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LEGISLATIVE ACTION

Senate

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House

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Senator Gaetz moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 1002.385, Florida Statutes, is amended  
to read:

1002.385 Florida personal learning scholarship accounts.—

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



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12 (2) DEFINITIONS.—As used in this section, the term:  
13 (a) “Approved provider” means a provider approved by the  
14 Agency for Persons with Disabilities, a health care practitioner  
15 as defined in s. 456.001(4), or a provider approved by the  
16 department pursuant to s. 1002.66. The term also includes  
17 providers outside this state which are subject to similar  
18 regulation or approval requirements.  
19 (b) “Curriculum” means a complete course of study for a  
20 particular content area or grade level, including any required  
21 supplemental materials.  
22 (c) “Department” means the Department of Education.  
23 (d) “Disability” means, for a 3- or 4-year-old child or for  
24 a student in kindergarten to grade 12, autism spectrum disorder,  
25 as defined in the Diagnostic and Statistical Manual of Mental  
26 Disorders, Fifth Edition, ~~as defined in s. 393.063(3); cerebral~~  
27 ~~palsy, as defined in s. 393.063(4); Down syndrome, as defined in~~  
28 ~~s. 393.063(13); an intellectual disability, as defined in s.~~  
29 ~~393.063(21); Prader-Willi syndrome, as defined in s.~~  
30 ~~393.063(25); or spina bifida, as defined in s. 393.063(36); for~~  
31 ~~a student in kindergarten, being a high-risk child, as defined~~  
32 ~~in s. 393.063(20) (a); muscular dystrophy; and Williams syndrome.~~  
33 (e) “Eligible nonprofit scholarship-funding organization”  
34 or “organization” means a nonprofit scholarship-funding  
35 organization that is approved pursuant to s. 1002.395(2) (f). The  
36 organization must have a copy of its annual operational audit  
37 provided to the Commissioner of Education as required by this  
38 section has the same meaning as in s. 1002.395.  
39 (f) “Eligible postsecondary educational institution” means  
40 a Florida College System institution; ~~;~~ a state university; ~~;~~ a



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

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

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

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

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

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

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

66 (a) The student:

- 67 1. Is a resident of this state;  
68 2. Is or will be 3 or 4 years old on or before September 1  
69 of the year in which the student applies for program



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70 participation, or is eligible to enroll in kindergarten through  
71 grade 12 in a public school in this state;

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

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

78 (b) Beginning January 2015, and each year thereafter, the  
79 following application deadlines and guidelines are met:

80 1. The parent of a student seeking program renewal must  
81 submit a completed application to an organization for renewal by  
82 February 1 before the school year in which the student wishes to  
83 participate.

84 2. The parent of a student seeking initial approval to  
85 participate in the program must submit a completed application  
86 to an organization by June 30 before the school year in which  
87 the student wishes to participate.

88 3. The parent of a student seeking approval to participate  
89 in the program who does not comply with the requirements of  
90 subparagraph 1. or subparagraph 2. may late file a completed  
91 application by August 15 before the school year in which the  
92 student wishes to participate.

93 4. A parent must submit final verification to the  
94 organization before the organization opens a personal learning  
95 scholarship account for the student. The final verification must  
96 consist of only the following items that apply to the student:

97 a. A completed withdrawal form from the school district if  
98 the student was enrolled in a public school before the



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99 determination of program eligibility;

100 b. A letter of admission or enrollment from an eligible  
101 private school for the school year in which the student wishes  
102 to participate;

103 c. A copy of the notice of the parent's intent to establish  
104 and maintain a home education program required by s.  
105 1002.41(1)(a), or a copy of the district school superintendent's  
106 review of the annual educational evaluation of the student in a  
107 home education program required by s. 1002.41(2); or

108 d. A copy of notification from a private school that the  
109 student has withdrawn from the John M. McKay Scholarships for  
110 Students with Disabilities Program or the Florida Tax Credit  
111 Scholarship Program.

112 5. A parent's completed application and final verification  
113 submitted pursuant to this paragraph ~~the parent has applied to~~  
114 ~~an eligible nonprofit scholarship funding organization to~~  
115 ~~participate in the program by February 1 before the school year~~  
116 ~~in which the student will participate or an alternative date as~~  
117 ~~set by the organization for any vacant, funded slots. The~~  
118 ~~request~~ must be communicated directly to the organization in a  
119 manner that creates a written or electronic record including ~~of~~  
120 ~~the request and the date of receipt of the request.~~ The  
121 organization shall notify the district and the department of the  
122 parent's intent upon receipt of the parent's completed  
123 application and final verification ~~request.~~ The completed  
124 application must include, but is not limited to, an application;  
125 required documentation and forms; an initial or revised matrix  
126 of services, if requested; and any additional information or  
127 documentation required by the organization or by State Board of



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128 Education rule.

129 (4) PROGRAM PROHIBITIONS.—

130 (a) A student is not eligible for the program while he or  
131 she is:

132 1. Enrolled in a public school, including, but not limited  
133 to, the Florida School for the Deaf and the Blind; the Florida  
134 Virtual School; the College-Preparatory Boarding Academy; a  
135 developmental research school authorized under s. 1002.32; a  
136 charter school authorized under s. 1002.33, s. 1002.331, or s.  
137 1002.332; or a virtual education program authorized under s.  
138 1002.45;

139 2. Enrolled in the Voluntary Prekindergarten Education  
140 Program authorized under part V of this chapter;

141 3. Enrolled in a school operating for the purpose of  
142 providing educational services to youth in the Department of  
143 Juvenile Justice commitment programs;

144 ~~4.3.~~ Receiving a scholarship pursuant to the Florida Tax  
145 Credit Scholarship Program under s. 1002.395 or the John M.  
146 McKay Scholarships for Students with Disabilities Program under  
147 s. 1002.39; or

148 ~~5.4.~~ Receiving any other educational scholarship pursuant  
149 to this chapter.

