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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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05/01/2014 03:36 PM

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Senator Stargel moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (k) is added to subsection (2) and  
paragraph (y) is added to subsection (3) of section 11.45,  
Florida Statutes, and subsection (8) of that section is amended,  
to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(k) Annually conduct operational audits of the accounts and



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12 records of eligible nonprofit scholarship-funding organizations  
13 receiving eligible contributions under s. 1002.395, including  
14 any contracts for services with related entities, to determine  
15 compliance with the provisions of that section. Such audits  
16 shall include, but not be limited to, a determination of the  
17 eligible nonprofit scholarship funding organization's compliance  
18 with s. 1002.395(6)(j). The Auditor General shall provide its  
19 report on the results of the audits to the Governor, the  
20 President of the Senate, the Speaker of the House of  
21 Representatives, the Chief Financial Officer, and the  
22 Legislative Auditing Committee, within 30 days of completion of  
23 the audit.

24  
25 The Auditor General shall perform his or her duties  
26 independently but under the general policies established by the  
27 Legislative Auditing Committee. This subsection does not limit  
28 the Auditor General's discretionary authority to conduct other  
29 audits or engagements of governmental entities as authorized in  
30 subsection (3).

31 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor  
32 General may, pursuant to his or her own authority, or at the  
33 direction of the Legislative Auditing Committee, conduct audits  
34 or other engagements as determined appropriate by the Auditor  
35 General of:

36 (y) The accounts and records of a nonprofit scholarship-  
37 funding organization participating in a state sponsored  
38 scholarship program authorized by chapter 1002.

39 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in  
40 consultation with the Board of Accountancy, shall adopt rules



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41 for the form and conduct of all financial audits performed by  
42 independent certified public accountants pursuant to ss.  
43 215.981, 218.39, 1001.453, 1002.395, 1004.28, and 1004.70. The  
44 rules for audits of local governmental entities, charter  
45 schools, charter technical career centers, and district school  
46 boards must include, but are not limited to, requirements for  
47 the reporting of information necessary to carry out the purposes  
48 of the Local Governmental Entity, Charter School, Charter  
49 Technical Career Center, and District School Board Financial  
50 Emergencies Act as stated in s. 218.501.

51 Section 2. Section 1002.385, Florida Statutes, is created  
52 to read:

53 1002.385 Florida personal learning scholarship accounts.—

54 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personal Learning  
55 Scholarship Accounts Program is established to provide the  
56 option for a parent to better meet the individual educational  
57 needs of his or her eligible child.

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

59 (a) "Approved provider" means a provider approved by the  
60 Agency for Persons with Disabilities, a health care practitioner  
61 as defined in s. 456.001(4), or a provider approved by the  
62 department pursuant to s. 1002.66.

63 (b) "Curriculum" means a complete course of study for a  
64 particular content area or grade level, including any required  
65 supplemental materials.

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

67 (d) "Disability" means, for a student in kindergarten to  
68 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,  
69 as defined in s. 393.063(4); Down syndrome, as defined in s.



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70 393.063(13); an intellectual disability, as defined in s.  
71 393.063(21); Prader-Willi syndrome, as defined in s.  
72 393.063(25); or Spina bifida, as defined in s. 393.063(36); for  
73 a student in kindergarten, being a high-risk child, as defined  
74 in s. 393.063(20) (a); and Williams syndrome.

75 (e) "Eligible nonprofit scholarship-funding organization"  
76 or "organization" has the same meaning as in s. 1002.395.

77 (f) "Eligible postsecondary educational institution" means  
78 a Florida College System institution, a state university, a  
79 school district technical center, a school district adult  
80 general education center, or an accredited nonpublic  
81 postsecondary educational institution, as defined in s. 1005.02,  
82 which is licensed to operate in the state pursuant to  
83 requirements specified in part III of chapter 1005.

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

- 88 1. Sections 1002.42 and 1002.421; and  
89 2. A scholarship program under s. 1002.39 or s. 1002.395,  
90 as applicable, if the private school participates in a  
91 scholarship program under s. 1002.39 or s. 1002.395.

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

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

95 (j) "Program" means the Florida Personal Learning  
96 Scholarship Accounts Program established in this section.

97 (3) PROGRAM ELIGIBILITY.—A parent of a student with a  
98 disability may request and receive from the state a Florida



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99 personal learning scholarship account for the purposes specified  
100 in subsection (5) if:

101 (a) The student:

102 1. Is a resident of this state;

103 2. Is eligible to enroll in kindergarten through grade 12  
104 in a public school in this state;

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

106 4. Is the subject of an IEP written in accordance with

107 rules of the State Board of Education or has received a

108 diagnosis of a disability as defined in subsection (2) from a

109 physician who is licensed under chapter 458 or chapter 459 or a

110 psychologist who is licensed in this state.

111 (b) Beginning January, 2015, the parent has applied to an

112 eligible nonprofit scholarship-funding organization to

113 participate in the program by February 1 before the school year

114 in which the student will participate or an alternative date as

115 set by the organization for any vacant, funded slots. The

116 request must be communicated directly to the organization in a

117 manner that creates a written or electronic record of the

118 request and the date of receipt of the request. The organization

119 shall notify the district and the department of the parent's

120 intent upon receipt of the parent's request.

121 (4) PROGRAM PROHIBITIONS.—

122 (a) A student is not eligible for the program while he or

123 she is:

124 1. Enrolled in a public school, including, but not limited

125 to, the Florida School for the Deaf and the Blind, the Florida

126 Virtual School, the College-Preparatory Boarding Academy, a

127 developmental research school authorized under s. 1002.32, a



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128 charter school authorized under s. 1002.33, s. 1002.331, or s.  
129 1002.332, or a virtual education program authorized under s.  
130 1002.45;

131 2. Enrolled in a school operating for the purpose of  
132 providing educational services to youth in the Department of  
133 Juvenile Justice commitment programs;

134 3. Receiving a scholarship pursuant to the Florida Tax  
135 Credit Scholarship Program under s. 1002.395 or the John M.  
136 McKay Scholarships for Students with Disabilities Program under  
137 s. 1002.39; or

138 4. Receiving any other educational scholarship pursuant to  
139 this chapter.

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

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

144 2. The student's participation in the program has been  
145 denied or revoked by the Commissioner of Education pursuant to  
146 subsection (10); or

147 3. The student's parent has forfeited participation in the  
148 program for failure to comply with requirements pursuant to  
149 subsection (11).

150 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be  
151 spent for the following purposes:

152 (a) Instructional materials, including digital devices,  
153 digital periphery devices, and assistive technology devices that  
154 allow a student to access instruction or instructional content.

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

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

183 (f) Contributions to the Stanley G. Tate Florida Prepaid  
184 College Program pursuant to s. 1009.98, for the benefit of the  
185 eligible student.



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

191  
192 A specialized service provider, eligible private school,  
193 eligible postsecondary educational institution, private tutoring  
194 program provider, online or virtual program provider, public  
195 school, school district, or other entity receiving payments  
196 pursuant to this subsection may not share, refund, or rebate any  
197 moneys from the Florida Personal learning scholarship account  
198 with the parent or participating student in any manner.

199 (6) TERM OF THE PROGRAM.—For purposes of continuity of  
200 educational choice, the program payments made under this section  
201 shall remain in force until a student participating in the  
202 program participates in any of the prohibited activities  
203 specified in subsection (4), has funds revoked by the  
204 Commissioner of Education pursuant to subsection (10), returns  
205 to a public school, graduates from high school, or attains 22  
206 years of age, whichever occurs first. A participating student  
207 who enrolls in a public school or public school program is  
208 considered to have returned to a public school for the purpose  
209 of determining the end of the program's term.

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

211 (a)1. For a student with a disability who does not have a  
212 matrix of services under s. 1011.62(1)(e) and for whom the  
213 parent requests a matrix of services, the school district must  
214 complete a matrix that assigns the student to one of the levels





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215 of service as they existed before the 2000-2001 school year.

216 2.a. Within 10 school days after a school district receives  
217 notification of a parent's request for completion of a matrix of  
218 services, the school district must notify the student's parent  
219 if the matrix of services has not been completed and inform the  
220 parent that the district is required to complete the matrix  
221 within 30 days after receiving notice of the parent's request  
222 for the matrix of services. This notice must include the  
223 required completion date for the matrix.

224 b. The school district shall complete the matrix of  
225 services for a student whose parent has made a request. The  
226 school district must provide the student's parent with the  
227 student's matrix level within 10 school days after its  
228 completion.

229 c. The department shall notify the parent and the eligible  
230 nonprofit scholarship-funding organization of the amount of the  
231 funds awarded within 10 days after receiving the school  
232 district's notification of the student's matrix level.

233 d. A school district may change a matrix of services only  
234 if the change is to correct a technical, typographical, or  
235 calculation error.

236 (b) For each student participating in the program who  
237 chooses to participate in statewide, standardized assessments  
238 under s. 1008.22 or the Florida Alternate Assessment, the school  
239 district in which the student resides must notify the student  
240 and his or her parent about the locations and times to take all  
241 statewide, standardized assessments.

242 (c) For each student participating in the program, a school  
243 district shall notify the parent about the availability of a



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244 reevaluation at least every 3 years.

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

247 (a) Comply with all requirements for private schools  
248 participating in state school choice scholarship programs  
249 pursuant to s. 1002.421.

250 (b) Provide to the eligible nonprofit scholarship-funding  
251 organization, upon request, all documentation required for the  
252 student's participation, including the private school's and  
253 student's fee schedules.

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

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

258 2. Annually administering or making provision for students  
259 participating in the program in grades 3 through 10 to take one  
260 of the nationally norm-referenced tests identified by the  
261 Department of Education or the statewide assessments pursuant to  
262 s. 1008.22. Students with disabilities for whom standardized  
263 testing is not appropriate are exempt from this requirement. A  
264 participating private school shall report a student's scores to  
265 the parent.

266 3. Cooperating with the scholarship student whose parent  
267 chooses to have the student participate in the statewide  
268 assessments pursuant to s. 1008.22 or, if a private school  
269 chooses to offer the statewide assessments, administering the  
270 assessments at the school.

271 a. A participating private school may choose to offer and  
272 administer the statewide assessments to all students who attend



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273 the private school in grades 3 through 10.

274 b. A participating private school shall submit a request in  
275 writing to the Department of Education by March 1 of each year  
276 in order to administer the statewide assessments in the  
277 subsequent school year.

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

281 (e) Annually contract with an independent certified public  
282 accountant to perform the agreed-upon procedures developed under  
283 s. 1002.395(6)(n) and produce a report of the results if the  
284 private school receives more than \$250,000 in funds from  
285 scholarships awarded under this section in the 2014-2015 state  
286 fiscal year or a state fiscal year thereafter. A private school  
287 subject to this paragraph must submit the report by September  
288 15, 2015, and annually thereafter to the scholarship-funding  
289 organization that awarded the majority of the school's  
290 scholarship funds. The agreed-upon procedures must be conducted  
291 in accordance with attestation standards established by the  
292 American Institute of Certified Public Accountants.

293  
294 The inability of a private school to meet the requirements of  
295 this subsection constitutes a basis for the ineligibility of the  
296 private school to participate in the program as determined by  
297 the department.

298 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
299 shall:

300 (a) Maintain a list of approved providers.

