the demographics of program participants; the  
236 disability category of program participants; the matrix level of  
237 services, if known; the program award amount per student; the  
238 total expenditures for the purposes specified in paragraph  
239 (4)(b); the types of providers of services to students; and any  
240 other information deemed necessary by the department.

241 ~~12.13.~~ Notify eligible nonprofit scholarship-funding  
242 organizations that scholarships may not be awarded in a school  
243 district in which the award will exceed 99 percent of the school  
244 district's share of state funding through the Florida Education  
245 Finance Program as calculated by the department.

246 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-  
247 funding organizations and, when the Florida Education Finance  
248 Program is recalculated, adjust the amount of state funds  
249 allocated to school districts through the Florida Education  
250 Finance Program based upon the results of the cross-check  
251 completed pursuant to subparagraph 2.

252 (c) The department shall notify each school district of  
253 the full-time equivalent student consensus estimate of students  
254 participating in the program developed pursuant to s.  
255 216.136(4)(a).

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

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260 (d) For a student determined eligible pursuant to  
261 paragraph (3)(b), discuss the school's academic programs and  
262 policies, specialized services, code of conduct, and attendance  
263 policies before enrollment with the parent to determine which  
264 programs and services may meet the student's individual needs.

265  
266 If a private school fails to meet the requirements of this  
267 subsection or s. 1002.421, the commissioner may determine that  
268 the private school is ineligible to participate in the  
269 scholarship program.

270 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
271 PARTICIPATION.—

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

276 1. Select the private school and apply for the admission  
277 of his or her student.

278 2. Request the scholarship by a date established by the  
279 organization, in a manner that creates a written or electronic  
280 record of the request and the date of receipt of the request.

281 3. Inform the applicable school district when the parent  
282 withdraws his or her student from a public school to attend an  
283 eligible private school.

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

287 5. Meet with the private school's principal or the  
288 principal's designee to review the school's academic programs  
289 and policies, specialized services ~~customized educational~~  
290 ~~programs~~, code of student conduct, and attendance policies  
291 before ~~prior to~~ enrollment.

292 6. Require that the student participating in the  
293 scholarship program takes the norm-referenced assessment offered  
294 by the private school. The parent may also choose to have the  
295 student participate in the statewide assessments pursuant to  
296 paragraph (7)(d). If the parent requests that the student  
297 participating in the program take all statewide assessments  
298 required pursuant to s. 1008.22, the parent is responsible for  
299 transporting the student to the assessment site designated by  
300 the school district.

301 7. Approve each payment before the scholarship funds may  
302 be deposited by funds transfer ~~Restrictively endorse the~~  
303 ~~warrant, issued in the name of the parent pursuant to~~  
304 ~~subparagraph (12)(a)4. (12)(a)6., to the private school for~~  
305 ~~deposit into the private school's account.~~ The parent may not  
306 designate any entity or individual associated with the  
307 participating private school as the parent's attorney in fact to

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308 approve a funds transfer. A participant who fails to comply with  
309 this paragraph forfeits the ~~endorse~~ a scholarship warrant.

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

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

320 1. Apply to an eligible nonprofit scholarship-funding  
321 organization to participate in the program by a date set by the  
322 organization. The request must be communicated directly to the  
323 organization in a manner that creates a written or electronic  
324 record of the request and the date of receipt of the request.

325 2. Sign an agreement with the organization and annually  
326 submit a sworn compliance statement to the organization to  
327 satisfy or maintain program eligibility, including eligibility  
328 to receive and spend program payments by:

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

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332 ~~b. Affirming that the program funds are used only for~~  
333 ~~authorized purposes serving the student's educational needs, as~~  
334 ~~described in paragraph (4)(b); that any prepaid college plan or~~  
335 ~~college savings plan funds contributed pursuant to subparagraph~~  
336 ~~(4)(b)6. will not be transferred to another beneficiary while~~  
337 ~~the plan contains funds contributed pursuant to this section;~~  
338 ~~and that they will not receive a payment, refund, or rebate of~~  
339 ~~any funds provided under this section.~~

340 ~~b.e.~~ Affirming that the parent is responsible for all  
341 eligible expenses in excess of the amount of the scholarship and  
342 for the education of his or her student by, as applicable:

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

345 (II) Providing an annual evaluation in accordance with s.  
346 1002.41(1)(f); or

347 (III) Requiring the child to take any preassessments and  
348 postassessments selected by the provider if the child is 4 years  
349 of age and is enrolled in a program provided by an eligible  
350 Voluntary Prekindergarten Education Program provider. A student  
351 with disabilities for whom the physician or psychologist who  
352 issued the diagnosis or the IEP team determines that a  
353 preassessment and postassessment is not appropriate is exempt  
354 from this requirement. A participating provider shall report a  
355 student's scores to the parent.

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356 ~~c.d.~~ Affirming that the student remains in good standing  
357 with the provider or school if those options are selected by the  
358 parent.

359 ~~d.e.~~ Enrolling his or her child in a program from a  
360 Voluntary Prekindergarten Education Program provider authorized  
361 under s. 1002.55, a school readiness provider authorized under  
362 s. 1002.88, or an eligible private school if either option is  
363 selected by the parent.

364 ~~e.f.~~ Renewing participation in the program each year. A  
365 student whose participation in the program is not renewed may  
366 continue to spend scholarship funds that are in his or her  
367 account from prior years unless the account must be closed  
368 pursuant to subparagraph (5) (b)3. Notwithstanding any changes to  
369 the student's IEP, a student who was previously eligible for  
370 participation in the program shall remain eligible to apply for  
371 renewal. However, for a high-risk child to continue to  
372 participate in the program in the school year after he or she  
373 reaches 6 years of age, the child's application for renewal of  
374 program participation must contain documentation that the child  
375 has a disability defined in paragraph (2) (e) ~~paragraph (2) (d)~~  
376 other than high-risk status.

377 ~~f.g.~~ Procuring the services necessary to educate the  
378

379 -----

380 **D I R E C T O R Y A M E N D M E N T**

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381           Remove line 223 and insert:  
382   (3), subsection (4), paragraphs (a) and (b) of subsection (5),  
383   paragraph

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