150

151 For purposes of subparagraph 1., a 3- or 4-year-old child who  
152 receives services that are funded through the Florida Education  
153 Finance Program is considered to be a student enrolled in a  
154 public school.

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

156 1. The student or student's parent has accepted any



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157 payment, refund, or rebate, in any manner, from a provider of  
158 any services received pursuant to subsection (5);

159 2. The student's participation in the program, or receipt  
160 or expenditure of program funds, has been denied or revoked by  
161 the commissioner ~~of Education pursuant to subsection (10); or~~

162 3. The student's parent has forfeited participation in the  
163 program for failure to comply with requirements pursuant to  
164 subsection (11); or

165 4. The student's application for program eligibility has  
166 been denied by an organization.

167 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be  
168 spent if used to support the student's educational needs, for  
169 the following purposes:

170 (a) Instructional materials, including digital devices,  
171 digital periphery devices, and assistive technology devices that  
172 allow a student to access instruction or instructional content  
173 and training on the use of and maintenance agreements for these  
174 devices.

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

176 (c) Specialized services by approved providers that are  
177 selected by the parent. These specialized services may include,  
178 but are not limited to:

179 1. Applied behavior analysis services as provided in ss.  
180 627.6686 and 641.31098.

181 2. Services provided by speech-language pathologists as  
182 defined in s. 468.1125.

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

184 4. Services provided by physical therapists as defined in  
185 s. 486.021.



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186           5. Services provided by listening and spoken language  
187 specialists and an appropriate acoustical environment for a  
188 child who is deaf or hard of hearing and who has received an  
189 implant or assistive hearing device.

190

191 Specialized services outside this state are authorized under  
192 this paragraph if the services are subject to similar regulation  
193 or approval requirements.

194           (d) Enrollment in, or tuition or fees associated with  
195 enrollment in, an eligible private school, an eligible  
196 postsecondary educational institution or a program offered by  
197 the institution, a private tutoring program authorized under s.  
198 1002.43, a virtual program offered by a department-approved  
199 private online provider that meets the provider qualifications  
200 specified in s. 1002.45(2)(a), the Florida Virtual School as a  
201 private paying student, or an approved online course offered  
202 pursuant to s. 1003.499 or s. 1004.0961.

203           (e) Fees for nationally standardized, norm-referenced  
204 achievement tests, Advanced Placement Examinations, industry  
205 certification examinations, assessments related to postsecondary  
206 education, or other assessments.

207           (f) Contributions to the Stanley G. Tate Florida Prepaid  
208 College Program pursuant to s. 1009.98 or the Florida College  
209 Savings Program pursuant to s. 1009.981, for the benefit of the  
210 eligible student. The Florida Prepaid College Board shall, by  
211 the dates specified in ss. 1009.98 and 1009.981, create and have  
212 effective procedures to allow program funds to be used in  
213 conjunction with other funds used by the parent in the purchase  
214 of a prepaid college plan or a college savings plan; require





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215 program funds to be tracked and accounted for separately from  
216 other funds contributed to a prepaid college plan or a college  
217 savings plan; require program funds and associated interest to  
218 be reverted as specified in this section; and require program  
219 funds to be used only after private payments have been used for  
220 prepaid college plan or college savings plan expenditures. The  
221 organization shall enter into a contract with the Florida  
222 Prepaid College Board to enable the board to establish  
223 mechanisms to implement this section, including, but not limited  
224 to, identifying the source of funds being deposited in these  
225 plans. A qualified or designated beneficiary may not be changed  
226 while these plans contain funds contributed from this section.

227 (g) Contracted services provided by a public school or  
228 school district, including classes. A student who receives  
229 services under a contract under this paragraph is not considered  
230 enrolled in a public school for eligibility purposes as  
231 specified in subsection (4).

232 (h) Tuition and fees for part-time tutoring services  
233 provided by a person who holds a valid Florida educator's  
234 certificate pursuant to s. 1012.56; a person who holds an  
235 adjunct teaching certificate pursuant to s. 1012.57; or a person  
236 who has demonstrated a mastery of subject area knowledge  
237 pursuant to 1012.56(5). The term "part-time tutoring services"  
238 as used in this paragraph does not meet the definition of the  
239 term "regular school attendance" in s. 1003.01(13)(e).

240 (i) Fees for specialized summer education programs.

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

242 (k) Transition services provided by job coaches.

243 (l) Fees for an annual evaluation of educational progress



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244 by a state-certified teacher, if this option is chosen for a  
245 home education student pursuant to s. 1002.41(1)(c)1.

246  
247 A specialized service provider, eligible private school,  
248 eligible postsecondary educational institution, private tutoring  
249 program provider, online or virtual program provider, public  
250 school, school district, or other entity receiving payments  
251 pursuant to this subsection may not share, refund, or rebate any  
252 moneys from the Florida personal learning scholarship account  
253 with the parent or participating student in any manner.

