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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
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	.	

The Committee on Appropriations (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (k) of subsection (2) of section
11.45, Florida Statutes, 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
records of educational fiscal intermediaries issued a contract



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11 under s. 1002.384 and eligible nonprofit scholarship-funding
12 organizations receiving eligible contributions under s.
13 1002.395, including any contracts for services with related
14 entities, to determine compliance with the respective sections
15 ~~provisions of that section.~~ An audit of an educational fiscal
16 ~~intermediary must include, but not be limited to, a~~
17 ~~determination of the educational fiscal intermediary's~~
18 ~~compliance with s. 1002.384(3)(d). An audit of an eligible~~
19 ~~nonprofit scholarship-funding organization must~~ Such audits
20 ~~shall include, but not be limited to, a determination of the~~
21 ~~eligible nonprofit scholarship-funding organization's compliance~~
22 ~~with s. 1002.395(6)(j). The Auditor General shall provide its~~
23 ~~report on the results of the audits to the Governor, the~~
24 ~~President of the Senate, the Speaker of the House of~~
25 ~~Representatives, the Chief Financial Officer, and the~~
26 ~~Legislative Auditing Committee, within 30 days of completion of~~
27 ~~the audit.~~

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

35 Section 2. Section 1002.384, Florida Statutes, is created
36 to read:

37 1002.384 Educational fiscal intermediaries.—

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

39 (a) "Educational fiscal intermediary" or "EFI" includes,



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40 but is not limited to, a school district direct-support
41 organization; a state university; or an independent college or
42 university that is eligible to participate in the William L.
43 Boyd, IV, Florida Resident Access Grant Program, located and
44 chartered in this state, is not for profit, and is accredited by
45 the Commission on Colleges of the Southern Association of
46 Colleges and Schools; or a charitable organization that is:

47 1. Exempt from federal income tax under s. 501(c)(3) of the
48 Internal Revenue Code;

49 2. A Florida entity formed under chapter 607, chapter 608,
50 or chapter 617 whose principal office is located in this state;

51 and

52 3. In compliance with this section and s. 1002.385.

53 (b) "Owner or operator" means an owner, president, officer,
54 or director of an eligible nonprofit scholarship-funding
55 organization or a person with equivalent decisionmaking
56 authority over an EFI.

57 (c) "Program" means the Florida Personal Learning
58 Scholarship Accounts Program established under s. 1002.385.

59 (2) COMPETITIVE SOLICITATION.—The department shall:

60 (a)1. Issue a competitive solicitation to select one or
61 more entities to serve as EFIs for a 3-year term. The department
62 may issue the competitive solicitation by a request for
63 proposals or an invitation to negotiate. The resulting contracts
64 are not renewable or extendable. Before expiration of the
65 resulting contracts, the department shall issue a new
66 competitive solicitation and execute a new contract or contracts
67 in accordance with this section.

68 2. Require that an EFI's response to a competitive



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69 solicitation include the authority and obligations of an EFI
70 identified in this section and in s. 1002.385. Such authority
71 and obligations must be scored in the department's evaluation of
72 responses to the competitive solicitation and contained in the
73 EFI's contract with the department.

74 3. Include representatives of the Department of Revenue and
75 the Chief Financial Officer to participate as evaluators, and
76 negotiators if an invitation to negotiate is issued, in the
77 department's competitive selection process for the contract
78 required under this section.

79 (b) Consider the criteria, authorities, and obligations for
80 an EFI under this section and s. 1002.385 when awarding
81 contracts to one or more EFIs by the competitive solicitation.
82 The resulting contracts must include the criteria, authorities,
83 and obligations under this section and s. 1002.385. The
84 following requirements must receive priority in scoring and
85 preference in the competitive solicitation:

86 1. Experience and personnel.—The EFI must have experience
87 providing services that are similar to, or exceed, the size and
88 scope of the services required under this section and s.
89 1002.385. Personnel for the EFI must be sufficient to provide
90 all services and regulations under the scope of EFI
91 responsibility.

92 2. Fiscal responsibility.—The EFI must have at least one
93 previous audit accomplished to be eligible to seek a contract.
94 The audit must have been conducted by the Auditor General or
95 must be subsequently reviewed and certified by the Auditor
96 General. The EFI must not have any negative financial findings
97 in its most recent audits required under this section and ss.



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98 11.45 and 1002.385.

99 3. Administrative fee.—The EFI may collect an
100 administrative fee for its services. The administrative fee may
101 not be deducted from any scholarship funds, but may be provided
102 for in the General Appropriations Act. A preference is given to
103 the EFI with the lowest administrative fee offered in the
104 competitive solicitation. Scholarship funds are paid out as
105 required under s. 1002.385 or the General Appropriations Act.

106 (3) DUTIES, RESPONSIBILITIES, AND PROHIBITED ACTIONS.—An
107 EFI:

108 (a) Shall implement this section, carry out its contract
109 with the department, and implement and manage the Florida
110 Personal Learning Scholarship Accounts Program established under
111 s. 1002.385.