301 (b) Require each eligible nonprofit scholarship-funding



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302 organization to verify eligible expenditures before the  
303 distribution of funds for any expenditures made pursuant to  
304 paragraphs (5) (a) and (b). Review of expenditures made for  
305 services in paragraphs (5) (c) through (g) may be completed after  
306 the payment has been made.

307 (c) Investigate any written complaint of a violation of  
308 this section in accordance with the process established by s.  
309 1002.395(9) (f).

310 (d) Require quarterly reports by an eligible nonprofit  
311 scholarship-funding organization regarding the number of  
312 students participating in the program, the providers of services  
313 to students, and other information deemed necessary by the  
314 department.

315 (e) Compare the list of student's participating in the  
316 program with the public school enrollment lists before each  
317 program payment to avoid duplicate payments.

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

319 (a) The Commissioner of Education:

320 1. Shall deny, suspend, or revoke a student's participation  
321 in the program if the health, safety, or welfare of the student  
322 is threatened or fraud is suspected.

323 2. Shall deny, suspend, or revoke an authorized use of  
324 program funds if the health, safety, or welfare of the student  
325 is threatened or fraud is suspected.

326 3. May deny, suspend, or revoke an authorized use of  
327 program funds for material failure to comply with this section  
328 and applicable department rules if the noncompliance is  
329 correctable within a reasonable period of time. Otherwise, the  
330 commissioner shall deny, suspend, or revoke an authorized use



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331 for failure to materially comply with the law and rules adopted  
332 under this section.

333 4. Shall require compliance by the appropriate party by a  
334 date certain for all nonmaterial failures to comply with this  
335 section and applicable department rules. The commissioner may  
336 deny, suspend, or revoke program participation under this  
337 section thereafter.

338 (b) In determining whether to deny, suspend, or revoke in  
339 accordance with this subsection, the commissioner may consider  
340 factors that include, but are not limited to, acts or omissions  
341 by a participating entity which led to a previous denial or  
342 revocation of participation in an education scholarship program;  
343 failure to reimburse the eligible nonprofit scholarship-funding  
344 organization for program funds improperly received or retained  
345 by the entity; imposition of a prior criminal sanction related  
346 to the entity or its officers or employees; imposition of a  
347 civil fine or administrative fine, license revocation or  
348 suspension, or program eligibility suspension, termination, or  
349 revocation related to an entity's management or operation; or  
350 other types of criminal proceedings in which the entity or its  
351 officers or employees were found guilty of, regardless of  
352 adjudication, or entered a plea of nolo contendere or guilty to,  
353 any offense involving fraud, deceit, dishonesty, or moral  
354 turpitude.

355 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
356 PARTICIPATION.—A parent who applies for program participation  
357 under this section is exercising his or her parental option to  
358 determine the appropriate placement or the services that best  
359 meet the needs of his or her child. The scholarship award for a



360 student is based on a matrix that assigns the student to support  
361 Level III services. If a parent chooses to request and receive  
362 an IEP and a matrix of services from the school district, the  
363 amount of the payment shall be adjusted as needed, when the  
364 school district completes the matrix.

365 (a) To enroll an eligible student in the program, the  
366 parent must sign an agreement with the eligible nonprofit  
367 scholarship-funding organization and annually submit a  
368 notarized, sworn compliance statement to the organization to:

369 1. Affirm that the student is enrolled in a program that  
370 meets regular school attendance requirements as provided in s.  
371 1003.01(13)(b) through (d).

372 2. Use the program funds only for authorized purposes, as  
373 described in subsection (5).

374 3. Affirm that the student takes all appropriate  
375 standardized assessments as specified in this section.

376 a. If the parent enrolls the child in an eligible private  
377 school, the student must take an assessment selected by the  
378 private school pursuant to s. 1002.395(7)(e).

379 b. If the parent enrolls the child in a home education  
380 program, the parent may choose to participate in an assessment  
381 as part of the annual evaluation provided for in s.  
382 1002.41(1)(c).

383 4. Notify the school district that the student is  
384 participating in the Personal Learning Scholarship Accounts if  
385 the parent chooses to enroll in a home education program as  
386 provided in s. 1002.41.

387 5. Request participation in the program by the date  
388 established by the eligible nonprofit scholarship-funding



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389 organization.

390 6. Affirm that the student remains in good standing with  
391 the provider or school if those options are selected by the  
392 parent.

393 7. Apply for admission of his or her child if the private  
394 school option is selected by the parent.

395 8. Annually renew participation in the program.

396 Notwithstanding any changes to the student's IEP, a student who  
397 was previously eligible for participation in the program shall  
398 remain eligible to apply for renewal as provided in subsection  
399 (6).

400 9. Affirm that the parent will not transfer any college  
401 savings funds to another beneficiary.

402 10. Affirm that the parent will not take possession of any  
403 funding provided by the state for the Florida Personal Learning  
404 Scholarship Accounts.

405 11. Maintain a portfolio of records and materials which  
406 must be preserved by the parent for 2 years and be made  
407 available for inspection by the district school superintendent  
408 or the superintendent's designee upon 15 days' written notice.  
409 This paragraph does not require the superintendent to inspect  
410 the portfolio. The portfolio of records and materials must  
411 consist of:

412 a. A log of educational instruction and services which is  
413 made contemporaneously with delivery of the instruction and  
414 services and which designates by title any reading materials  
415 used; and

416 b. Samples of any writings, worksheets, workbooks, or  
417 creative materials used or developed by the student.



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418       (b) The parent is responsible for procuring the services  
419 necessary to educate the student. When the student receives a  
420 personal learning scholarship account, the district school board  
421 is not obligated to provide the student with a free appropriate  
422 public education. For purposes of s. 1003.57 and the Individuals  
423 with Disabilities in Education Act, a participating student has  
424 only those rights that apply to all other unilaterally  
425 parentally placed students, except that, when requested by the  
426 parent, school district personnel must develop an individual  
427 education plan or matrix level of services.

428       (c) The parent is responsible for the payment of all  
429 eligible expenses in excess of the amount of the personal  
430 learning scholarship account in accordance with the terms agreed  
431 to between the parent and the providers.

432  
433 A parent who fails to comply with this subsection forfeits the  
434 personal learning scholarship account.

435       (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP  
436 ACCOUNTS.—An eligible nonprofit scholarship-funding organization  
437 participating in the Florida Tax Credit Scholarship Program  
438 established under s. 1002.395 may establish personal learning  
439 scholarship accounts for eligible students by:

440       (a) Receiving applications and determining student  
441 eligibility in accordance with the requirements of this section.  
442 The organization shall notify the department of the applicants  
443 for the program by March 1 before the school year in which the  
444 student intends to participate. When an application is received,  
445 the scholarship funding organization must provide the department  
446 with information on the student to enable the department to





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447 report the student for funding in accordance with subsection  
448 (13).

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

452 (c) Establishing a date by which a parent must confirm  
453 initial or continuing participation in the program and confirm  
454 the establishment or continuance of a personal learning  
455 scholarship account.

456 (d) Establishing a date and process by which students on  
457 the wait list or late-filing applicants may be allowed to  
458 participate in the program during the school year, within the  
459 amount of funds provided for this program in the General  
460 Appropriations Act.

461 (e) Establishing and maintaining separate accounts for each  
462 eligible student.

463 (f) Verifying qualifying expenditures pursuant to the  
464 requirements of paragraph (8) (b).

465 (g) Returning any unused funds to the department when the  
466 student is no longer eligible for a personal scholarship  
467 learning account.

468 (13) FUNDING AND PAYMENT.—

469 (a)1. The maximum funding amount granted for an eligible  
470 student with a disability, pursuant to subsection (3), shall be  
471 equivalent to the base student allocation in the Florida  
472 Education Finance Program multiplied by the appropriate cost  
473 factor for the educational program which would have been  
474 provided for the student in the district school to which he or  
475 she would have been assigned, multiplied by the district cost



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476 differential.

477 2. In addition, an amount equivalent to a share of the  
478 guaranteed allocation for exceptional students in the Florida  
479 Education Finance Program shall be determined and added to the  
480 amount in subparagraph 1. The calculation shall be based on the  
481 methodology and the data used to calculate the guaranteed  
482 allocation for exceptional students for each district in chapter  
483 2000-166, Laws of Florida. Except as provided in subparagraph  
484 3., the calculation shall be based on the student's grade, the  
485 matrix level of services, and the difference between the 2000-  
486 2001 basic program and the appropriate level of services cost  
487 factor, multiplied by the 2000-2001 base student allocation and  
488 the 2000-2001 district cost differential for the sending  
489 district. The calculated amount must also include an amount  
490 equivalent to the per-student share of supplemental academic  
491 instruction funds, instructional materials funds, technology  
492 funds, and other categorical funds as provided in the General  
493 Appropriations Act.

494 3. Except as otherwise provided, the calculation for all  
495 students participating in the program shall be based on the  
496 matrix that assigns the student to support level III of  
497 services. If a parent chooses to request and receive a matrix of  
498 services from the school district, when the school district  
499 completes the matrix, the amount of the payment shall be  
500 adjusted as needed.

501 (b) The amount of the awarded funds shall be 90 percent of  
502 the calculated amount.

503 (c) Upon an eligible student's graduation from an eligible  
504 postsecondary educational institution or after any period of 4



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505 consecutive years after high school graduation in which the  
506 student is not enrolled in an eligible postsecondary educational  
507 institution, the student's personal learning scholarship account  
508 shall be closed, and any remaining funds shall revert to the  
509 state.

510 (d) The eligible nonprofit scholarship-funding organization  
511 shall develop a system for payment of benefits by electronic  
512 funds transfer, including, but not limited to, debit cards,  
513 electronic payment cards, or any other means of electronic  
514 payment that the department deems to be commercially viable or  
515 cost-effective. Commodities or services related to the  
516 development of such a system shall be procured by competitive  
517 solicitation unless they are purchased from a state term  
518 contract pursuant to s. 287.056.

519 (e) Moneys received pursuant to this section do not  
520 constitute taxable income to the parent of the qualified  
521 student.

522 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

523 (a) The Auditor General shall conduct an annual financial  
524 and operational audit of accounts and records of each eligible  
525 scholarship-funding organization that participates in the  
526 program. As part of this audit, the Auditor General shall  
527 verify, at a minimum, the total amount of students served and  
528 eligibility of reimbursements made by each eligible nonprofit  
529 scholarship-funding organization and transmit that information  
530 to the department.

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



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534           (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The  
535 Department of Health, the Agency for Persons with Disabilities,  
536 and the Department of Education shall work with an eligible  
537 nonprofit scholarship-funding organization for easy or automated  
538 access to lists of licensed providers of services specified in  
539 paragraph (5) (c) to ensure efficient administration of the  
540 program.

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

543           (17) SCOPE OF AUTHORITY.—This section does not expand the  
544 regulatory authority of this state, its officers, or any school  
545 district to impose additional regulation on participating  
546 private schools, nonpublic postsecondary educational  
547 institutions, and private providers beyond those reasonably  
548 necessary to enforce requirements expressly set forth in this  
549 section.

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

553           (19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL  
554 YEAR.—Notwithstanding the provisions of this section related to  
555 notification and eligibility timelines, an eligible nonprofit  
556 scholarship-funding organization may enroll parents on a rolling  
557 schedule on a first-come, first-served basis, within the amount  
558 of funds provided in the General Appropriations Act.