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

256 (a) The program payments made by the state to an  
257 organization for a personal learning scholarship account under  
258 this section shall continue remain in force until the parent  
259 does not renew program eligibility; the organization determines  
260 a student is not eligible for program renewal; the commissioner  
261 denies, suspends, or revokes program participation or use of  
262 funds; or a student enrolls in participating in the program  
263 participates in any of the prohibited activities specified in  
264 subsection (4), has funds revoked by the Commissioner of  
265 Education pursuant to subsection (10), returns to a public  
266 school or in the Voluntary Prekindergarten Education Program,  
267 graduates from high school, or attains 22 years of age,  
268 whichever occurs first. A participating student who enrolls in a  
269 public school or public school program is considered to have  
270 returned to a public school for the purpose of determining the  
271 end of the program's term.

272 (b) Program expenditures by the parent from the program



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273 account are authorized until a student's personal learning  
274 scholarship account is closed pursuant to paragraph (c).

275 (c) A student's personal learning scholarship account shall  
276 be closed, and any remaining funds, including accrued interest  
277 or contributions made using program funds pursuant to paragraph  
278 (5) (f), shall revert to the state upon:

279 1. The eligible student no longer being enrolled in an  
280 eligible postsecondary educational institution or a program  
281 offered by the institution;

282 2. Denial or revocation of program eligibility by the  
283 commissioner;

284 3. Denial of program application by an organization; or

285 4. After any period of 4 consecutive years after high  
286 school completion or graduation in which the student is not  
287 enrolled in an eligible postsecondary educational institution or  
288 a program offered by the institution.

289

290 The commissioner must notify the parent and organization of any  
291 reversion determination.

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

293 (a)1. For a student with a disability who does not have a  
294 matrix of services under s. 1011.62(1)(e), or who wants a  
295 revised matrix of services, and for whom the parent requests a  
296 new or revised matrix of services, the school district must  
297 complete a matrix that assigns the student to one of the levels  
298 of service as they existed before the 2000-2001 school year.

299 2.a. Within 10 calendar ~~school~~ days after a school district  
300 receives notification of a parent's request for completion of a  
301 matrix of services, the school district must notify the



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302 student's parent if the matrix of services has not been  
303 completed and inform the parent that the district is required to  
304 complete the matrix within 30 days after receiving notice of the  
305 parent's request for the matrix of services. This notice must  
306 include the required completion date for the matrix.

307 b. The school district shall complete the matrix of  
308 services for a student whose parent has made a request. The  
309 school district must provide the student's parent, the  
310 organization, and the department with the student's matrix level  
311 within 10 calendar school days after its completion.

312 c. The department shall notify the parent and the ~~eligible~~  
313 ~~nonprofit scholarship-funding~~ organization of the amount of the  
314 funds awarded within 10 days after receiving the school  
315 district's notification of the student's matrix level.

316 d. A school district may change a matrix of services only  
317 if the change is to correct a technical, typographical, or  
318 calculation error, except that a parent may annually request a  
319 matrix reevaluation for each student participating in the  
320 program pursuant to paragraph (12) (h).

321 (b) For each student participating in the program who  
322 chooses to participate in statewide, standardized assessments  
323 under s. 1008.22 or the Florida Alternate Assessment, the school  
324 district in which the student resides must notify the student  
325 and his or her parent about the locations and times to take all  
326 statewide, standardized assessments.

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

330 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible



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331 private school may be sectarian or nonsectarian and shall:

332 (a) Comply with all requirements for private schools  
333 participating in state school choice scholarship programs  
334 pursuant to s. 1002.421. To participate in the program, a  
335 private school must submit to the department a notification for  
336 eligibility to participate in its application for the John M.  
337 McKay Scholarships for Students with Disabilities and Florida  
338 Tax Credit Scholarship programs identified in ss. 1002.39 and  
339 1002.395.

340 (b) Provide to the department and ~~eligible nonprofit~~  
341 ~~scholarship-funding~~ organization, upon request, all  
342 documentation required for the student's participation,  
343 including the private school's and student's fee schedules.

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

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

348 2. Annually administering or making provision for students  
349 participating in the program in grades 3 through 10 to take one  
350 of the nationally norm-referenced tests identified by the State  
351 Board ~~Department~~ of Education or the statewide assessments  
352 pursuant to s. 1008.22. Students with disabilities for whom  
353 standardized testing is not appropriate are exempt from this  
354 requirement. A participating private school shall report a  
355 student's scores to the parent.

356 3. Cooperating with the scholarship student whose parent  
357 chooses to have the student participate in the statewide  
358 assessments pursuant to s. 1008.22 or, if a private school  
359 chooses to offer the statewide assessments, administering the



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360 assessments at the school.

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

364 b. A participating private school shall submit a request in  
365 writing to the Department of Education by March 1 of each year  
366 in order to administer the statewide assessments in the  
367 subsequent school year.

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

371 (e) Annually contract with an independent certified public  
372 accountant to perform the agreed-upon procedures developed under  
373 s. 1002.395(6)(o) ~~s. 1002.395(6)(n)~~ and produce a report of the  
374 results if the private school receives more than \$250,000 in  
375 funds from scholarships awarded under this section in the 2014-  
376 2015 state fiscal year or a state fiscal year thereafter. A  
377 private school subject to this paragraph must submit the report  
378 by September 15, 2015, and annually thereafter to the  
379 ~~scholarship-funding~~ organization that awarded the majority of  
380 the school's scholarship funds. The agreed-upon procedures must  
381 be conducted in accordance with attestation standards  
382 established by the American Institute of Certified Public  
383 Accountants.

384  
385 The inability of a private school to meet the requirements of  
386 this subsection constitutes a basis for the ineligibility of the  
387 private school to participate in the program as determined by  
388 the commissioner ~~department~~.