112 (b) May not have an owner or operator who owns or operates
113 an eligible private school that is participating in a
114 scholarship program under s. 1002.385, s. 1002.39, or s.
115 1002.395.

116 (c) May not restrict or reserve scholarships for use at a
117 particular private school or provide scholarships to a child of
118 an owner or operator.

119 (d) May use for administrative expenses a percentage, as
120 identified in the contract, of the total individual scholarship
121 funding received by the EFI for the state fiscal year in which
122 such scholarships are issued. The administrative expenses must
123 be reasonable and necessary for the EFI's management and
124 distribution of scholarship funds pursuant to this section and
125 s. 1002.385. Administrative expenses may not be used for
126 lobbying or political activity or for expenses related to



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127 lobbying or political activity. If an EFI charges an application
128 fee for a scholarship, the application fee must be immediately
129 refunded to the person who paid the fee if the student is placed
130 on a wait list. The administrative fee may not be deducted from
131 any scholarship funds, but may be provided for in the General
132 Appropriations Act. An application fee may not be deducted from
133 any scholarship funds.

134 (e) Must maintain separate accounts for scholarship funds
135 and operating funds.

136 (f) With the prior approval of the department, may transfer
137 funds to another EFI if the student associated with the funds
138 transfers to another EFI.

139 (4) OBLIGATIONS.—An EFI must:

140 (a) Continually comply with subsections (2) and (3).

141 (b) Provide to the department, as part of the competitive
142 solicitation process; retain; and provide to the department upon
143 request, the following documentation:

144 1. A copy of the EFI's incorporation documents and
145 registration with the Division of Corporations of the Department
146 of State.

147 2. A copy of the EFI's Internal Revenue Service
148 determination letter as a s. 501(c) (3) not-for-profit
149 organization, if applicable.

150 3. A description of the EFI's financial plan that
151 demonstrates sufficient funds to operate throughout the school
152 year.

153 4. Notwithstanding the statewide or geographic contract
154 limitations of chapter 287, a description of the geographic
155 region that the EFI intends to serve and an analysis of the



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- 156 demand and unmet need for eligible students in that area.
- 157 5. The EFI's organizational chart.
- 158 6. A description of the criteria and methodology that the
159 EFI will use to evaluate scholarship eligibility.
- 160 7. A description of the application process, including
161 deadlines and any associated fees.
- 162 8. A description of the deadlines for attendance
163 verification and scholarship payments.
- 164 9. A copy of the organization's policies on conflict of
165 interest and whistleblowers.
- 166 10. A copy of a surety bond or letter of credit in an
167 amount equal to 25 percent of the scholarship funds anticipated
168 for each school year or \$100,000, whichever is greater.
- 169 (c) If the EFI is an existing EFI that seeks a new contract
170 during a subsequent competitive solicitation, include in its
171 proposal, in addition to the documentation required under
172 paragraph (b), the following documentation:
- 173 1. A surety bond or letter of credit equal to the amount of
174 undisbursed donations held by the EFI based on the annual report
175 submitted pursuant to paragraph (f). The amount of the surety
176 bond or letter of credit must be at least \$100,000, but not more
177 than \$25 million.
- 178 2. The EFI's completed Internal Revenue Service Form 990
179 submitted no later than November 30 of the year before the
180 school year that the organization intends to offer the
181 scholarships, notwithstanding the September 1 application
182 deadline. An organization that is not required by federal law to
183 complete this form is exempt from this subparagraph.
- 184 3. A copy of the statutorily required audit to the



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185 department and the Auditor General.
186 4. An annual report that includes:
187 a. The number of students who completed applications, by
188 county, and by grade.
189 b. The number of students who were approved for
190 scholarships, by county, and by grade.
191 c. The number of students who received funding for
192 scholarships within each funding category, by county, and by
193 grade.
194 d. The amount of funds received, the amount of funds
195 distributed in scholarships, and an accounting of the remaining
196 funds and the obligation of those funds.
197 e. A detailed accounting of how the organization spent the
198 administrative funds allowable under paragraphs (2) (b) and
199 (3) (d).
200 (d) Comply with the antidiscrimination provisions of 42
201 U.S.C. s. 2000d.
202 (e) Comply with the following background check
203 requirements:
204 1. All owners and operators are, before employment or
205 engagement to provide services, subject to level 2 background
206 screening as provided under chapter 435. The fingerprints for
207 the background screening must be electronically submitted to the
208 Department of Law Enforcement and may be taken by an authorized
209 law enforcement agency, by an employee of the EFI who is trained
210 to take fingerprints, or by a private company that is trained to
211 take fingerprints. However, the complete set of fingerprints of
212 an owner or operator may not be taken by the owner or operator.
213 The results of the state and national criminal history check



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214 shall be provided to the department for screening under chapter
215 435. The cost of the background screening may be borne by the
216 EFI or the owner or operator.