559           Section 3. Paragraph (c) is added to subsection (1),  
560 paragraph (f) of subsection (2), subsection (3), subsection (5),  
561 subsection (6), paragraphs (c) and (e) of subsection (8),  
562 paragraphs (d), (j), and (o) of subsection (9), and paragraph



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563 (a) of subsection (12) of section 1002.395, Florida Statutes,  
564 are amended, present paragraphs (h) through (j) of subsection  
565 (2) are redesignated as paragraphs (i) through (k),  
566 respectively, and a new paragraph (h) is added to that  
567 subsection, paragraph (g) is added to subsection (7), and  
568 subsection (16) is added to that section, to read:

569 1002.395 Florida Tax Credit Scholarship Program.—

570 (1) FINDINGS AND PURPOSE.—

571 (c) The purpose of this section is not to prescribe the  
572 standards or curriculum for private schools. A private school  
573 retains the authority to determine its own standards and  
574 curriculum.

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

576 (f) "Eligible nonprofit scholarship-funding organization"  
577 means a state university; or an independent college or  
578 university that is eligible to participate in the William L.  
579 Boyd, IV, Florida Resident Access Grant Program, located and  
580 chartered in this state, is not for profit, and is accredited by  
581 the Commission on Colleges of the Southern Association of  
582 Colleges and Schools; or is a charitable organization that:

583 1. Is exempt from federal income tax pursuant to s.

584 501(c)(3) of the Internal Revenue Code;

585 2. Is a Florida entity formed under chapter 607, chapter  
586 608, or chapter 617 and whose principal office is located in the  
587 state; and

588 3. Complies with subsections ~~the provisions of subsection~~  
589 (6) and (16).

590 (h) "Household income" has the same meaning as the term  
591 "income" is defined in the Income Eligibility Guidelines for



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592 free and reduced price meals under the National School Lunch  
593 Program in 7 C.F.R. part 210 as published in the Federal  
594 Register by the United States Department of Agriculture.

595 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

596 (a) The Florida Tax Credit Scholarship Program is  
597 established.

598 (b) For the 2014-2015 and 2015-2016 school years,  
599 contingent upon available funds, a student is eligible for a  
600 Florida tax credit scholarship under this section if the student  
601 meets one or more of the following criteria:

602 1. The student qualifies for free or reduced-price school  
603 lunches under the National School Lunch Act or is on the direct  
604 certification list; ~~and:~~

605 ~~a. Was counted as a full-time equivalent student during the~~  
606 ~~previous state fiscal year for purposes of state per-student~~  
607 ~~funding;~~

608 ~~b. Received a scholarship from an eligible nonprofit~~  
609 ~~scholarship-funding organization or from the State of Florida~~  
610 ~~during the previous school year; or~~

611 ~~e. Is eligible to enter kindergarten through fifth grade.~~

612 2. The student is currently placed, or during the previous  
613 state fiscal year was placed, in foster care or in out-of-home  
614 care as defined in s. 39.01; ~~or.~~

615 3. The student continues in the scholarship program as long  
616 as the student's household income level does not exceed 230  
617 percent of the federal poverty level.

618 ~~4. The student, who is a first-time tax credit scholarship~~  
619 ~~recipient, is a sibling of a student who is continuing in the~~  
620 ~~scholarship program and who resides in the same household as the~~



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621 ~~student if the sibling meets one or more of the criteria~~  
622 ~~specified in subparagraphs 1. and 2. and as long as the~~  
623 ~~student's and sibling's household income level does not exceed~~  
624 ~~230 percent of the federal poverty level.~~

625 (c) For the 2016-2017 school year and thereafter,  
626 contingent upon available funds, a student is eligible for a  
627 Florida tax credit scholarship under this section if the student  
628 meets one or more of the following criteria:

629 1. The student is on the direct certification list or the  
630 student's household income level does not exceed 185 percent of  
631 the federal poverty level; or

632 2. The student is currently placed, or during the previous  
633 state fiscal year was placed, in foster care or in out-of-home  
634 care as defined in s. 39.01.

635 3. The student's household income level is greater than 185  
636 percent of the federal poverty level but does not exceed 260  
637 percent of the federal poverty level.

638  
639 A student who initially receives a scholarship based on  
640 eligibility under subparagraph (b)2. or subparagraph (c)2.  
641 remains eligible until the student graduates from high school or  
642 attains the age of 21 years, whichever occurs first, regardless  
643 of the student's household income level. A sibling of a student  
644 who is participating in the scholarship program under this  
645 subsection is eligible for a scholarship if the student resides  
646 in the same household as the sibling.

647 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

648 (a)1. The tax credit cap amount is \$229 million in the  
649 2012-2013 state fiscal year.



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650           2. In the 2013-2014 state fiscal year and each state fiscal  
651 year thereafter, the tax credit cap amount is the tax credit cap  
652 amount in the prior state fiscal year. However, in any state  
653 fiscal year when the annual tax credit amount for the prior  
654 state fiscal year is equal to or greater than 90 percent of the  
655 tax credit cap amount applicable to that state fiscal year, the  
656 tax credit cap amount shall increase by 25 percent. The  
657 Department of Education and Department of Revenue ~~department~~  
658 shall publish on their websites ~~its website~~ information  
659 identifying the tax credit cap amount when it is increased  
660 pursuant to this subparagraph.

661           (b) A taxpayer may submit an application to the department  
662 for a tax credit or credits under one or more of s. 211.0251, s.  
663 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

664           1. The taxpayer shall specify in the application each tax  
665 for which the taxpayer requests a credit and the applicable  
666 taxable year for a credit under s. 220.1875 or s. 624.51055 or  
667 the applicable state fiscal year for a credit under s. 211.0251,  
668 s. 212.1831, or s. 561.1211. The department shall approve tax  
669 credits on a first-come, first-served basis and must obtain the  
670 division's approval before ~~prior to~~ approving a tax credit under  
671 s. 561.1211.

672           2. Within 10 days after approving an application, the  
673 department shall provide a copy of its approval letter to the  
674 eligible nonprofit scholarship-funding organization specified by  
675 the taxpayer in the application.

676           (c) If a tax credit approved under paragraph (b) is not  
677 fully used within the specified state fiscal year for credits  
678 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes





679 due for the specified taxable year for credits under s. 220.1875  
680 or s. 624.51055 because of insufficient tax liability on the  
681 part of the taxpayer, the unused amount may be carried forward  
682 for a period not to exceed 5 years. However, any taxpayer that  
683 seeks to carry forward an unused amount of tax credit must  
684 submit an application to the department for approval of the  
685 carryforward tax credit in the year that the taxpayer intends to  
686 use the carryforward. The department must obtain the division's  
687 approval prior to approving the carryforward of a tax credit  
688 under s. 561.1211.

689 (d) A taxpayer may not convey, assign, or transfer an  
690 approved tax credit or a carryforward tax credit to another  
691 entity unless all of the assets of the taxpayer are conveyed,  
692 assigned, or transferred in the same transaction. However, a tax  
693 credit under s. 211.0251, s. 212.1831, s. 220.1875, s. 561.1211,  
694 or s. 624.51055 may be conveyed, transferred, or assigned  
695 between members of an affiliated group of corporations if the  
696 type of tax credit under s. 211.0251, s. 212.1831, s. 220.1875,  
697 s. 561.1211, or s. 624.51055 remains the same. A taxpayer shall  
698 notify the department of its intent to convey, transfer, or  
699 assign a tax credit to another member within an affiliated group  
700 of corporations. The amount conveyed, transferred, or assigned  
701 is available to another member of the affiliated group of  
702 corporations upon approval by the department. The department  
703 shall obtain the division's approval before approving a  
704 conveyance, transfer, or assignment of a tax credit under s.  
705 561.1211.

706 (e) Within any state fiscal year, a taxpayer may rescind  
707 all or part of a tax credit approved under paragraph (b). The



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708 amount rescinded shall become available for that state fiscal  
709 year to another eligible taxpayer as approved by the department  
710 if the taxpayer receives notice from the department that the  
711 rescindment has been accepted by the department. The department  
712 must obtain the division's approval prior to accepting the  
713 rescindment of a tax credit under s. 561.1211. Any amount  
714 rescinded under this paragraph shall become available to an  
715 eligible taxpayer on a first-come, first-served basis based on  
716 tax credit applications received after the date the rescindment  
717 is accepted by the department.

718 (f) For purposes of calculating the underpayment of  
719 estimated corporate income taxes pursuant to s. 220.34 and tax  
720 installment payments for taxes on insurance premiums or  
721 assessments under s. 624.5092, the final amount due is the  
722 amount after credits earned under s. 220.1875 or s. 624.51055  
723 for contributions to eligible nonprofit scholarship-funding  
724 organizations are deducted.

725 1. For purposes of determining if a penalty or interest  
726 shall be imposed for underpayment of estimated corporate income  
727 tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning  
728 a credit under s. 220.1875, reduce the following estimated  
729 payment in that taxable year by the amount of the credit. This  
730 subparagraph applies to contributions made on or after July 1,  
731 2014.

732 2. For purposes of determining if a penalty under s.  
733 624.5092 shall be imposed, an insurer may, after earning a  
734 credit under s. 624.51055, reduce the following installment  
735 payment of 27 percent of the amount of the net tax due as  
736 reported on the return for the preceding year under s.



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737 624.5092(2)(b) by the amount of the credit. This subparagraph  
738 applies to contributions made on or after July 1, 2014.

739 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
740 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
741 organization:

742 (a) Must comply with the antidiscrimination provisions of  
743 42 U.S.C. s. 2000d.

744 (b) Must comply with the following background check  
745 requirements:

746 1. All owners and operators as defined in subparagraph  
747 (2)(i)1. ~~(2)(h)1.~~ are, before ~~upon~~ employment or engagement to  
748 provide services, subject to level 2 background screening as  
749 provided under chapter 435. The fingerprints for the background  
750 screening must be electronically submitted to the Department of  
751 Law Enforcement and can be taken by an authorized law  
752 enforcement agency or by an employee of the eligible nonprofit  
753 scholarship-funding organization or a private company who is  
754 trained to take fingerprints. However, the complete set of  
755 fingerprints of an owner or operator may not be taken by the  
756 owner or operator. The results of the state and national  
757 criminal history check shall be provided to the Department of  
758 Education for screening under chapter 435. The cost of the  
759 background screening may be borne by the eligible nonprofit  
760 scholarship-funding organization or the owner or operator.

761 2. Every 5 years following employment or engagement to  
762 provide services or association with an eligible nonprofit  
763 scholarship-funding organization, each owner or operator must  
764 meet level 2 screening standards as described in s. 435.04, at  
765 which time the nonprofit scholarship-funding organization shall



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766 request the Department of Law Enforcement to forward the  
767 fingerprints to the Federal Bureau of Investigation for level 2  
768 screening. If the fingerprints of an owner or operator are not  
769 retained by the Department of Law Enforcement under subparagraph  
770 3., the owner or operator must electronically file a complete  
771 set of fingerprints with the Department of Law Enforcement. Upon  
772 submission of fingerprints for this purpose, the eligible  
773 nonprofit scholarship-funding organization shall request that  
774 the Department of Law Enforcement forward the fingerprints to  
775 the Federal Bureau of Investigation for level 2 screening, and  
776 the fingerprints shall be retained by the Department of Law  
777 Enforcement under subparagraph 3.