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389 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
390 shall:

391 (a) Maintain a list of approved providers pursuant to s.  
392 1002.66, and eligible postsecondary educational institutions,  
393 eligible private schools, and organizations on its website. The  
394 department may identify or provide links to lists of other  
395 approved providers on its website.

396 (b) Require each ~~eligible nonprofit scholarship-funding~~  
397 organization to preapprove ~~verify eligible~~ expenditures to be  
398 ~~before the distribution of funds for any expenditures~~ made  
399 pursuant to paragraphs (5) (a) and (b). Review of expenditures  
400 made for services in paragraphs (5) (c) - (h) must ~~(5) (c) - (g) may~~  
401 be completed after the purchase ~~payment~~ has been made.

402 (c) Investigate any written complaint of a violation of  
403 this section by a parent, student, private school, public school  
404 or school district, organization, provider, or other appropriate  
405 party in accordance with the process established by s.  
406 1002.395(9) (f).

407 (d) Require annually by December 1 ~~quarterly~~ reports by an  
408 ~~eligible nonprofit scholarship-funding~~ organization, which must  
409 include, but need not be limited to, regarding the number of  
410 students participating in the program, demographics of program  
411 participants; disability category; matrix level of services, if  
412 known; award amount per student; total expenditures for the  
413 categories in subsection (5); and the types of providers of  
414 services to students, ~~and other information deemed necessary by~~  
415 ~~the department.~~

416 (e) Compare the list of students participating in the  
417 program with the public school student enrollment lists and the



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418 list of students participating in school choice scholarship  
419 programs established pursuant to this chapter, throughout the  
420 school year, before each program payment to avoid duplicate  
421 payments and confirm program eligibility.

422 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

423 (a) The Commissioner of Education:

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

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

430 3. May ~~deny, suspend, or revoke~~ an authorized use of  
431 program funds for material failure to comply with this section  
432 and applicable State Board of Education ~~department~~ rules if the  
433 noncompliance is correctable within a reasonable period of time.  
434 Otherwise, the commissioner shall ~~deny, suspend,~~ or revoke an  
435 authorized use for failure to materially comply with the law and  
436 rules adopted under this section.

437 4. Shall require compliance by the appropriate party by a  
438 date certain for all nonmaterial failures to comply with this  
439 section and applicable State Board of Education ~~department~~  
440 rules.

441 5. Notwithstanding the other provisions of this section,  
442 the commissioner may deny, suspend, or revoke program  
443 participation or use of program funds by the student; or  
444 participation or eligibility of an organization, eligible  
445 private school, eligible postsecondary educational institution,  
446 approved provider, or other appropriate party for a violation of





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447 this section. The commissioner may determine the length of, and  
448 conditions for lifting, the suspension or revocation specified  
449 in this paragraph. The length of suspension or revocation may  
450 not exceed 5 years, except for instances of fraud, in which case  
451 the length of suspension or revocation may not exceed 10 years.  
452 The commissioner may employ mechanisms allowed by law to recover  
453 unexpended program funds or withhold payment of an equal amount  
454 of program funds to recover program funds that were not  
455 authorized for use under this section thereafter.

456 6. Shall deny or terminate program participation upon a  
457 parent's forfeiture of a personal learning scholarship account  
458 pursuant to subsection (11).

459 (b) In determining whether to deny, suspend, ~~or~~ revoke, or  
460 lift a suspension or revocation, in accordance with this  
461 subsection, the commissioner may consider factors that include,  
462 but are not limited to, acts or omissions ~~that~~ by a  
463 ~~participating entity which~~ led to a previous denial, suspension,  
464 or revocation of participation in a state or federal program or  
465 an education scholarship program; failure to reimburse the  
466 ~~eligible nonprofit scholarship-funding~~ organization for ~~program~~  
467 funds improperly received or retained ~~by the entity;~~ failure to  
468 reimburse government funds improperly received or retained;  
469 imposition of a prior criminal sanction related to the person or  
470 entity or its officers or employees; imposition of a civil fine  
471 or administrative fine, license revocation or suspension, or  
472 program eligibility suspension, termination, or revocation  
473 related to a person's or ~~an~~ entity's management or operation; or  
474 other types of criminal proceedings in which the person or the  
475 entity or its officers or employees were found guilty of,



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476 regardless of adjudication, or entered a plea of nolo contendere  
477 or guilty to, any offense involving fraud, deceit, dishonesty,  
478 or moral turpitude.

479 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
480 PARTICIPATION.—A parent who applies for program participation  
481 under this section is exercising his or her parental option to  
482 determine the appropriate placement or the services that best  
483 meet the needs of his or her child. The scholarship award for a  
484 student is based on a matrix that assigns the student to support  
485 Level III services. If a parent chooses to request and receive  
486 an IEP and a matrix of services from the school district, the  
487 amount of the payment shall be adjusted as needed, when the  
488 school district completes the matrix.

489 (a) To satisfy or maintain program eligibility, including,  
490 but not limited to, eligibility to receive program payments and  
491 expend program payments ~~enroll an eligible student in the~~  
492 ~~program,~~ the parent must sign an agreement with the eligible  
493 ~~nonprofit scholarship-funding~~ organization and annually submit a  
494 notarized, sworn compliance statement to the organization to:

495 1. Affirm that the student is enrolled in a program that  
496 meets regular school attendance requirements as provided in s.  
497 1003.01(13)(b)-(d).

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

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

503 a. If the parent enrolls the child in an eligible private  
504 school, the student must take an assessment selected by the



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505 private school pursuant to s. 1002.395(7)(e) or, if requested by  
506 the parent, the statewide, standardized assessments pursuant to  
507 s. 1002.39(8)(c)2. and (9)(e).