217 2. As part of every new contract pursuant to this section,
218 each owner or operator must meet level 2 screening standards as
219 described in s. 435.04, at which time the EFI shall request the
220 Department of Law Enforcement to forward the fingerprints to the
221 Federal Bureau of Investigation for level 2 screening. If the
222 fingerprints of an owner or operator are not retained by the
223 Department of Law Enforcement under subparagraph 3., the owner
224 or operator shall electronically file a complete set of
225 fingerprints with the Department of Law Enforcement. Upon
226 submission of fingerprints for this purpose, the EFI shall
227 request that the Department of Law Enforcement forward the
228 fingerprints to the Federal Bureau of Investigation for level 2
229 screening, and the fingerprints shall be retained by the
230 Department of Law Enforcement under subparagraph 3.

231 3. Fingerprints submitted to the Department of Law
232 Enforcement as required under this paragraph must be retained by
233 the Department of Law Enforcement in a manner approved by rule
234 and must be entered in the statewide automated biometric
235 identification system authorized under s. 943.05(2)(b). The
236 fingerprints must thereafter be available for all purposes and
237 uses authorized for arrest fingerprints that are entered in the
238 statewide automated biometric identification system pursuant to
239 s. 943.051.

240 4. The Department of Law Enforcement shall search all
241 arrest fingerprints received under s. 943.051 against the
242 fingerprints retained in the statewide automated biometric



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243 identification system under subparagraph 3. An arrest record
244 that is identified with an owner's or operator's fingerprints
245 must be reported to the department. The department shall
246 participate in this search process by paying an annual fee to
247 the Department of Law Enforcement and by informing the
248 Department of Law Enforcement of any change in the employment,
249 engagement, or association status of the owners or operators
250 whose fingerprints are retained under subparagraph 3. The
251 Department of Law Enforcement shall adopt a rule setting the
252 amount of the annual fee to be imposed upon the department for
253 performing the services required under this subparagraph and
254 subparagraph 3. and establishing the procedures for the
255 retention of owner and operator fingerprints and the
256 dissemination of search results. The fee may be borne by the
257 owner or operator.

258 5. An EFI whose owner or operator fails the level 2
259 background screening is not eligible to provide scholarships
260 under this section.

261 6. An EFI whose owner or operator in the last 7 years has
262 filed for personal bankruptcy or corporate bankruptcy in a
263 corporation of which he or she owned more than 20 percent is not
264 eligible to provide scholarships under this section.

265 7. In addition to the offenses listed in s. 435.04, a
266 person required to undergo background screening under this
267 section may not have an arrest awaiting final disposition for;
268 been found guilty of, or entered a plea of nolo contendere to,
269 regardless of adjudication; been adjudicated delinquent, and the
270 record sealed or expunged for, any of the following offenses or
271 any similar offense in another jurisdiction:



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- 272 a. Any authorizing statutes, if the offense was a felony.
- 273 b. This chapter, if the offense was a felony.
- 274 c. Section 409.920, relating to Medicaid provider fraud.
- 275 d. Section 409.9201, relating to Medicaid fraud.
- 276 e. Section 741.28, relating to domestic violence.
- 277 f. Section 817.034, relating to fraudulent acts through
- 278 mail, wire, radio, electromagnetic, photoelectronic, or
- 279 photooptical systems.
- 280 g. Section 817.234, relating to false and fraudulent
- 281 insurance claims.
- 282 h. Section 817.505, relating to patient brokering.
- 283 i. Section 817.568, relating to criminal use of personal
- 284 identification information.
- 285 j. Section 817.60, relating to obtaining a credit card
- 286 through fraudulent means.
- 287 k. Section 817.61, relating to fraudulent use of credit
- 288 cards, if the offense was a felony.
- 289 l. Section 831.01, relating to forgery.
- 290 m. Section 831.02, relating to uttering forged instruments.
- 291 n. Section 831.07, relating to forging bank bills, checks,
- 292 drafts, or promissory notes.
- 293 o. Section 831.09, relating to uttering forged bank bills,
- 294 checks, drafts, or promissory notes.
- 295 p. Section 831.30, relating to fraud in obtaining medicinal
- 296 drugs.
- 297 q. Section 831.31, relating to the sale, manufacture,
- 298 delivery, or possession with the intent to sell, manufacture, or
- 299 deliver any counterfeit controlled substance, if the offense was
- 300 a felony.



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301 (f) Provide to the Auditor General and the Department of
302 Education a report on the results of an annual financial audit
303 of its accounts and records conducted by an independent
304 certified public accountant in accordance with auditing
305 standards generally accepted in the United States, government
306 auditing standards, and rules promulgated by the Auditor
307 General. The audit report must include a report on financial
308 statements presented in accordance with generally accepted
309 accounting principles. Audit reports must be provided to the
310 Auditor General and the department within 180 days after
311 completion of the EFI's fiscal year. The Auditor General shall
312 review all audit reports submitted pursuant to this paragraph.
313 The Auditor General shall request any significant items that
314 were omitted in violation of a rule adopted by the Auditor
315 General. The items must be provided within 45 days after the
316 date of the request. If the EFI does not comply with the Auditor
317 General's request, the Auditor General shall notify the
318 Legislative Auditing Committee.