778 3. ~~All~~ Fingerprints submitted to the Department of Law  
779 Enforcement as required by this paragraph must be retained by  
780 the Department of Law Enforcement in a manner approved by rule  
781 and entered in the statewide automated biometric identification  
782 system authorized by s. 943.05(2)(b). The fingerprints must  
783 thereafter be available for all purposes and uses authorized for  
784 arrest fingerprints entered in the statewide automated biometric  
785 identification system pursuant to s. 943.051.

786 4. The Department of Law Enforcement shall search all  
787 arrest fingerprints received under s. 943.051 against the  
788 fingerprints retained in the statewide automated biometric  
789 identification system under subparagraph 3. Any arrest record  
790 that is identified with an owner's or operator's fingerprints  
791 must be reported to the Department of Education. The Department  
792 of Education shall participate in this search process by paying  
793 an annual fee to the Department of Law Enforcement and by  
794 informing the Department of Law Enforcement of any change in the



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795 employment, engagement, or association status of the owners or  
796 operators whose fingerprints are retained under subparagraph 3.  
797 The Department of Law Enforcement shall adopt a rule setting the  
798 amount of the annual fee to be imposed upon the Department of  
799 Education for performing these services and establishing the  
800 procedures for the retention of owner and operator fingerprints  
801 and the dissemination of search results. The fee may be borne by  
802 the owner or operator of the nonprofit scholarship-funding  
803 organization.

804 5. A nonprofit scholarship-funding organization whose owner  
805 or operator fails the level 2 background screening is not ~~shall~~  
806 ~~not be~~ eligible to provide scholarships under this section.

807 6. A nonprofit scholarship-funding organization whose owner  
808 or operator in the last 7 years has filed for personal  
809 bankruptcy or corporate bankruptcy in a corporation of which he  
810 or she owned more than 20 percent shall not be eligible to  
811 provide scholarships under this section.

812 7. In addition to the offenses listed in s. 435.04, a  
813 person required to undergo background screening pursuant to this  
814 part or authorizing statutes must not have an arrest awaiting  
815 final disposition for, must not have been found guilty of, or  
816 entered a plea of nolo contendere to, regardless of  
817 adjudication, and must not have been adjudicated delinquent, and  
818 the record must not have been sealed or expunged for, any of the  
819 following offenses or any similar offense of another  
820 jurisdiction:

- 821 a. Any authorizing statutes, if the offense was a felony.  
822 b. This chapter, if the offense was a felony.  
823 c. Section 409.920, relating to Medicaid provider fraud.



- 824        d. Section 409.9201, relating to Medicaid fraud.
- 825        e. Section 741.28, relating to domestic violence.
- 826        f. Section 817.034, relating to fraudulent acts through  
827 mail, wire, radio, electromagnetic, photoelectronic, or  
828 photooptical systems.
- 829        g. Section 817.234, relating to false and fraudulent  
830 insurance claims.
- 831        h. Section 817.505, relating to patient brokering.
- 832        i. Section 817.568, relating to criminal use of personal  
833 identification information.
- 834        j. Section 817.60, relating to obtaining a credit card  
835 through fraudulent means.
- 836        k. Section 817.61, relating to fraudulent use of credit  
837 cards, if the offense was a felony.
- 838        l. Section 831.01, relating to forgery.
- 839        m. Section 831.02, relating to uttering forged instruments.
- 840        n. Section 831.07, relating to forging bank bills, checks,  
841 drafts, or promissory notes.
- 842        o. Section 831.09, relating to uttering forged bank bills,  
843 checks, drafts, or promissory notes.
- 844        p. Section 831.30, relating to fraud in obtaining medicinal  
845 drugs.
- 846        q. Section 831.31, relating to the sale, manufacture,  
847 delivery, or possession with the intent to sell, manufacture, or  
848 deliver any counterfeit controlled substance, if the offense was  
849 a felony.
- 850        (c) Must not have an owner or operator who owns or operates  
851 an eligible private school that is participating in the  
852 scholarship program.



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853 (d) Must provide scholarships, from eligible contributions,  
854 to eligible students for the cost of:

- 855 1. Tuition and fees for an eligible private school; or  
856 2. Transportation to a Florida public school that is  
857 located outside the district in which the student resides or to  
858 a lab school as defined in s. 1002.32.

859 (e) Must give first priority to eligible students who  
860 received a scholarship from an eligible nonprofit scholarship-  
861 funding organization or from the State of Florida during the  
862 previous school year. Beginning in the 2016-2017 school year, an  
863 eligible nonprofit scholarship-funding organization shall give  
864 priority to new applicants whose household income levels do not  
865 exceed 185 percent of the federal poverty level or who are in  
866 foster care or out-of-home care.

867 (f) Must provide a scholarship to an eligible student on a  
868 first-come, first-served basis unless the student qualifies for  
869 priority pursuant to paragraph (e).

870 (g) May not restrict or reserve scholarships for use at a  
871 particular private school or provide scholarships to a child of  
872 an owner or operator.

873 (h) Must allow a student in foster care or out-of-home care  
874 to apply for a scholarship at any time.

875 (i) ~~(h)~~ Must allow an eligible student to attend any  
876 eligible private school and must allow a parent to transfer a  
877 scholarship during a school year to any other eligible private  
878 school of the parent's choice.

879 (j) ~~(i)~~ 1. May use up to 3 percent of eligible contributions  
880 received during the state fiscal year in which such  
881 contributions are collected for administrative expenses if the



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882 organization has operated under this section for at least 3  
883 state fiscal years and did not have any negative financial  
884 findings in its most recent audit under paragraph (m) ~~(l)~~. Such  
885 administrative expenses must be reasonable and necessary for the  
886 organization's management and distribution of eligible  
887 contributions under this section. No funds authorized under this  
888 subparagraph shall be used for lobbying or political activity or  
889 expenses related to lobbying or political activity. Up to ~~no~~  
890 more than one-third of the funds authorized for administrative  
891 expenses under this subparagraph may be used for expenses  
892 related to the recruitment of contributions from taxpayers. If  
893 an eligible nonprofit scholarship funding organization charges  
894 an application fee for a scholarship, the application fee must  
895 be immediately refunded to the person that paid the fee if the  
896 student is not enrolled in a participating school within twelve  
897 months.

898 2. Must expend for annual or partial-year scholarships an  
899 amount equal to or greater than 75 percent of the net eligible  
900 contributions remaining after administrative expenses during the  
901 state fiscal year in which such contributions are collected. No  
902 more than 25 percent of such net eligible contributions may be  
903 carried forward to the following state fiscal year. All amounts  
904 carried forward, for audit purposes, must be specifically  
905 identified for particular students, by student name and the name  
906 of the school to which the student is admitted, subject to the  
907 requirements of s. 1002.22, s. 1002.221, 20 U.S.C. s. 1232g, and  
908 the applicable rules and regulations issued pursuant thereto.  
909 Any amounts carried forward shall be expended for annual or  
910 partial-year scholarships in the following state fiscal year.





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911 Net eligible contributions remaining on June 30 of each year  
912 that are in excess of the 25 percent that may be carried forward  
913 shall be returned to the State Treasury for deposit in the  
914 General Revenue Fund.

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

919 (k) ~~(j)~~ Must maintain separate accounts for scholarship  
920 funds and operating funds.

921 (l) ~~(k)~~ With the prior approval of the Department of  
922 Education, may transfer funds to another eligible nonprofit  
923 scholarship-funding organization if additional funds are  
924 required to meet scholarship demand at the receiving nonprofit  
925 scholarship-funding organization. A transfer is ~~shall be~~ limited  
926 to the greater of \$500,000 or 20 percent of the total  
927 contributions received by the nonprofit scholarship-funding  
928 organization making the transfer. All transferred funds must be  
929 deposited by the receiving nonprofit scholarship-funding  
930 organization into its scholarship accounts. All transferred  
931 amounts received by any nonprofit scholarship-funding  
932 organization must be separately disclosed in the annual  
933 financial and compliance audit required in this section.

934 (m) ~~(l)~~ Must provide to the Auditor General and the  
935 Department of Education a report on the results of an annual  
936 financial and compliance audit of its accounts and records  
937 conducted by an independent certified public accountant ~~and~~ in  
938 accordance with auditing standards generally accepted in the  
939 United States, government auditing standards, and rules



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940 promulgated ~~adopted~~ by the Auditor General. The audit report  
941 ~~must be conducted in compliance with generally accepted auditing~~  
942 ~~standards and~~ must include a report on financial statements  
943 presented in accordance with generally accepted accounting  
944 principles ~~set forth by the American Institute of Certified~~  
945 ~~Public Accountants for not-for-profit organizations and a~~  
946 ~~determination of compliance with the statutory eligibility and~~  
947 ~~expenditure requirements set forth in this section.~~ Audit  
948 reports ~~Audits~~ must be provided to the Auditor General and the  
949 Department of Education within 180 days after completion of the  
950 eligible nonprofit scholarship-funding organization's fiscal  
951 year. The Auditor General shall review all audit reports  
952 submitted pursuant to this paragraph. The Auditor General shall  
953 request any significant items that were omitted in violation of  
954 a rule adopted by the Auditor General. The items must be  
955 provided within 45 days after the date of the request. If the  
956 scholarship-funding organization does not comply with the  
957 Auditor General's request, the Auditor General shall notify the  
958 Legislative Auditing Committee.

959 (n) ~~(m)~~ Must prepare and submit quarterly reports to the  
960 Department of Education pursuant to paragraph (9) (m). In  
961 addition, an eligible nonprofit scholarship-funding organization  
962 must submit in a timely manner any information requested by the  
963 Department of Education relating to the scholarship program.

964 (o) ~~(n)~~ 1.a. Must participate in the joint development of  
965 agreed-upon procedures to be performed by an independent  
966 certified public accountant as required under paragraph (8) (e)  
967 if the scholarship-funding organization provided more than  
968 \$250,000 in scholarship funds to an eligible private school



969 under this section during the 2009-2010 state fiscal year. The  
970 agreed-upon procedures must uniformly apply to all private  
971 schools and must determine, at a minimum, whether the private  
972 school has been verified as eligible by the Department of  
973 Education under paragraph (9)(c); has an adequate accounting  
974 system, system of financial controls, and process for deposit  
975 and classification of scholarship funds; and has properly  
976 expended scholarship funds for education-related expenses.  
977 During the development of the procedures, the participating  
978 scholarship-funding organizations shall specify guidelines  
979 governing the materiality of exceptions that may be found during  
980 the accountant's performance of the procedures. The procedures  
981 and guidelines shall be provided to private schools and the  
982 Commissioner of Education by March 15, 2011.

983       b. Must participate in a joint review of the agreed-upon  
984 procedures and guidelines developed under sub-subparagraph a.,  
985 by February 2013 and biennially thereafter, if the scholarship-  
986 funding organization provided more than \$250,000 in scholarship  
987 funds to an eligible private school under this section during  
988 the state fiscal year preceding the biennial review. If the  
989 procedures and guidelines are revised, the revisions must be  
990 provided to private schools and the Commissioner of Education by  
991 March 15, 2013, and biennially thereafter.

992       c. Must monitor the compliance of a private school with  
993 paragraph (8)(e) if the scholarship-funding organization  
994 provided the majority of the scholarship funding to the school.  
995 For each private school subject to paragraph (8)(e), the  
996 appropriate scholarship-funding organization shall notify the  
997 Commissioner of Education by October 30, 2011, and annually



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998 thereafter of:

999 (I) A private school's failure to submit a report required  
1000 under paragraph (8) (e); or

1001 (II) Any material exceptions set forth in the report  
1002 required under paragraph (8) (e).

