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LEGISLATIVE ACTION

Senate

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House

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



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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



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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.



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- 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) (1). 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



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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



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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) (l)~~.

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



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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



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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



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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



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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



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1694 education programs.

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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



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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



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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



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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



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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



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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



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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.