319 (g) Prepare and submit annual reports to the department
320 pursuant to s. 1002.385(9)(d). In addition, an EFI must submit
321 in a timely manner any information requested by the department
322 relating to the program.

323 (h)1. Participate in the joint development of agreed-upon
324 procedures to be performed by an independent certified public
325 accountant as required under s. 1002.385(8)(e) if the EFI
326 provided more than \$250,000 in scholarship funds to an eligible
327 private school under this section during the 2015-2016 state
328 fiscal year. This requirement also applies to an EFI acting as
329 an eligible nonprofit scholarship-funding organization that



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330 provided more than \$250,000 in scholarship funds to an eligible
331 private school during the 2014-2015 state fiscal year. The
332 agreed-upon procedures must uniformly apply to all private
333 schools and must determine, at a minimum, whether the private
334 school has been verified as eligible by the department under s.
335 1002.385; has an adequate accounting system, a system of
336 financial controls, and a process for deposit and classification
337 of scholarship funds; and has properly expended scholarship
338 funds for education-related expenses. During the development of
339 the procedures, the EFIs shall specify guidelines governing the
340 materiality of exceptions that may be found during the
341 accountant's performance of the procedures. The procedures and
342 guidelines shall be provided to private schools and the
343 Commissioner of Education by August 1, 2015.

344 2. Participate in a joint review of the agreed-upon
345 procedures and guidelines required under subparagraph 1.
346 biennially if the EFI provided more than \$250,000 in scholarship
347 funds to an eligible private school under this section during
348 the state fiscal year preceding the biennial review. If the
349 procedures and guidelines are revised, the revisions must be
350 provided to the eligible private schools and the Commissioner of
351 Education by March 15, 2016, and biennially thereafter.

352 3. Monitor the compliance of a private school with ss.
353 1002.385, 1002.42, and 1002.421 if the EFI provided the majority
354 of the scholarship funding to the school. For each private
355 school subject to s. 1002.385, the appropriate EFI shall notify
356 the Commissioner of Education by October 30, 2015, and annually
357 thereafter of:

358 a. A private school's failure to submit a report required



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359 under s. 1002.385; or
360 b. Any material exceptions set forth in the report required
361 under s. 1002.385.

362 4. Seek input from the accrediting associations that are
363 members of the Florida Association of Academic Nonpublic Schools
364 when jointly developing the agreed-upon procedures and
365 guidelines under subparagraph 1. and conducting a review of
366 those procedures and guidelines under subparagraph 2.

367 (i) Maintain the surety bond or letter of credit required
368 under subparagraph (b)10. The requirements of this paragraph are
369 waived for a state university; or an independent college or
370 university that is eligible to participate in the William L.
371 Boyd, IV, Florida Resident Access Grant Program, is located and
372 chartered in this state, is not for profit, and is accredited by
373 the Commission on Colleges of the Southern Association of
374 Colleges and Schools.

375 (j) Provide to the Auditor General any information or
376 documentation requested in connection with an operational audit
377 of an EFI conducted pursuant to s. 11.45.

378 (5) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
379 shall:

380 (a) Ensure an EFI's compliance with the contract, this
381 section, and s. 1002.385. In instances of noncompliance by an
382 EFI, the department may terminate the contract or, if the
383 noncompliance is of a nonsubstantive or minimal nature, require
384 the EFI to take necessary action to return to compliance.

385 (b) Annually publish on its website, by August 30 of each
386 year, a list of eligible EFIs that are under contract with the
387 department under this section. In addition, the department shall



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388 submit the list to the President of the Senate and the Speaker
389 of the House of Representatives.

390 (c) Annually verify the eligibility of EFIs that are under
391 contract by the department pursuant to this section. The
392 department shall annually submit a report concerning the
393 verification, including, but not limited to, actions taken by
394 the department related to an EFI's noncompliance with the
395 contract, actions taken by the parties to return the EFI to
396 compliance, actions taken by the department to impose liquidated
397 damages or other similar fund offsets to recover funds pursuant
398 to s. 1002.385, and actions taken by the department to terminate
399 any such contract. In addition, the department shall publish the
400 report on its website.

401 (d) Ensure that, if the contract with a EFI is terminated
402 and a new contract is not entered into pursuant to subsection
403 (2), the EFI must notify the affected eligible students and
404 parents of the decision within 15 days after termination of the
405 contract. An eligible student affected by the contract
406 termination remains eligible under s. 1002.385 until the end of
407 the school year in which the EFI's contract with the department
408 was terminated. The student must apply and be accepted by
409 another EFI for the upcoming school year pursuant to s.
410 1002.385. The student shall be given priority as a renewing
411 student in accordance with s. 1002.385.