1003 2. Must seek input from the accrediting associations that  
1004 are members of the Florida Association of Academic Nonpublic  
1005 Schools when jointly developing the agreed-upon procedures and  
1006 guidelines under sub-subparagraph 1.a. and conducting a review  
1007 of those procedures and guidelines under sub-subparagraph 1.b.

1008 (p) Must maintain the surety bond or letter of credit  
1009 required by subsection (16). The amount of the surety bond or  
1010 letter of credit may be adjusted quarterly to equal the actual  
1011 amount of undisbursed funds based upon submission by the  
1012 organization of a statement from a certified public accountant  
1013 verifying the amount of undisbursed funds. The requirements of  
1014 this paragraph are waived if the cost of acquiring a surety bond  
1015 or letter of credit exceeds the average 10-year cost of  
1016 acquiring a surety bond or letter of credit by 200 percent. The  
1017 requirements of this paragraph are waived for a state  
1018 university; or an independent college or university which is  
1019 eligible to participate in the William L. Boyd, IV, Florida  
1020 Resident Access Grant Program, located and chartered in this  
1021 state, is not for profit, and is accredited by the Commission on  
1022 Colleges of the Southern Association of Colleges and Schools.

1023 (q) Must provide to the Auditor General any information or  
1024 documentation requested in connection with an operational audit  
1025 of a scholarship funding organization conducted pursuant to s.  
1026 11.45.



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1027  
1028 ~~Any and all~~ Information and documentation provided to the  
1029 Department of Education and the Auditor General relating to the  
1030 identity of a taxpayer that provides an eligible contribution  
1031 under this section shall remain confidential at all times in  
1032 accordance with s. 213.053.

1033 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
1034 PARTICIPATION.—

1035 (g) The parent shall authorize the nonprofit scholarship-  
1036 funding organization to access information needed for income  
1037 eligibility determination and verification held by other state  
1038 or federal agencies, including the Department of Revenue, the  
1039 Department of Children and Families, the Department of  
1040 Education, the Department of Economic Opportunity, and the  
1041 Agency for Health Care Administration.

1042 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
1043 private school may be sectarian or nonsectarian and must:

1044 (c) Be academically accountable to the parent for meeting  
1045 the educational needs of the student by:

1046 1. At a minimum, annually providing to the parent a written  
1047 explanation of the student's progress.

1048 2. Annually administering or making provision for students  
1049 participating in the scholarship program in grades 3 through 10  
1050 to take one of the nationally norm-referenced tests identified  
1051 by the Department of Education or the statewide assessments  
1052 pursuant to s. 1008.22. Students with disabilities for whom  
1053 standardized testing is not appropriate are exempt from this  
1054 requirement. A participating private school must report a  
1055 student's scores to the parent. A participating private school



1056 must annually report by August 15 the scores of all  
1057 participating students to the Learning System Institute  
1058 ~~independent research organization~~ described in paragraph (9)(j).

1059 3. Cooperating with the scholarship student whose parent  
1060 chooses to have the student participate in the statewide  
1061 assessments pursuant to s. 1008.22 or, if a private school  
1062 chooses to offer the statewide assessments, administering the  
1063 assessments at the school.

1064 a. A participating private school may choose to offer and  
1065 administer the statewide assessments to all students who attend  
1066 the private school in grades 3 through 10.

1067 b. A participating private school must submit a request in  
1068 writing to the Department of Education by March 1 of each year  
1069 in order to administer the statewide assessments in the  
1070 subsequent school year.

1071 (e) Annually contract with an independent certified public  
1072 accountant to perform the agreed-upon procedures developed under  
1073 paragraph (6)(o) ~~(6)(n)~~ and produce a report of the results if  
1074 the private school receives more than \$250,000 in funds from  
1075 scholarships awarded under this section in the 2010-2011 state  
1076 fiscal year or a state fiscal year thereafter. A private school  
1077 subject to this paragraph must submit the report by September  
1078 15, 2011, and annually thereafter to the scholarship-funding  
1079 organization that awarded the majority of the school's  
1080 scholarship funds. The agreed-upon procedures must be conducted  
1081 in accordance with attestation standards established by the  
1082 American Institute of Certified Public Accountants.

1083  
1084 The inability of a private school to meet the requirements of



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1085 this subsection shall constitute a basis for the ineligibility  
1086 of the private school to participate in the scholarship program  
1087 as determined by the Department of Education.

1088 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
1089 Education shall:

1090 (d) Annually verify the eligibility of expenditures as  
1091 provided in paragraph (6) (d) using the audit required by  
1092 paragraph (6) (m) and s. 11.45(2) (k) ~~(6) (1)~~.

1093 (j) Issue a project grant award to the Learning System  
1094 Institute at the Florida State University ~~Select an independent~~  
1095 ~~research organization, which may be a public or private entity~~  
1096 ~~or university~~, to which participating private schools must  
1097 report the scores of participating students on the nationally  
1098 norm-referenced tests or the statewide assessments administered  
1099 by the private school in grades 3 through 10. The project term  
1100 is 2 years, and the amount of the project is up to \$500,000 per  
1101 year. The project grant award must be reissued in 2 year  
1102 intervals in accordance with this paragraph.

1103 1. The Learning System Institute ~~independent research~~  
1104 ~~organization~~ must annually report to the Department of Education  
1105 on the student performance ~~year-to-year learning gains~~ of  
1106 participating students:

1107 a. On a statewide basis. The report shall also include, to  
1108 the extent possible, a comparison of scholarship students'  
1109 performance ~~these learning gains~~ to the statewide student  
1110 performance ~~learning gains~~ of public school students with  
1111 socioeconomic backgrounds similar to those of students  
1112 participating in the scholarship program. To minimize costs and  
1113 reduce time required for the Learning System Institute's



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1114 ~~independent research organization's~~ analysis and evaluation, the  
1115 Department of Education shall coordinate with the Learning  
1116 System Institute to provide data to the Learning System  
1117 Institute in order to conduct analyses of matched students from  
1118 public school assessment data and calculate control group  
1119 student performance ~~learning gains~~ using an agreed-upon  
1120 methodology ~~outlined in the contract~~ with the Learning System  
1121 Institute ~~independent research organization~~; and

1122       b. On an individual school basis. The annual report must  
1123 include student performance for each participating private  
1124 school in which at least 51 percent of the total enrolled  
1125 students in the private school participated in the Florida Tax  
1126 Credit Scholarship Program in the prior school year. The report  
1127 shall be according to each participating private school, and for  
1128 participating students, in which there are at least 30  
1129 participating students who have scores for tests administered  
1130 during or after the ~~2009-2010 school year for 2 consecutive~~  
1131 years at that private school. If the Learning System Institute  
1132 determines that the 30 participating student cell size may be  
1133 reduced without disclosing personally identifiable information,  
1134 as described in 34 C.F.R. 99.12, of a participating student, the  
1135 Learning System Institute may reduce the participating student  
1136 cell size, but the cell size must not be reduced to less than 10  
1137 participating students. The department shall provide each  
1138 private school's prior school year's student enrollment  
1139 information to the Learning System Institute no later than June  
1140 15 of each year, or as requested by the Learning System  
1141 Institute.

1142       2. The sharing and reporting of student performance





1143 ~~Learning gain~~ data under this paragraph must be in accordance  
1144 with requirements of s. 1002.22, s. 1002.221, 20 U.S.C. s.  
1145 1232g, the Family Educational Rights and Privacy Act, and the  
1146 applicable rules and regulations issued pursuant thereto, and  
1147 shall be for the sole purpose of creating the annual report  
1148 required by subparagraph 1. All parties must preserve the  
1149 confidentiality of such information as required by law. The  
1150 annual report must not disaggregate data to a level that will  
1151 identify individual participating schools, except as required  
1152 under sub-subparagraph 1.b., or disclose the academic level of  
1153 individual students.

1154 3. The annual report required by subparagraph 1. shall be  
1155 published by the Department of Education on its website.

1156 (o) Provide a process to match the direct certification  
1157 list with the scholarship application data submitted by any  
1158 nonprofit scholarship-funding organization eligible to receive  
1159 the 3-percent administrative allowance under paragraph (6)(j)  
1160 ~~(6)(i)~~.

1161 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

1162 (a) ~~1.~~ Except as provided in subparagraph 2., the amount of  
1163 a scholarship provided to any student for any single school year  
1164 by an eligible nonprofit scholarship-funding organization from  
1165 eligible contributions shall be for total costs authorized under  
1166 paragraph (6)(d), not to exceed annual limits, which shall be  
1167 determined as follows:

1168 1.a. For a scholarship awarded to a student enrolled in an  
1169 eligible private school ~~;~~

1170 ~~(I) For the 2009-2010 state fiscal year, the limit shall be~~  
1171 ~~\$3,950.~~



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1172           ~~(II) For the 2010-2011 state fiscal year, the limit shall~~  
1173 ~~be 60 percent of the unweighted FTE funding amount for that~~  
1174 ~~year.~~

1175           ~~(III) For the 2011-2012 state fiscal year and thereafter,~~  
1176 the limit shall be determined by multiplying the unweighted FTE  
1177 funding amount in that state fiscal year by the percentage used  
1178 to determine the limit in the prior state fiscal year. However,  
1179 in each state fiscal year that the tax credit cap amount  
1180 increases pursuant to paragraph (5) (a) subparagraph (5) (a) 2.,  
1181 the prior year percentage shall be increased by 4 percentage  
1182 points and the increased percentage shall be used to determine  
1183 the limit for that state fiscal year. If the percentage so  
1184 calculated reaches 80 percent in a state fiscal year, no further  
1185 increase in the percentage is allowed and the limit shall be 80  
1186 percent of the unweighted FTE funding amount for that state  
1187 fiscal year and thereafter. Beginning in the 2016-2017 state  
1188 fiscal year, the amount of a scholarship awarded to a student  
1189 enrolled in an eligible private school shall be equal to 82  
1190 percent of the unweighted FTE funding amount for that state  
1191 fiscal year and thereafter.

1192           b. For a scholarship awarded to a student enrolled in a  
1193 Florida public school that is located outside the district in  
1194 which the student resides or in a lab school as defined in s.  
1195 1002.32, the limit shall be \$500.

1196           2. The annual limit for a scholarship under sub-  
1197 subparagraph 1.a. shall be reduced by:

1198           a. Twenty-five percent if the student's household income  
1199 level is equal to or greater than 200 percent, but less than 215  
1200 percent, of the federal poverty level.



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1201           b. Fifty percent if the student's household income level is  
1202 equal to or greater than 215 percent, but equal to or less than  
1203 230 percent, of the federal poverty level.

1204           3. For the 2016-2017 state fiscal year and thereafter, the  
1205 annual limit for a scholarship under sub-subparagraph 1.a. shall  
1206 be reduced by:

1207           a. Twelve percent if the student's household income level  
1208 is greater than or equal to 200 percent, but less than 215  
1209 percent, of the federal poverty level.

1210           b. Twenty-six percent if the student's household income  
1211 level is greater than or equal to 215 percent, but less than 230  
1212 percent, of the federal poverty level.

1213           c. Forty percent if the student's household income level is  
1214 greater than or equal to 230 percent, but less than 245 percent,  
1215 of the federal poverty level.

1216           d. Fifty percent if the student's household income level is  
1217 greater than or equal to 245 percent, but less than or equal to  
1218 260 percent, of the federal poverty level.