508 b. If the parent enrolls the child in a home education  
509 program, the parent may choose to participate in an assessment  
510 as part of the annual evaluation provided for in s.  
511 1002.41(1)(c).

512 4. Notify the school district that the student is  
513 participating in the program ~~Personal Learning Scholarship~~  
514 ~~Accounts~~ if the parent chooses to enroll in a home education  
515 program as provided in s. 1002.41.

516 5. File a completed application for initial program  
517 participation with an organization ~~Request participation in the~~  
518 ~~program~~ by the dates ~~date~~ established pursuant to this section  
519 ~~by the eligible nonprofit scholarship-funding organization.~~

520 6. Affirm that the student remains in good standing with  
521 the entities identified in paragraph (5)(d), paragraph (5)(g),  
522 or paragraph (5)(h) ~~provider or school~~ if those options are  
523 selected by the parent.

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

526 8. Annually file a completed application to renew  
527 participation in the program if renewal is desired by the  
528 parent. Notwithstanding any changes to the student's IEP, a  
529 student who was previously eligible for participation in the  
530 program shall remain eligible to apply for renewal ~~as provided~~  
531 ~~in subsection (6).~~ However, in order for a high-risk child to  
532 continue to participate in the program in the school year after  
533 he or she reaches 6 years of age, the child's completed



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534 application for renewal of program participation must contain  
535 documentation that the child has a disability defined in  
536 paragraph (2)(d) other than high-risk status.

537 9. Affirm that the parent is prohibited from transferring  
538 and will not transfer any prepaid college plan or college  
539 savings plan funds contributed pursuant to paragraph (5)(f) to  
540 another beneficiary while the plan contains funds contributed  
541 pursuant to this section.

542 10. Affirm that the parent will not take possession of any  
543 funding provided by the state for the program ~~Florida Personal~~  
544 ~~Learning Scholarship Accounts.~~

545 11. Affirm that the parent will maintain a portfolio of  
546 records and materials which must be preserved by the parent for  
547 2 years and be made available for inspection by the  
548 organization, the department, or the district school  
549 superintendent or the superintendent's designee upon 15 days'  
550 written notice. This paragraph does not require inspection of  
551 ~~the superintendent to inspect~~ the portfolio. The portfolio of  
552 records and materials must consist of:

553 a. A log of educational instruction and services which is  
554 made contemporaneously with delivery of the instruction and  
555 services and which designates by title any reading materials  
556 used; ~~and~~

557 b. Samples of any writings, worksheets, workbooks, or  
558 creative materials used or developed by the student; and

559 c. Other records, documents, or materials required by the  
560 organization or specified by the department in rule, to  
561 facilitate program implementation.

562 (b) The parent is responsible for procuring the services



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563 necessary to educate the student. When the student receives a  
564 personal learning scholarship account, the district school board  
565 is not obligated to provide the student with a free appropriate  
566 public education. For purposes of s. 1003.57 and the Individuals  
567 with Disabilities in Education Act, a participating student has  
568 only those rights that apply to all other unilaterally  
569 parentally placed students, except that, when requested by the  
570 parent, school district personnel must develop an individual  
571 education plan or matrix level of services.

572 (c) The parent is responsible for ~~the payment of all~~  
573 eligible expenses in excess of the amount of the personal  
574 learning scholarship account ~~in accordance with the terms agreed~~  
575 ~~to between the parent and the providers.~~

576  
577 A parent who fails to comply with this subsection forfeits the  
578 personal learning scholarship account.

579 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP  
580 ACCOUNTS.—~~An eligible nonprofit scholarship-funding organization~~  
581 ~~participating in the Florida Tax Credit Scholarship Program~~  
582 ~~established under s. 1002.395~~ may establish personal learning  
583 scholarship accounts for eligible students, in accordance with  
584 the deadlines established in this section, by:

585 (a) Receiving completed applications and final verification  
586 and determining student eligibility in accordance with the  
587 requirements of this section. For initial program participation,  
588 preference must first be provided to students retained on a wait  
589 list created by the organization in the order that completed  
590 applications are approved ~~The organization shall notify the~~  
591 ~~department of the applicants for the program by March 1 before~~



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592 ~~the school year in which the student intends to participate.~~  
593 When a completed an application and final verification are is  
594 received and approved, the ~~scholarship funding~~ organization must  
595 provide the department with information on the student to enable  
596 the department to report the student for funding in an amount  
597 determined in accordance with subsection (13).

598 (b) Notifying parents of their receipt of a scholarship on  
599 a first-come, first-served basis, after approving the completed  
600 application and confirming receipt of the parent's final  
601 verification, based upon the funds provided for this program in  
602 the General Appropriations Act.

603 (c) Establishing a date pursuant to paragraph (3) (b) by  
604 which a parent must confirm initial or continuing participation  
605 in the program and confirm the establishment or continuance of a  
606 personal learning scholarship account.

607 (d) Establishing a date and process pursuant to paragraph  
608 (3) (b) by which completed applications may be approved and  
609 students on the wait list or late-filing applicants may be  
610 allowed to participate in the program during the school year,  
611 within the amount of funds provided for this program in the  
612 General Appropriations Act. The process must allow timely filed  
613 completed applications to take precedence before late-filed  
614 completed applications for purposes of creating a wait list for  
615 participation in the program.

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



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621 (f) Verifying qualifying educational expenditures pursuant  
622 to the requirements of subsection (5) paragraph ~~(8) (b)~~.