412 (6) ELIGIBILITY.—An eligible nonprofit scholarship-funding
413 organization that participated in the Florida Personal Learning
414 Scholarship Accounts Program pursuant to s. 1002.385 in the
415 2014-2015 school year is eligible to participate in the program
416 for the 2015-2016 school year, and may receive administrative



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417 funding as provided for in the General Appropriations Act, until
418 the department executes a contract pursuant to subsection (2).
419 The department shall expedite the competitive solicitation and
420 the issuance of subsequent contracts required under subsection
421 (2). This subsection is repealed June 30, 2016.

422 Section 3. Section 1002.385, Florida Statutes, is amended
423 to read:

424 1002.385 Florida personal learning scholarship accounts.—

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

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

430 (a) "Approved provider" means a provider approved by the
431 Agency for Persons with Disabilities, a health care practitioner
432 as defined in s. 456.001(4), or a provider approved by the
433 department pursuant to s. 1002.66. The term also includes
434 providers outside this state which are subject to similar
435 regulation or approval requirements.

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

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

440 (d) "Disability" means, for a student in kindergarten to
441 grade 12, autism spectrum disorder, as defined in the Diagnostic
442 and Statistical Manual of Mental Disorders, Fifth Edition, ~~as~~
443 ~~defined in s. 393.063(3); cerebral palsy, as defined in s.~~
444 393.063(4); Down syndrome, as defined in s. 393.063(13); an
445 intellectual disability, as defined in s. 393.063(21); Prader-



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446 Willi syndrome, as defined in s. 393.063(25); or spina bifida,
447 as defined in s. 393.063(36); for a 3- or 4-year old child or a
448 student in kindergarten, being a high-risk child, as defined in
449 s. 393.063(20) (a); muscular dystrophy; and Williams syndrome.

450 (e) "Educational fiscal intermediary" or "EFI" ~~"Eligible~~
451 ~~nonprofit scholarship-funding organization" or "organization"~~
452 has the same meaning as in s. 1002.384 ~~s. 1002.395~~.

453 (f) "Eligible postsecondary educational institution" means
454 a Florida College System institution;; a state university;; a
455 school district technical center;; a school district adult
456 general education center; an independent college or university
457 that is eligible to participate in the William L. Boyd, IV,
458 Florida Resident Access Grant Program under s. 1009.89; or an
459 accredited independent ~~nonpublic~~ postsecondary educational
460 institution, as defined in s. 1005.02, which is licensed to
461 operate in the state pursuant to requirements specified in part
462 III of chapter 1005.

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

- 467 1. Sections 1002.42 and 1002.421; and
468 2. A scholarship program under s. 1002.39 or s. 1002.395~~;~~
469 ~~as applicable, if the private school participates in a~~
470 ~~scholarship program under s. 1002.39 or s. 1002.395.~~

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

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

474 (j) "Program" means the Florida Personal Learning



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475 Scholarship Accounts Program established in this section.

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

480 (a) The student:

481 1. Is a resident of this state;

482 2. Is or will be 3 or 4 years old on or before September 1
483 of the year in which the student applies for program
484 participation, or is eligible to enroll in kindergarten through
485 grade 12 in a public school in this state;

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

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

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

494 1. The parent of a student seeking program renewal must
495 submit a completed application to an EFI for renewal by February
496 1 before the school year in which the student wishes to
497 participate.

498 2. The parent of a student seeking initial approval to
499 participate in the program must submit a completed application
500 to an EFI by June 30 before the school year in which the student
501 wishes to participate.

502 3. The parent of a student seeking approval to participate
503 in the program who does not comply with the requirements of



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504 subparagraph 1. or subparagraph 2. may late file a completed
505 application by August 15 before the school year in which the
506 student wishes to participate.

507 4. A parent must submit final verification to the
508 organization before the EFI opens a personal learning
509 scholarship account for the student. The final verification must
510 consist of only the following items that apply to the student:

511 a. A completed withdrawal form from the school district if
512 the student was enrolled in a public school before the
513 determination of program eligibility;

514 b. A letter of admission or enrollment from an eligible
515 private school for the school year in which the student wishes
516 to participate;

517 c. A copy of the notice of the parent's intent to establish
518 and maintain a home education program required by s.
519 1002.41(1)(a), or a copy of the district school superintendent's
520 review of the annual educational evaluation of the student in a
521 home education program required by s. 1002.41(2); or

522 d. A copy of notification from a private school that the
523 student has withdrawn from the John M. McKay Scholarships for
524 Students with Disabilities Program or the Florida Tax Credit
525 Scholarship Program.

526 5. A parent's completed application and final verification
527 submitted pursuant to this paragraph ~~the parent has applied to~~
528 ~~an eligible nonprofit scholarship funding organization to~~
529 ~~participate in the program by February 1 before the school year~~
530 ~~in which the student will participate or an alternative date as~~
531 ~~set by the organization for any vacant, funded slots. The~~
532 ~~request~~ must be communicated directly to the EFI ~~organization~~ in



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533 a manner that creates a written or electronic record including
534 ~~of the request and the date of receipt of the request.~~ The EFI
535 ~~organization~~ shall notify the district and the department of the
536 parent's intent upon receipt of the parent's completed
537 application and final verification request. The completed
538 application must include, but is not limited to, an application;
539 required documentation and forms; an initial or revised matrix
540 of services, if requested; and any additional information or
541 documentation required by the EFI or by State Board of Education
542 rule.