1219  
1220           (16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;  
1221 APPLICATION.—In order to participate in the scholarship program  
1222 created under this section, a charitable organization that seeks  
1223 to be a nonprofit scholarship-funding organization must submit  
1224 an application for initial approval or renewal to the Office of  
1225 Independent Education and Parental Choice no later than  
1226 September 1 of each year before the school year for which the  
1227 organization intends to offer scholarships.

1228           (a) An application for initial approval must include:

1229           1. A copy of the organization's incorporation documents and



1230 registration with the Division of Corporations of the Department  
1231 of State.

1232 2. A copy of the organization's Internal Revenue Service  
1233 determination letter as a s. 501(c)(3) not-for-profit  
1234 organization.

1235 3. A description of the organization's financial plan that  
1236 demonstrates sufficient funds to operate throughout the school  
1237 year.

1238 4. A description of the geographic region that the  
1239 organization intends to serve and an analysis of the demand and  
1240 unmet need for eligible students in that area.

1241 5. The organization's organizational chart.

1242 6. A description of the criteria and methodology that the  
1243 organization will use to evaluate scholarship eligibility.

1244 7. A description of the application process, including  
1245 deadlines and any associated fees.

1246 8. A description of the deadlines for attendance  
1247 verification and scholarship payments.

1248 9. A copy of the organization's policies on conflict of  
1249 interest and whistleblowers.

1250 10. A copy of a surety bond or letter of credit in an  
1251 amount equal to 25 percent of the scholarship funds anticipated  
1252 for each school year or \$100,000, whichever is greater.

1253 (b) In addition to the information required by  
1254 subparagraphs (a)1.-9., an application for renewal must include:

1255 1. A surety bond or letter of credit equal to the amount of  
1256 undisbursed donations held by the organization based on the  
1257 annual report submitted pursuant to paragraph (6)(m). The amount  
1258 of the surety bond or letter of credit must be at least



1259 \$100,000, but not more than \$25 million.

1260 2. The organization's completed Internal Revenue Service  
1261 Form 990 submitted no later than November 30 of the year before  
1262 the school year that the organization intends to offer the  
1263 scholarships, notwithstanding the September 1 application  
1264 deadline.

1265 3. A copy of the statutorily required audit to the  
1266 Department of Education and Auditor General.

1267 4. An annual report that includes:

1268 a. The number of students who completed applications, by  
1269 county and by grade.

1270 b. The number of students who were approved for  
1271 scholarships, by county and by grade.

1272 c. The number of students who received funding for  
1273 scholarships within each funding category, by county and by  
1274 grade.

1275 d. The amount of funds received, the amount of funds  
1276 distributed in scholarships, and an accounting of remaining  
1277 funds and the obligation of those funds.

1278 e. A detailed accounting of how the organization spent the  
1279 administrative funds allowable under paragraph (6)(j).

1280 (c) In consultation with the Department of Revenue and the  
1281 Chief Financial Officer, the Office of Independent Education and  
1282 Parental Choice shall review the application. The Department of  
1283 Education shall notify the organization in writing of any  
1284 deficiencies within 30 days after receipt of the application and  
1285 allow the organization 30 days to correct any deficiencies.

1286 (d) Within 30 days after receipt of the finalized  
1287 application by the Office of Independent Education and Parental



1288 Choice, the Commissioner of Education shall recommend approval  
1289 or disapproval of the application to the State Board of  
1290 Education. The State Board of Education shall consider the  
1291 application and recommendation at the next scheduled meeting,  
1292 adhering to appropriate meeting notice requirements. If the  
1293 State Board of Education disapproves the organization's  
1294 application, it shall provide the organization with a written  
1295 explanation of that determination. The State Board of  
1296 Education's action is not subject to chapter 120.

1297 (e) If the State Board of Education disapproves the renewal  
1298 of a nonprofit scholarship-funding organization, the  
1299 organization must notify the affected eligible students and  
1300 parents of the decision within 15 days after disapproval. An  
1301 eligible student affected by the disapproval of an  
1302 organization's participation remains eligible under this section  
1303 until the end of the school year in which the organization was  
1304 disapproved. The student must apply and be accepted by another  
1305 eligible nonprofit scholarship-funding organization for the  
1306 upcoming school year. The student shall be given priority in  
1307 accordance with paragraph (6) (f).

1308 (f) All remaining funds held by a nonprofit scholarship-  
1309 funding organization that is disapproved for participation must  
1310 revert to the Department of Revenue for redistribution to other  
1311 eligible nonprofit scholarship-funding organizations.

1312 (g) A nonprofit scholarship-funding organization is a  
1313 renewing organization if it maintains continuous approval and  
1314 participation in the program. An organization that chooses not  
1315 to participate for 1 year or more or is disapproved to  
1316 participate for 1 year or more must submit an application for



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1317 initial approval in order to participate in the program again.

1318 (h) The State Board of Education shall adopt rules  
1319 providing guidelines for receiving, reviewing, and approving  
1320 applications for new and renewing nonprofit scholarship-funding  
1321 organizations. The rules must include a process for compiling  
1322 input and recommendations from the Chief Financial Officer, the  
1323 Department of Revenue, and the Department of Education. The  
1324 rules must also require that the nonprofit scholarship-funding  
1325 organization make a brief presentation to assist the State Board  
1326 of Education in its decision.

1327 (i) A state university; or an independent college or  
1328 university which is eligible to participate in the William L.  
1329 Boyd, IV, Florida Resident Access Grant Program, located and  
1330 chartered in this state, is not for profit, and is accredited by  
1331 the Commission on Colleges of the Southern Association of  
1332 Colleges and Schools, is exempt from the initial or renewal  
1333 application process, but must file a registration notice with  
1334 the Department of Education to be an eligible nonprofit  
1335 scholarship-funding organization. The State Board of Education  
1336 shall adopt rules that identify the procedure for filing the  
1337 registration notice with the department. The rules must identify  
1338 appropriate reporting requirements for fiscal, programmatic, and  
1339 performance accountability purposes consistent with this  
1340 section, but shall not exceed the requirements for eligible  
1341 nonprofit scholarship-funding organizations for charitable  
1342 organizations. An nonprofit scholarship-funding organization  
1343 that becomes eligible pursuant to this paragraph may begin  
1344 providing scholarships to participating students in the 2015-  
1345 2016 school year.



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1346           Section 4. A nonprofit scholarship-funding organization  
1347 whose application for participation in the program established  
1348 by s. 1002.395, Florida Statutes, was approved before July 1,  
1349 2014, must, by August 1, 2014, provide a copy of a surety bond  
1350 or letter of credit meeting the requirements of s. 1002.395(16),  
1351 Florida Statutes, to the Office of Independent Education and  
1352 Parental Choice.

1353           Section 5. Present subsection (10) of section 1003.4282,  
1354 Florida Statutes, is renumbered as subsection (11), and a new  
1355 subsection (10) is added to that section, to read:

1356           1003.4282 Requirements for a standard high school diploma.-

1357           (10) STUDENTS WITH DISABILITIES.-Beginning with students  
1358 entering grade 9 in the 2014-2015 school year, this subsection  
1359 applies to a student with a disability.

1360           (a) A parent of the student with a disability shall, in  
1361 collaboration with the individual education plan (IEP) team  
1362 during the transition planning process pursuant to s. 1003.5716,  
1363 declare an intent for the student to graduate from high school  
1364 with either a standard high school diploma or a certificate of  
1365 completion. A student with a disability who does not satisfy the  
1366 standard high school diploma requirements pursuant to this  
1367 section shall be awarded a certificate of completion.

1368           (b) The following options, in addition to the other options  
1369 specified in this section, may be used to satisfy the standard  
1370 high school diploma requirements, as specified in the student's  
1371 individual education plan:

1372           1. For a student with a disability for whom the IEP team  
1373 has determined that the Florida Alternate Assessment is the most  
1374 appropriate measure of the student's skills:





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1375           a. A combination of course substitutions, assessments,  
1376 industry certifications, other acceleration options, or  
1377 occupational completion points appropriate to the student's  
1378 unique skills and abilities that meet the criteria established  
1379 by State Board of Education rule.

1380           b. A portfolio of quantifiable evidence that documents a  
1381 student's mastery of academic standards through rigorous metrics  
1382 established by State Board of Education rule. A portfolio may  
1383 include, but is not limited to, documentation of work  
1384 experience, internships, community service, and postsecondary  
1385 credit.

1386           2. For a student with a disability for whom the IEP team  
1387 has determined that mastery of academic and employment  
1388 competencies is the most appropriate way for a student to  
1389 demonstrate his or her skills:

1390           a. Documented completion of the minimum high school  
1391 graduation requirements, including the number of course credits  
1392 prescribed by rules of the State Board of Education.

1393           b. Documented achievement of all annual goals and short-  
1394 term objectives for academic and employment competencies,  
1395 industry certifications, and occupational completion points  
1396 specified in the student's transition plan. The documentation  
1397 must be verified by the IEP team.

1398           c. Documented successful employment for the number of hours  
1399 per week specified in the student's transition plan, for the  
1400 equivalent of 1 semester, and payment of a minimum wage in  
1401 compliance with the requirements of the federal Fair Labor  
1402 Standards Act.

1403           d. Documented mastery of the academic and employment



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1404 competencies, industry certifications, and occupational  
1405 completion points specified in the student's transition plan.  
1406 The documentation must be verified by the IEP team, the  
1407 employer, and the teacher. The transition plan must be developed  
1408 and signed by the student, parent, teacher, and employer before  
1409 placement in employment and must identify the following:

1410 (I) The expected academic and employment competencies,  
1411 industry certifications, and occupational completion points;

1412 (II) The criteria for determining and certifying mastery of  
1413 the competencies;

1414 (III) The work schedule and the minimum number of hours to  
1415 be worked per week; and

1416 (IV) A description of the supervision to be provided by the  
1417 school district.

1418 3. Any change to the high school graduation option  
1419 specified in the student's IEP must be approved by the parent  
1420 and is subject to verification for appropriateness by an  
1421 independent reviewer selected by the parent as provided in s.  
1422 1003.572.

1423 (c) A student with a disability who meets the standard high  
1424 school diploma requirements in this section may defer the  
1425 receipt of a standard high school diploma if the student:

1426 1. Has an individual education plan that prescribes special  
1427 education, transition planning, transition services, or related  
1428 services through age 21; and

1429 2. Is enrolled in accelerated college credit instruction  
1430 pursuant to s. 1007.27, industry certification courses that lead  
1431 to college credit, a collegiate high school program, courses  
1432 necessary to satisfy the Scholar designation requirements, or a



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1433 structured work-study, internship, or preapprenticeship program.

1434 (d) A student with a disability who receives a certificate  
1435 of completion and has an individual education plan that  
1436 prescribes special education, transition planning, transition  
1437 services, or related services through 21 years of age may  
1438 continue to receive the specified instruction and services.

1439 (e) Any waiver of the statewide, standardized assessment  
1440 requirements by the individual education plan team, pursuant to  
1441 s. 1008.22(3)(c), must be approved by the parent and is subject  
1442 to verification for appropriateness by an independent reviewer  
1443 selected by the parent as provided for in s. 1003.572.

1444  
1445 The State Board of Education shall adopt rules under ss.  
1446 120.536(1) and 120.54 to implement this paragraph, including  
1447 rules that establish the minimum requirements for students  
1448 described in this paragraph to earn a standard high school  
1449 diploma. The State Board of Education shall adopt emergency  
1450 rules pursuant to ss. 120.536(1) and 120.54.