623 (g) Returning any remaining program ~~unused~~ funds pursuant  
624 to paragraph (6) (c) to the department when the student is no  
625 longer authorized to expend program funds. The organization may  
626 reimburse a parent for authorized program expenditures made  
627 during the fiscal year before funds are deposited in the  
628 student's ~~eligible for a personal scholarship learning~~ account.

629 (h) Annually notifying the parent about the availability of  
630 and the requirements associated with requesting an initial  
631 matrix or matrix reevaluation annually for each student  
632 participating in the program.

633 (13) FUNDING AND PAYMENT.—

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

642 2. In addition, an amount equivalent to a share of the  
643 guaranteed allocation for exceptional students in the Florida  
644 Education Finance Program shall be determined and added to the  
645 amount in subparagraph 1. The calculation shall be based on the  
646 methodology and the data used to calculate the guaranteed  
647 allocation for exceptional students for each district in chapter  
648 2000-166, Laws of Florida. Except as provided in subparagraph  
649 3., the calculation shall be based on the student's grade, the



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650 matrix level of services, and the difference between the 2000-  
651 2001 basic program and the appropriate level of services cost  
652 factor, multiplied by the 2000-2001 base student allocation and  
653 the 2000-2001 district cost differential for the sending  
654 district. The calculated amount must also include an amount  
655 equivalent to the per-student share of supplemental academic  
656 instruction funds, instructional materials funds, technology  
657 funds, and other categorical funds as provided in the General  
658 Appropriations Act.

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

666 (b) The amount of the awarded funds shall be 90 percent of  
667 the calculated amount. One hundred percent of the funds  
668 appropriated for this program shall be released in the first  
669 quarter of each fiscal year. Accrued interest is in addition to,  
670 and not part of, the awarded funds. Program funds include both  
671 the awarded funds and the accrued interest.

672 ~~(c) Upon an eligible student's graduation from an eligible~~  
673 ~~postsecondary educational institution or after any period of 4~~  
674 ~~consecutive years after high school graduation in which the~~  
675 ~~student is not enrolled in an eligible postsecondary educational~~  
676 ~~institution, the student's personal learning scholarship account~~  
677 ~~shall be closed, and any remaining funds shall revert to the~~  
678 ~~state.~~





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679        (c)-(d) The eligible nonprofit scholarship-funding  
680 organization shall develop a system for payment of benefits by  
681 electronic funds transfer, including, but not limited to, debit  
682 cards, electronic payment cards, or any other means of  
683 electronic payment that the department deems to be commercially  
684 viable or cost-effective. Commodities or services related to the  
685 development of such a system shall be procured by competitive  
686 solicitation unless they are purchased from a state term  
687 contract pursuant to s. 287.056.

688        (d) An eligible nonprofit scholarship-funding organization  
689 may use up to 3 percent of the total amount of payments received  
690 during the state fiscal year for administrative expenses if the  
691 organization has operated as an nonprofit scholarship-funding  
692 organization for at least 3 fiscal years and did not have any  
693 findings of material weakness or material noncompliance in its  
694 most recent audit under s. 1002.395(6)(m). Such administrative  
695 expenses must be reasonable and necessary for the organization's  
696 management and distribution of scholarships under this section.  
697 Funds authorized under this paragraph may not be used for  
698 lobbying or political activity or expenses related to lobbying  
699 or political activity. If an eligible nonprofit scholarship-  
700 funding organization charges an application fee for a  
701 scholarship, the application fee must be immediately refunded to  
702 the person who paid the fee if the student is determined  
703 ineligible for the program or placed on a wait list. The  
704 administrative fee may not be deducted from any scholarship  
705 funds, but may be provided for in the General Appropriations  
706 Act. An application fee may not be deducted from any scholarship  
707 funds.



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708 (e) Moneys received pursuant to this section do not  
709 constitute taxable income to the student or parent of the  
710 qualified student.

711 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

712 (a) The Auditor General shall conduct an annual ~~financial~~  
713 ~~and~~ operational audit of accounts and records of each ~~eligible~~  
714 ~~scholarship-funding~~ organization that participates in the  
715 program. As part of this audit, the Auditor General shall  
716 verify, at a minimum, the total amount of students served and  
717 eligibility of reimbursements made by each ~~eligible nonprofit~~  
718 ~~scholarship-funding~~ organization and transmit that information  
719 to the department.

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

723 (c) The Auditor General shall provide the Commissioner of  
724 Education with a copy of each annual operational audit performed  
725 pursuant to this subsection within 10 days after each audit is  
726 finalized.

727 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The  
728 Department of Health, the Agency for Persons with Disabilities,  
729 and the Department of Education shall work with an ~~eligible~~  
730 ~~nonprofit scholarship-funding~~ organization for easy or automated  
731 access to lists of licensed providers of services specified in  
732 paragraph (5) (c) to ensure efficient administration of the  
733 program.

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

736 (17) SCOPE OF AUTHORITY.—This section does not expand the



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737 regulatory authority of this state, its officers, or any school  
738 district to impose additional regulation on participating  
739 private schools, independent ~~nonpublic~~ postsecondary educational  
740 institutions, and private providers beyond those reasonably  
741 necessary to enforce requirements expressly set forth in this  
742 section.

743 (18) REPORTS.—The department shall, by February 1 of each  
744 year, provide an annual report to the Governor, the President of  
745 the Senate, and the Speaker of the House of Representatives  
746 regarding the effectiveness of the Florida Personal Learning  
747 Scholarship Accounts Program. The report must address the scope  
748 and size of the program, with regard to participation and other  
749 related data, and analyze the effectiveness of the program  
750 pertaining to cost, education, and therapeutic services.