543 (4) PROGRAM PROHIBITIONS.—

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

546 1. Enrolled in a public school, including, but not limited
547 to, the Florida School for the Deaf and the Blind; the Florida
548 Virtual School; the College-Preparatory Boarding Academy; a
549 developmental research school authorized under s. 1002.32; a
550 charter school authorized under s. 1002.33, s. 1002.331, or s.
551 1002.332; or a virtual education program authorized under s.
552 1002.45;

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

555 3. Enrolled in a school operating for the purpose of
556 providing educational services to youth in the Department of
557 Juvenile Justice commitment programs;

558 ~~4.3.~~ Receiving a scholarship pursuant to the Florida Tax
559 Credit Scholarship Program under s. 1002.395 or the John M.
560 McKay Scholarships for Students with Disabilities Program under
561 s. 1002.39; or



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562 5.4. Receiving any other educational scholarship pursuant
563 to this chapter.

564
565 For purposes of subparagraph 1., a 3- or 4-year old who receives
566 services that are funded through the Florida Education Finance
567 Program is considered to be a student enrolled in a public
568 school.

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

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

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

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

579 4. The student's application for program eligibility has
580 been denied by an EFI.

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

584 (a) Instructional materials, including digital devices,
585 digital periphery devices, and assistive technology devices that
586 allow a student to access instruction or instructional content
587 and training on the use of and maintenance agreements for these
588 devices.

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

590 (c) Specialized services by approved providers which have



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591 been approved by a physician licensed under chapter 458 or
592 chapter 459 and ~~that are~~ selected by the parent. These
593 specialized services may include, but are not limited to:

594 1. Applied behavior analysis services as provided in ss.
595 627.6686 and 641.31098.

596 2. Services provided by speech-language pathologists as
597 defined in s. 468.1125.

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

599 4. Services provided by physical therapists as defined in
600 s. 486.021.

601 5. Services provided by listening and spoken language
602 specialists and an appropriate acoustical environment for a
603 child who is deaf or hard of hearing and who has received an
604 implant or assistive hearing device.

605

606 Specialized services outside this state are authorized under
607 this paragraph if the services are subject to similar regulation
608 or approval requirements.

609 (d) Enrollment in, or tuition or fees associated with
610 enrollment in, an eligible private school, an eligible
611 postsecondary educational institution or a program offered by
612 the institution, a private tutoring program authorized under s.
613 1002.43, a virtual program offered by a department-approved
614 private online provider that meets the provider qualifications
615 specified in s. 1002.45(2)(a), the Florida Virtual School as a
616 private paying student, or an approved online course offered
617 pursuant to s. 1003.499 or s. 1004.0961.

618 (e) Fees for nationally standardized, norm-referenced
619 achievement tests, Advanced Placement Examinations, industry



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620 certification examinations, assessments related to postsecondary
621 education, or other assessments.

622 (f) Contributions to the Stanley G. Tate Florida Prepaid
623 College Program pursuant to s. 1009.98 or the Florida College
624 Savings Program pursuant to s. 1009.981, for the benefit of the
625 eligible student. The Florida Prepaid College Board shall, by
626 the earliest date that a school may open pursuant to s.
627 1001.42(4)(f), create procedures to allow program funds to be
628 used in conjunction with other funds used by the parent in the
629 purchase of a prepaid college plan or a college savings plan;
630 require program funds to be tracked and accounted for separately
631 from other funds contributed to a prepaid college plan or a
632 college savings plan; require program funds and associated
633 interest to be reverted as specified in this section; and
634 require program funds to be used only after private payments
635 have been used for prepaid college plan or a college savings
636 plan expenditures. The EFI shall enter into a contract with the
637 Florida Prepaid College Board to enable the board to establish
638 mechanisms to implement this section, including, but not limited
639 to, identifying the source of funds being deposited in these
640 plans. A qualified or designated beneficiary may not be changed
641 while these plans contain funds contributed from this section.

642 (g) Contracted services provided by a public school or
643 school district, including classes. A student who receives
644 services under a contract under this paragraph is not considered
645 enrolled in a public school for eligibility purposes as
646 specified in subsection (4).

647 (h) Tuition and fees for part-time tutoring services
648 provided by a person who holds a valid Florida educator's



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649 certificate pursuant to s. 1012.56; a person who holds an
650 adjunct teaching certificate pursuant to s. 1012.57; or a person
651 who has demonstrated a mastery of subject area knowledge
652 pursuant to 1012.56(5). The term "part-time tutoring services"
653 as used in this paragraph does not meet the definition of the
654 term "regular school attendance" in s. 1003.01(13)(e).