1451 Section 6. Effective July 1, 2015, section 1003.438,  
1452 Florida Statutes, is repealed.

1453 Section 7. Section 1003.5716, Florida Statutes, is created  
1454 to read:

1455 1003.5716 Transition to postsecondary education and career  
1456 opportunities.—All students with disabilities who are 3 years of  
1457 age to 21 years of age have the right to a free, appropriate  
1458 public education. As used in this section, the term "IEP" means  
1459 individual education plan.

1460 (1) To ensure quality planning for a successful transition  
1461 of a student with a disability to postsecondary education and



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1462 career opportunities, an IEP team shall begin the process of,  
1463 and develop an IEP for, identifying the need for transition  
1464 services before the student with a disability attains the age of  
1465 14 years in order for his or her postsecondary goals and career  
1466 goals to be identified and in place when he or she attains the  
1467 age of 16 years. This process must include, but is not limited  
1468 to:

1469 (a) Consideration of the student's need for instruction in  
1470 the area of self-determination and self-advocacy to assist the  
1471 student's active and effective participation in an IEP meeting;  
1472 and

1473 (b) Preparation for the student to graduate from high  
1474 school with a standard high school diploma pursuant to s.  
1475 1003.4282 with a Scholar designation unless the parent chooses a  
1476 Merit designation.

1477 (2) Beginning not later than the first IEP to be in effect  
1478 when the student attains the age of 16, or younger if determined  
1479 appropriate by the parent and the IEP team, the IEP must include  
1480 the following statements that must be updated annually:

1481 (a) A statement of intent to pursue a standard high school  
1482 diploma and a Scholar or Merit designation, pursuant to s.  
1483 1003.4285, as determined by the parent.

1484 (b) A statement of intent to receive a standard high school  
1485 diploma before the student attains the age of 22 and a  
1486 description of how the student will fully meet the requirements  
1487 in s. 1003.428 or s. 1003.4282, as applicable, including, but  
1488 not limited to, a portfolio pursuant to s. 1003.4282(10)(b)  
1489 which meets the criteria specified in State Board of Education  
1490 rule. The IEP must also specify the outcomes and additional



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1491 benefits expected by the parent and the IEP team at the time of  
1492 the student's graduation.

1493 (c) A statement of appropriate measurable long-term  
1494 postsecondary education and career goals based upon age-  
1495 appropriate transition assessments related to training,  
1496 education, employment, and, if appropriate, independent living  
1497 skills and the transition services, including courses of study  
1498 needed to assist the student in reaching those goals.

1499 (3) Any change in the IEP for the goals specified in  
1500 subsection (2) must be approved by the parent and is subject to  
1501 verification for appropriateness by an independent reviewer  
1502 selected by the parent as provided in s. 1003.572.

1503 (4) If a participating agency responsible for transition  
1504 services, other than the school district, fails to provide the  
1505 transition services described in the IEP, the school district  
1506 shall reconvene the IEP team to identify alternative strategies  
1507 to meet the transition objectives for the student that are  
1508 specified in the IEP. However, this does not relieve any  
1509 participating agency of the responsibility to provide or pay for  
1510 any transition service that the agency would otherwise provide  
1511 to students with disabilities who meet the eligibility criteria  
1512 of that agency.

1513 Section 8. Subsection (3) of section 1003.572, Florida  
1514 Statutes, is amended to read:

1515 1003.572 Collaboration of public and private instructional  
1516 personnel.—

1517 (3) Private instructional personnel who are hired or  
1518 contracted by parents to collaborate with public instructional  
1519 personnel must be permitted to observe the student in the



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1520 educational setting, collaborate with instructional personnel in  
1521 the educational setting, and provide services in the educational  
1522 setting according to the following requirements:

1523 (a) The student's public instructional personnel and  
1524 principal consent to the time and place.

1525 (b) The private instructional personnel satisfy the  
1526 requirements of s. 1012.32 or s. 1012.321.

1527

1528 For the purpose of implementing this subsection, a school  
1529 district may not impose any requirements beyond those  
1530 requirements specified in this subsection or charge any fees.

1531 Section 9. Paragraph (c) of subsection (5) and paragraph  
1532 (b) of subsection (6) of section 1008.25, Florida Statutes, are  
1533 amended to read:

1534 1008.25 Public school student progression; remedial  
1535 instruction; reporting requirements.—

1536 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

1537 (c) The parent of any student who exhibits a substantial  
1538 deficiency in reading, as described in paragraph (a), must be  
1539 notified in writing of the following:

1540 1. That his or her child has been identified as having a  
1541 substantial deficiency in reading.

1542 2. A description of the current services that are provided  
1543 to the child.

1544 3. A description of the proposed supplemental instructional  
1545 services and supports that will be provided to the child that  
1546 are designed to remediate the identified area of reading  
1547 deficiency.

1548 4. That if the child's reading deficiency is not remediated



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1549 by the end of grade 3, the child must be retained unless he or  
1550 she is exempt from mandatory retention for good cause.

1551 5. Strategies for parents to use in helping their child  
1552 succeed in reading proficiency.

1553 6. That the Florida Comprehensive Assessment Test (FCAT) is  
1554 not the sole determiner of promotion and that additional  
1555 evaluations, portfolio reviews, and assessments are available to  
1556 the child to assist parents and the school district in knowing  
1557 when a child is reading at or above grade level and ready for  
1558 grade promotion.

1559 7. The district's specific criteria and policies for a  
1560 portfolio as provided in subparagraph (6)(b)4. and the evidence  
1561 required for a student to demonstrate mastery of Florida's  
1562 academic standards for English Language Arts. A parent of a  
1563 student in grade 3 who is identified anytime during the year as  
1564 being at risk of retention may request that the school  
1565 immediately begin collecting evidence for a portfolio.

1566 ~~8.7.~~ The district's specific criteria and policies for  
1567 midyear promotion. Midyear promotion means promotion of a  
1568 retained student at any time during the year of retention once  
1569 the student has demonstrated ability to read at grade level.

1570 (6) ELIMINATION OF SOCIAL PROMOTION.—

1571 (b) The district school board may only exempt students from  
1572 mandatory retention, as provided in paragraph (5)(b), for good  
1573 cause. A student who is promoted to grade 4 with a good cause  
1574 exemption shall be provided intensive reading instruction and  
1575 intervention that include specialized diagnostic information and  
1576 specific reading strategies to meet the needs of each student so  
1577 promoted. The school district shall assist schools and teachers



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1578 with the implementation of reading strategies for students  
1579 promoted with a good cause exemption which research has shown to  
1580 be successful in improving reading among students that have  
1581 reading difficulties. Good cause exemptions are ~~shall be~~ limited  
1582 to the following:

1583       1. Limited English proficient students who have had less  
1584 than 2 years of instruction in an English for Speakers of Other  
1585 Languages program.

1586       2. Students with disabilities whose individual education  
1587 plan indicates that participation in the statewide assessment  
1588 program is not appropriate, consistent with the requirements of  
1589 State Board of Education rule.

1590       3. Students who demonstrate an acceptable level of  
1591 performance on an alternative standardized reading or English  
1592 Language Arts assessment approved by the State Board of  
1593 Education.

1594       4. A student who demonstrates through a student portfolio  
1595 that he or she is performing at least at Level 2 on FCAT Reading  
1596 or the common core English Language Arts assessment, as  
1597 applicable under s. 1008.22.

1598       5. Students with disabilities who participate in FCAT  
1599 Reading or the common core English Language Arts assessment, as  
1600 applicable under s. 1008.22, and who have an individual  
1601 education plan or a Section 504 plan that reflects that the  
1602 student has received intensive remediation in reading and  
1603 English Language Arts for more than 2 years but still  
1604 demonstrates a deficiency and was previously retained in  
1605 kindergarten, grade 1, grade 2, or grade 3.

1606       6. Students who have received intensive reading





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1607 intervention for 2 or more years but still demonstrate a  
1608 deficiency in reading and who were previously retained in  
1609 kindergarten, grade 1, grade 2, or grade 3 for a total of 2  
1610 years. A student may not be retained more than once in grade 3.

1611 7.6- Students who have received intensive remediation in  
1612 reading and English Language Arts, as applicable under s.  
1613 1008.22, for 2 or more years but still demonstrate a deficiency  
1614 and who were previously retained in kindergarten, grade 1, grade  
1615 2, or grade 3 for a total of 2 years. Intensive instruction for  
1616 students so promoted must include an altered instructional day  
1617 that includes specialized diagnostic information and specific  
1618 reading strategies for each student. The district school board  
1619 shall assist schools and teachers to implement reading  
1620 strategies that research has shown to be successful in improving  
1621 reading among low-performing readers.

1622 Section 10. The Florida Prepaid College Board shall conduct  
1623 a study and submit a report to the President of the Senate and  
1624 the Speaker of the House of Representatives by December 31,  
1625 2014, which includes, but is not limited to, a description of  
1626 the following:

1627 (1) The terms and conditions under which payments may be  
1628 withdrawn from the Florida Prepaid College Trust Fund for the  
1629 payment of program fees in excess of, or in lieu of, tuition for  
1630 a student with a disability, up to the limits of an advanced  
1631 payment contract;

1632 (2) A policy for accelerated disbursement of funds for  
1633 payment of other qualified higher education expenses; and

1634 (3) Instances where a student with a disability can use an  
1635 advanced payment contract when auditing a class or receiving a



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1636 tuition waiver.

1637 Section 11. Effective July 1, 2015, paragraph (c) of  
1638 subsection (1) of section 120.81, Florida Statutes, is amended  
1639 to read:

1640 120.81 Exceptions and special requirements; general areas.—

1641 (1) EDUCATIONAL UNITS.—

1642 (c) Notwithstanding s. 120.52(16), any tests, test scoring  
1643 criteria, or testing procedures relating to student assessment  
1644 which are developed or administered by the Department of  
1645 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.  
1646 1008.22, or s. 1008.25, or any other statewide educational tests  
1647 required by law, are not rules.

1648 Section 12. Effective July 1, 2015, subsection (2) of  
1649 section 409.1451, Florida Statutes, is amended to read:

1650 409.1451 The Road-to-Independence Program.—

1651 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1652 (a) A young adult is eligible for services and support  
1653 under this subsection if he or she:

1654 1. Was living in licensed care on his or her 18th birthday  
1655 or is currently living in licensed care; or was at least 16  
1656 years of age and was adopted from foster care or placed with a  
1657 court-approved dependency guardian after spending at least 6  
1658 months in licensed care within the 12 months immediately  
1659 preceding such placement or adoption;

1660 2. Spent at least 6 months in licensed care before reaching  
1661 his or her 18th birthday;

1662 3. Earned a standard high school diploma or its equivalent  
1663 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.  
1664 1003.435, ~~or s. 1003.438~~;



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1665           4. Has been admitted for enrollment as a full-time student  
1666 or its equivalent in an eligible postsecondary educational  
1667 institution as provided in s. 1009.533. For purposes of this  
1668 section, the term "full-time" means 9 credit hours or the  
1669 vocational school equivalent. A student may enroll part-time if  
1670 he or she has a recognized disability or is faced with another  
1671 challenge or circumstance that would prevent full-time  
1672 attendance. A student needing to enroll part-time for any reason  
1673 other than having a recognized disability must get approval from  
1674 his or her academic advisor;

1675           5. Has reached 18 years of age but is not yet 23 years of  
1676 age;

1677           6. Has applied, with assistance from the young adult's  
1678 caregiver and the community-based lead agency, for any other  
1679 grants and scholarships for which he or she may qualify;

1680           7. Submitted a Free Application for Federal Student Aid  
1681 which is complete and error free; and

1682           8. Signed an agreement to allow the department and the  
1683 community-based care lead agency access to school records.