751 (19) ~~(18)~~ RULES.—The State Board of Education shall adopt  
752 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
753 section.

754 (20) ~~(19)~~ IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL  
755 YEAR.—Notwithstanding the provisions of this section related to  
756 notification and eligibility timelines, an ~~eligible nonprofit~~  
757 ~~scholarship-funding~~ organization may enroll parents on a rolling  
758 schedule on a first-come, first-served basis, within the amount  
759 of funds provided in the General Appropriations Act. This  
760 subsection is repealed July 1, 2015.

761 Section 2. Paragraphs (a) and (b) of subsection (16) of  
762 section 1002.395, Florida Statutes, are amended to read:

763 1002.395 Florida Tax Credit Scholarship Program.—

764 (16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;

765 APPLICATION.—In order to participate in the scholarship program



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766 created under this section, a charitable organization that seeks  
767 to be a nonprofit scholarship-funding organization must submit  
768 an application for initial approval or renewal to the Office of  
769 Independent Education and Parental Choice no later than  
770 September 1 of each year before the school year for which the  
771 organization intends to offer scholarships.

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

773 1. A copy of the organization's incorporation documents and  
774 registration with the Division of Corporations of the Department  
775 of State.

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

779 3. A description of the organization's financial plan that  
780 demonstrates sufficient funds to operate throughout the school  
781 year.

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

785 5. The organization's organizational chart.

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

788 7. A description of the application process, including  
789 deadlines and any associated fees.

790 8. A description of the deadlines for attendance  
791 verification and scholarship payments.

792 9. A copy of the organization's policies on conflict of  
793 interest and whistleblowers.

794 10. A copy of a surety bond or letter of credit in an



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795 amount equal to 25 percent of the scholarship funds anticipated  
796 for each school year or \$100,000, whichever is greater,  
797 specifying that any claim against the bond or letter of credit  
798 may be made only by an eligible nonprofit scholarship-funding  
799 organization to provide scholarships to and on behalf of  
800 students who would have had scholarships funded but for the  
801 diversion of funds giving rise to the claim against the bond or  
802 letter of credit.

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

805 1. A surety bond or letter of credit equal to the amount of  
806 undisbursed donations held by the organization based on the  
807 annual report submitted pursuant to paragraph (6) (m). The amount  
808 of the surety bond or letter of credit must be at least  
809 \$100,000, but not more than \$25 million, specifying that any  
810 claim against the bond or letter of credit may be made only by  
811 an eligible nonprofit scholarship-funding organization to  
812 provide scholarships to and on behalf of students who would have  
813 had scholarships funded but for the diversion of funds giving  
814 rise to the claim against the bond or letter of credit.

815 2. The organization's completed Internal Revenue Service  
816 Form 990 submitted no later than November 30 of the year before  
817 the school year that the organization intends to offer the  
818 scholarships, notwithstanding the September 1 application  
819 deadline.

820 3. A copy of the statutorily required audit to the  
821 Department of Education and Auditor General.

822 4. An annual report that includes:

823 a. The number of students who completed applications, by



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824 county and by grade.

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

827 c. The number of students who received funding for  
828 scholarships within each funding category, by county and by  
829 grade.

830 d. The amount of funds received, the amount of funds  
831 distributed in scholarships, and an accounting of remaining  
832 funds and the obligation of those funds.

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

835 Section 3. Paragraph (z) is added to subsection (4) of  
836 section 1009.971, Florida Statutes, to read:

837 1009.971 Florida Prepaid College Board.—

838 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The  
839 board shall have the powers and duties necessary or proper to  
840 carry out the provisions of ss. 1009.97-1009.984, including, but  
841 not limited to, the power and duty to:

842 (z) Adopt rules governing:

843 1. The purchase and use of a prepaid college plan  
844 authorized under s. 1009.98 or a college savings plan authorized  
845 under s. 1009.981 for the Florida Personal Learning Scholarship  
846 Accounts Program pursuant to ss. 1002.385, 1009.98, and  
847 1009.981.

848 2. The use of a prepaid college plan authorized under s.  
849 1009.98 or a college savings plan authorized under s. 1009.981  
850 for postsecondary education programs for students with  
851 disabilities.

852 Section 4. Subsection (11) is added to section 1009.98,



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853 Florida Statutes, to read:

854 1009.98 Stanley G. Tate Florida Prepaid College Program.—

855 (11) IMPLEMENTATION PROCEDURES.—

856 (a) Notwithstanding any other provision in this section, a  
857 prepaid college plan may be purchased, accounted for, used, and  
858 terminated as provided in s. 1002.385. By September 1, 2015, the  
859 board shall develop procedures, contracts, and any other  
860 required forms or documentation necessary to fully implement  
861 this subsection. The board shall enter into a contract with an  
862 organization pursuant to s. 1002.385 to enable the board to  
863 establish mechanisms to implement this subsection, including,  
864 but not limited to, identifying the source of funds being  
865 deposited into a prepaid college plan. A qualified beneficiary  
866 may not be changed while a prepaid college plan contains funds  
867 contributed from s. 1002.385.

868 (b) A qualified beneficiary may apply the benefits of an  
869 advance payment contract toward the program fees of a program  
870 designed for students with disabilities conducted by a state  
871 postsecondary institution. A transfer authorized under this  
872 subsection may not exceed the redemption value of the advance  
873 payment contract at a state postsecondary institution or the  
874 number of semester credit hours contracted on behalf of a  
875 qualified beneficiary.