- 655 (i) Fees for specialized summer education programs.
- 656 (j) Fees for specialized after-school education programs.
- 657 (k) Transition services provided by job coaches.
- 658 (l) Fees for an annual evaluation of educational progress
659 by a state-certified teacher, if this option is chosen for a
660 home education student pursuant to s. 1002.41(1)(c)1.

661
662 A specialized service provider, eligible private school,
663 eligible postsecondary educational institution, private tutoring
664 program provider, online or virtual program provider, public
665 school, school district, or other entity receiving payments
666 pursuant to this subsection may not share, refund, or rebate any
667 moneys from the Florida personal learning scholarship account
668 with the parent or participating student in any manner.

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

- 671 (a) The program payments made by the state to an EFI for a
672 personal learning scholarship account under this section shall
673 continue ~~remain in force~~ until the parent does not renew program
674 eligibility; the EFI determines a student is not eligible for
675 program renewal; the commissioner denies, suspends, or revokes
676 program participation or use of funds; or a student enrolls in
677 participating in the program participates in any of the



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678 ~~prohibited activities specified in subsection (4), has funds~~
679 ~~revoked by the Commissioner of Education pursuant to subsection~~
680 ~~(10), returns to a public school or in the Voluntary~~
681 Prekindergarten Education Program, graduates from high school,
682 or attains 22 years of age, whichever occurs first. A
683 ~~participating student who enrolls in a public school or public~~
684 ~~school program is considered to have returned to a public school~~
685 ~~for the purpose of determining the end of the program's term.~~

686 (b) Program expenditures by the parent from the program
687 account are authorized until a student's personal learning
688 scholarship account is closed pursuant to paragraph (c).

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

693 1. The eligible student no longer being enrolled in an
694 eligible postsecondary educational institution or a program
695 offered by the institution;

696 2. Denial or revocation of program eligibility by the
697 commissioner;

698 3. Denial of program application by an EFI; or

699 4. After any period of 4 consecutive years after high
700 school completion or graduation in which the student is not
701 enrolled in an eligible postsecondary educational institution or
702 a program offered by the institution.

703
704 The commissioner must notify the parent and EFI of any reversion
705 determination.

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



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

713 2.a. Within 10 calendar ~~school~~ days after a school district
714 receives notification of a parent's request for completion of a
715 matrix of services, the school district must notify the
716 student's parent if the matrix of services has not been
717 completed and inform the parent that the district is required to
718 complete the matrix within 30 days after receiving notice of the
719 parent's request for the matrix of services. This notice must
720 include the required completion date for the matrix.

721 b. The school district shall complete the matrix of
722 services for a student whose parent has made a request. The
723 school district must provide the student's parent, the EFI, and
724 the department with the student's matrix level within 10
725 calendar ~~school~~ days after its completion.

726 c. The department shall notify the parent and the EFI
727 ~~eligible nonprofit scholarship-funding organization~~ of the
728 amount of the funds awarded within 10 days after receiving the
729 school district's notification of the student's matrix level.

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

735 (b) For each student participating in the program who



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736 chooses to participate in statewide, standardized assessments
737 under s. 1008.22 or the Florida Alternate Assessment, the school
738 district in which the student resides must notify the student
739 and his or her parent about the locations and times to take all
740 statewide, standardized assessments.

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

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

746 (a) Comply with all requirements for private schools
747 participating in state school choice scholarship programs
748 pursuant to s. 1002.421. To participate in the program, a
749 private school must submit to the department a notification for
750 eligibility to participate in its application for the John M.
751 McKay Scholarships for Students with Disabilities and Florida
752 Tax Credit Scholarship programs identified in ss. 1002.39 and
753 1002.395.

754 (b) Provide to the department and EFI ~~eligible nonprofit~~
755 ~~scholarship-funding organization~~, upon request, all
756 documentation required for the student's participation,
757 including the private school's and student's fee schedules.

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

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

762 2. Annually administering or making provision for students
763 participating in the program in grades 3 through 10 to take one
764 of the nationally norm-referenced tests identified by the State



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765 ~~Board Department~~ of Education or the statewide assessments
766 pursuant to s. 1008.22. Students with disabilities for whom
767 standardized testing is not appropriate are exempt from this
768 requirement. A participating private school shall report a
769 student's scores to the parent.

770 3. Cooperating with the scholarship student whose parent
771 chooses to have the student participate in the statewide
772 assessments pursuant to s. 1008.22 or, if a private school
773 chooses to offer the statewide assessments, administering the
774 assessments at the school.

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

778 b. A participating private school shall submit a request in
779 writing to the Department of Education by March 1 of each year
780 in order to administer the statewide assessments in the
781 subsequent school year.

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

785 (e) Annually contract with an independent certified public
786 accountant to perform the agreed-upon procedures developed under
787 s. 1002.384(4)(h) ~~s. 1002.395(6)(n)~~ and produce a report of the
788 results if the private school receives more than \$250,000 in
789 funds from scholarships awarded under this section in the 2014-
790 2015 state fiscal year or a state fiscal year thereafter. A
791 private school subject to this paragraph must submit the report
792 by September 15, 2015, and annually thereafter to the EFI
793 ~~scholarship-funding organization~~ that awarded the majority of



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794 the school's scholarship funds. The agreed-upon procedures must
795 be conducted in accordance with attestation standards
796 established by the American Institute of Certified Public
797 Accountants.