1684           Section 13. Effective July 1, 2015, subsection (4) of  
1685 section 1007.263, Florida Statutes, is amended to read:

1686           1007.263 Florida College System institutions; admissions of  
1687 students.—Each Florida College System institution board of  
1688 trustees is authorized to adopt rules governing admissions of  
1689 students subject to this section and rules of the State Board of  
1690 Education. These rules shall include the following:

1691           (4) A student who has been awarded ~~a special diploma as~~  
1692 ~~defined in s. 1003.438~~ or a certificate of completion as defined  
1693 in s. 1003.428(7) (b) is eligible to enroll in certificate career



1694 education programs.

1695

1696 Each board of trustees shall establish policies that notify  
1697 students about developmental education options for improving  
1698 their communication or computation skills that are essential to  
1699 performing college-level work, including tutoring, extended time  
1700 in gateway courses, free online courses, adult basic education,  
1701 adult secondary education, or private provider instruction.

1702 Section 14. The amendments made by this act to ss. 1003.438  
1703 and 409.1451, Florida Statutes, do not apply to a student with  
1704 disabilities, as defined in s. 1003.438, Florida Statutes, who  
1705 is eligible for and currently participating in the Road to  
1706 Independence Program, as of the effective date of this act. Such  
1707 student shall continue to participate in the program as long as  
1708 he or she meets the eligibility criteria in effect as of the  
1709 effective date of this act.

1710 Section 15. The amendment made by this act to s. 1003.438,  
1711 Florida Statutes, does not apply to a student with disabilities,  
1712 as defined in s. 1003.438, Florida Statutes, whose individual  
1713 education plan, as of the effective date of this act, contains a  
1714 statement of intent to receive a special diploma. Such student  
1715 shall be awarded a special diploma in a form prescribed by the  
1716 Commissioner of Education if the student meets the requirements  
1717 specified in s. 1003.438, Florida Statutes, and in effect as of  
1718 the effective date of this act. Any such student who meets all  
1719 special requirements of the district school board in effect as  
1720 of the effective date of this act, but who is unable to meet the  
1721 appropriate special state minimum requirements in effect as of  
1722 the effective date of this act, shall be awarded a special



1723 certificate of completion in a form prescribed by the  
1724 Commissioner of Education.

1725 Section 16. Except as otherwise expressly provided in this  
1726 act, this act shall take upon becoming a law.

1727  
1728 ===== T I T L E A M E N D M E N T =====

1729 And the title is amended as follows:

1730 Delete everything before the enacting clause  
1731 and insert:

1732 A bill to be entitled  
1733 An act relating to education; amending s. 11.45, F.S.;  
1734 authorizing the Auditor General to conduct audits of  
1735 the accounts and records of nonprofit scholarship-  
1736 funding organizations; creating s. 1002.385, F.S.;  
1737 establishing the Florida Personal Learning Scholarship  
1738 Accounts Program; defining terms; specifying criteria  
1739 for students who are eligible to participate in the  
1740 program; identifying certain students who are not  
1741 eligible to participate in the program; authorizing  
1742 the use of awarded funds for specific purposes;  
1743 prohibiting specific providers, schools, institutions,  
1744 school districts, and other entities from sharing,  
1745 refunding, or rebating program funds; specifying the  
1746 terms of the program; requiring a school district to  
1747 notify the parent regarding the option to participate  
1748 in the program; specifying the school district's  
1749 responsibilities for completing a matrix of services  
1750 and notifying the Department of Education of the  
1751 completion of the matrix; requiring the department to



1752 notify the parent regarding the amount of the awarded  
1753 funds; authorizing the school district to change the  
1754 matrix under certain circumstances; requiring the  
1755 school district in which a student resides to notify  
1756 students and parents of locations and times to take  
1757 all statewide assessments; requiring the school  
1758 district to notify parents of the availability of a  
1759 reevaluation; specifying the eligibility requirements  
1760 and obligations of an eligible private school relating  
1761 to the program; specifying the duties of the  
1762 Department of Education relating to the program;  
1763 requiring the Commissioner of Education to deny,  
1764 suspend, or revoke participation in the program or use  
1765 of program funds under certain circumstances;  
1766 providing additional factors under which the  
1767 commissioner may deny, suspend, or revoke a  
1768 participation in the program or program funds;  
1769 requiring a parent to sign an agreement with the  
1770 Department of Education to enroll his or her child in  
1771 the program which specifies the responsibilities of a  
1772 parent or student for using funds in an account and  
1773 for submitting a compliance statement to the  
1774 department; providing that a parent who fails to  
1775 comply with the responsibilities of the agreement  
1776 forfeits the personal learning scholarship account;  
1777 authorizing an eligible nonprofit scholarship-funding  
1778 organization to establish personal learning  
1779 scholarship accounts for eligible students  
1780 participating in the program; providing for funding



1781 and payments; providing for the closing of a student's  
1782 account and reversion of funds to the state; requiring  
1783 an eligible nonprofit scholarship-funding organization  
1784 to develop a system for payment of benefits by  
1785 electronic funds transfer; providing that moneys  
1786 received pursuant to the program do not constitute  
1787 taxable income; providing the Auditor General's  
1788 obligations under the program; requiring the  
1789 Department of Health, the Agency for Persons with  
1790 Disabilities, and the Department of Education to work  
1791 with an eligible nonprofit scholarship-funding  
1792 organization for easy or automated access to lists of  
1793 licensed providers of services; providing that the  
1794 state is not liable for the award or use of awarded  
1795 funds; providing for the scope of authority of the  
1796 act; requiring the State Board of Education to adopt  
1797 rules to administer the program; providing for  
1798 implementation of the program in a specified school  
1799 year; amending s. 1002.395, F.S.; revising the purpose  
1800 of the Florida Tax Credit Scholarship Program;  
1801 revising definitions; revising eligibility  
1802 requirements for the Florida Tax Credit Scholarship  
1803 Program; requiring the Department of Education and  
1804 Department of Revenue to publish the tax credit cap on  
1805 their websites when it is increased; requiring the  
1806 Department of Revenue to provide a copy of a letter  
1807 approving a taxpayer for a specified tax credit to the  
1808 eligible nonprofit scholarship-funding organization;  
1809 authorizing certain entities to convey, transfer, or



1810 assign certain tax credits; providing for the  
1811 calculation of underpayment of estimated corporate  
1812 income taxes and tax installation payments for taxes  
1813 on insurance premiums and assessments and the  
1814 determination of whether penalties or interest shall  
1815 be imposed on the underpayment; revising the  
1816 disqualifying offenses for nonprofit scholarship-  
1817 funding organization owners and operators; revising  
1818 priority for new applicants; allowing a student in  
1819 foster care or out-of-home care to apply for a  
1820 scholarship at any time; prohibiting use of eligible  
1821 contributions from being used for lobbying or  
1822 political activity or related expenses; requiring  
1823 application fees to be expended for student  
1824 scholarships in any year a nonprofit scholarship-  
1825 funding organization uses eligible contributions for  
1826 administrative expenses; requiring amounts carried  
1827 forward to be specifically reserved for particular  
1828 students and schools for audit purposes; revising  
1829 audit and report requirements for nonprofit  
1830 scholarship-funding organizations and Auditor General  
1831 review of all reports; requiring nonprofit  
1832 scholarship-funding organizations to maintain a surety  
1833 bond or letter of credit and to adjust the bond or  
1834 letter of credit quarterly based upon a statement from  
1835 a certified public accountant; providing exceptions;  
1836 requiring the nonprofit scholarship-funding  
1837 organization to provide the Auditor General any  
1838 information or documentation requested in connection





1839 with an operational audit; requiring a private school  
1840 to provide agreed upon transportation and make  
1841 arrangements for taking statewide assessments at the  
1842 school district testing site and in accordance with  
1843 the district's testing schedule if the student chooses  
1844 to take the statewide assessment; requiring parental  
1845 authorization for access to income eligibility  
1846 information; specifying that the independent research  
1847 organization is the Learning System Institute at the  
1848 Florida State University; identifying grant terms and  
1849 payments; revising statewide and individual school  
1850 report requirements; revising limitations on annual  
1851 scholarship amounts; providing initial and renewal  
1852 application requirements and an approval process for a  
1853 charitable organization that seeks to be a nonprofit  
1854 scholarship-funding organization; requiring the State  
1855 Board of Education to adopt rules; providing a  
1856 registration notice requirement for public and private  
1857 universities to be nonprofit scholarship-funding  
1858 organizations; requiring the State Board of Education  
1859 to adopt rules; allowing existing nonprofit  
1860 scholarship-funding organizations to provide the  
1861 required bond at a specified date; amending s.  
1862 1003.4282, F.S.; providing standard high school  
1863 diploma requirements for students with disabilities;  
1864 requiring an independent review and a parent's  
1865 approval to change a high school graduation option  
1866 specified in the student's individual education plan;  
1867 providing for a student with a disability to defer the



1868 receipt of a standard high school diploma under  
1869 certain circumstances; authorizing certain students  
1870 with disabilities to continue to receive certain  
1871 instruction and services; requiring parental approval  
1872 and independent review of a waiver of statewide,  
1873 standardized assessments; requiring the State Board of  
1874 Education to adopt rules; repealing s. 1003.438, F.S.,  
1875 relating to special high school graduation  
1876 requirements for certain exceptional students;  
1877 creating s. 1003.5716, F.S.; providing that certain  
1878 students with disabilities have a right to free,  
1879 appropriate public education; requiring an individual  
1880 education plan (IEP) team to begin the process of, and  
1881 to develop an IEP for, identifying transition services  
1882 needs for a student with a disability before the  
1883 student attains a specified age; providing  
1884 requirements for the process; requiring certain  
1885 statements to be included and annually updated in the  
1886 IEP; providing that changes in the goals specified in  
1887 an IEP are subject to independent review and parental  
1888 approval; requiring the school district to reconvene  
1889 the IEP team to identify alternative strategies to  
1890 meet transition objectives if a participating agency  
1891 fails to provide transition services specified in the  
1892 IEP; providing that the agency's failure does not  
1893 relieve the agency of the responsibility to provide or  
1894 pay for the transition services that the agency  
1895 otherwise would have provided; amending s. 1003.572,  
1896 F.S.; prohibiting a school district from charging fees



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1897 or imposing additional requirements on private  
1898 instructional personnel; amending s. 1008.25, F.S.;  
1899 requiring written notification relating to portfolios  
1900 to a parent of a student with a substantial reading  
1901 deficiency; requiring a student promoted to a certain  
1902 grade with a good cause exemption to receive intensive  
1903 reading instruction and intervention; requiring a  
1904 school district to assist schools and teachers with  
1905 the implementation of reading strategies; revising  
1906 good cause exemptions; directing the Florida Prepaid  
1907 College Board to conduct a study and submit to the  
1908 Legislature a report under established parameters;  
1909 amending ss. 120.81, 409.1451, and 1007.263, F.S.;  
1910 conforming cross-references; providing for application  
1911 of specified provisions in the act; providing  
1912 effective dates.