876 Section 5. Subsection (10) is added to section 1009.981,  
877 Florida Statutes, to read:

878 1009.981 Florida College Savings Program.—

879 (10) IMPLEMENTATION PROCEDURES.—

880 (a) Notwithstanding any other provision in this section, a  
881 college savings plan may be purchased, accounted for, used, and



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882 terminated as provided in s. 1002.385. By September 1, 2015, the  
883 board shall develop procedures, contracts, and any other  
884 required forms or documentation necessary to fully implement  
885 this subsection. The board shall enter into a contract with an  
886 organization pursuant to s. 1002.385 to enable the board to  
887 establish mechanisms to implement this subsection, including,  
888 but not limited to, identifying the source of funds being  
889 deposited into a college savings plan. A designated beneficiary  
890 may not be changed while a college savings plan contains funds  
891 contributed from s. 1002.385.

892 (b) A designated beneficiary may apply the benefits of a  
893 participation agreement toward the program fees of a program  
894 designed for students with disabilities conducted by a state  
895 postsecondary institution.

896 Section 6. The Department of Education shall adopt rules to  
897 implement s. 1002.385, Florida Statutes.

898 (1) Such rules must be effective by August 1, 2015, and  
899 must include, but need not be limited to:

900 (a) Establishing procedures concerning the student,  
901 organization, eligible private school, eligible postsecondary  
902 educational institution, or other appropriate party to  
903 participate in the program, including approval, suspension, and  
904 termination of eligibility;

905 (b) Establishing uniform forms for use by organizations for  
906 parents and students;

907 (c) Approving providers pertaining to the Florida K-20  
908 Education Code;

909 (d) Incorporating program participation in existing private  
910 school scholarship program applications, including, but not





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911 limited to, ensuring that the process for obtaining eligibility  
912 under s. 1002.385, Florida Statutes, is as administratively  
913 convenient as possible for a private school;

914 (e) Establishing a matrix of services calculations and  
915 timelines, so that the initial and revised matrix is completed  
916 by a school district in time to be included in the completed  
917 application;

918 (f) Establishing a deadline for an organization to provide  
919 annual notice of the ability for a parent to request an initial  
920 or revised matrix of services, which must enable the initial or  
921 revised matrix to be included in the completed application;

922 (g) Establishing additional records, documents, or  
923 materials a parent must collect and retain in the student's  
924 portfolio;

925 (h) Establishing preliminary timelines and procedures that  
926 enable a parent to submit a completed application to the  
927 organization, and for the organization to review and approve the  
928 completed application; and

929 (i) Defining terms, including, but not limited to, the  
930 terms "participating student," "new student," "eligible  
931 student," "award letter," "program funds," "associated  
932 interest," "program payments," "program expenditures," "initial  
933 program participation," "program renewal," "wait list," "timely  
934 filed application," and "late-filed application."

935 (2) Such rules should maximize flexibility and ease of  
936 program use for the parent and student.

937 Section 7. This act shall take effect upon becoming a law.

938

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



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940 And the title is amended as follows:

941 Delete everything before the enacting clause  
942 and insert:

943 A bill to be entitled

944 An act relating to students with disabilities;  
945 amending s. 1002.385, F.S.; revising definitions  
946 applicable to the Florida Personal Learning  
947 Scholarship Accounts Program; revising scholarship  
948 application deadlines and guidelines; revising  
949 provisions to conform to the designation of eligible  
950 nonprofit scholarship-funding organizations; requiring  
951 authorized program funds to support the student's  
952 educational needs; requiring the Florida Prepaid  
953 College Board to create certain procedures;  
954 authorizing part-time private tutoring services by  
955 persons meeting certain requirements; authorizing  
956 program funds to be spent for specified education  
957 programs and services; revising the conditions under  
958 which a student's personal learning scholarship  
959 account must be closed; revising the responsibilities  
960 for school districts; revising requirements for a  
961 private school's eligibility to participate in the  
962 program; revising responsibilities of the Department  
963 of Education and the Commissioner of Education with  
964 respect to program administration; revising  
965 responsibilities for parents and students to  
966 participate in the program; requiring a parent to  
967 affirm that program funds are used only for authorized  
968 purposes that serve the student's educational needs;



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969 revising responsibilities of an organization  
970 pertaining to the administration of personal learning  
971 scholarship accounts; revising the wait list and  
972 priority of approving renewal and new applications;  
973 revising the notice requirement of an organization;  
974 authorizing accrued interest to be used for authorized  
975 expenditures; requiring accrued interest to be  
976 reverted as a part of reverted scholarship funds;  
977 revising taxable income requirements; removing  
978 obsolete audit requirements; requiring the Auditor  
979 General to provide a copy of each annual operational  
980 audit performed to the Commissioner of Education  
981 within a specified timeframe; requiring the department  
982 to provide an annual report to the Governor and the  
983 Legislature regarding the program; prescribing report  
984 requirements; providing for future repeal of  
985 provisions pertaining to an implementation schedule of  
986 notification and eligibility timelines; amending s.  
987 1002.395, F.S.; revising the surety bond requirements  
988 for nonprofit scholarship-funding organizations  
989 submitting initial and renewal scholarship program  
990 participation applications; amending s. 1009.971,  
991 F.S.; revising the powers and duties of the Florida  
992 Prepaid College Board to include specified rulemaking  
993 authority; amending ss. 1009.98 and 1009.981, F.S.;  
994 authorizing a prepaid college plan or a college  
995 savings plan to be purchased, accounted for, used, and  
996 terminated under certain circumstances; specifying  
997 rulemaking requirements applicable to the department;



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998

providing an effective date.