798

799 The inability of a private school to meet the requirements of
800 this subsection constitutes a basis for the ineligibility of the
801 private school to participate in the program as determined by
802 the commissioner ~~department~~.

803 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
804 shall:

805 (a) Maintain a list of approved providers pursuant to s.
806 1002.66, and eligible postsecondary educational institutions,
807 eligible private schools, and EFIs on its website. The
808 department may identify or provide links to lists of other
809 approved providers on its website.

810 (b) Require each EFI ~~eligible nonprofit scholarship-funding~~
811 ~~organization to preapprove verify eligible expenditures to be~~
812 ~~before the distribution of funds for any expenditures made~~
813 pursuant to paragraphs (5) (a) and (b). Review of expenditures
814 made for services in paragraphs (5) (c) - (h) must ~~(5) (c) - (g) may~~
815 be completed after the purchase ~~payment~~ has been made.

816 (c) Investigate any written complaint of a violation of
817 this section by a parent, student, private school, public school
818 or school district, EFI, provider, or other appropriate party in
819 accordance with the process established by s. 1002.395(9) (f).

820 (d) Require annually by December 1 ~~quarterly~~ reports by an
821 EFI, which must include, but need not be limited to, eligible
822 ~~nonprofit scholarship-funding organization regarding the number~~



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823 of students participating in the program, demographics of
824 program participants; disability category; matrix level of
825 services, if known; award amount per student; total expenditures
826 for the categories in subsection (5); and the types of providers
827 of services to students, and other information deemed necessary
828 by the department.

829 (e) Compare the list of students participating in the
830 program with the public school student enrollment lists and the
831 list of students participating in school choice scholarship
832 programs established pursuant to this chapter, throughout the
833 school year, before each program payment to avoid duplicate
834 payments and confirm program eligibility.

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

836 (a) The Commissioner of Education:

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

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

843 3. May ~~deny, suspend, or revoke an~~ authorized use of
844 program funds for material failure to comply with this section
845 and applicable State Board of Education ~~department~~ rules if the
846 noncompliance is correctable within a reasonable period of time.
847 Otherwise, the commissioner shall ~~deny, suspend,~~ or revoke ~~an~~
848 authorized use for failure to materially comply with the law and
849 rules adopted under this section.

850 4. Shall require compliance by the appropriate party by a
851 date certain for all nonmaterial failures to comply with this



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852 section and applicable State Board of Education ~~department~~
853 rules.

854 5. Notwithstanding the other provisions of this section,
855 the commissioner may deny, suspend, or revoke program
856 participation or use of program funds by the student; or
857 participation or eligibility of an EFI, eligible private school,
858 eligible postsecondary educational institution, approved
859 provider, or other appropriate party for a violation of this
860 section. The commissioner may determine the length of, and
861 conditions for lifting, the suspension or revocation specified
862 in this paragraph. The length of suspension or revocation may
863 not exceed 5 years, except for instances of fraud, in which case
864 the length of suspension or revocation may not exceed 10 years.
865 The commissioner may employ mechanisms allowed by law to recover
866 unexpended program funds or withhold payment of an equal amount
867 of program funds to recover program funds that were not
868 authorized for use under this section thereafter.

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

872 (b) In determining whether to deny, suspend, ~~or~~ revoke, or
873 lift a suspension or revocation, in accordance with this
874 subsection, the commissioner may consider factors that include,
875 but are not limited to, acts or omissions that by a
876 participating entity which led to a previous denial, suspension,
877 or revocation of participation in a state or federal program or
878 an education scholarship program; failure to reimburse the EFI
879 eligible nonprofit scholarship funding organization for program
880 funds improperly received or retained by the entity; failure to



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881 reimburse government funds improperly received or retained;
882 imposition of a prior criminal sanction related to the person or
883 entity or its officers or employees; imposition of a civil fine
884 or administrative fine, license revocation or suspension, or
885 program eligibility suspension, termination, or revocation
886 related to a person's or an entity's management or operation; or
887 other types of criminal proceedings in which the person or the
888 entity or its officers or employees were found guilty of,
889 regardless of adjudication, or entered a plea of nolo contendere
890 or guilty to, any offense involving fraud, deceit, dishonesty,
891 or moral turpitude.

892 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
893 PARTICIPATION.—A parent who applies for program participation
894 under this section is exercising his or her parental option to
895 determine the appropriate placement or the services that best
896 meet the needs of his or her child. The scholarship award for a
897 student is based on a matrix that assigns the student to support
898 Level III services. If a parent chooses to request and receive
899 an IEP and a matrix of services from the school district, the
900 amount of the payment shall be adjusted as needed, when the
901 school district completes the matrix.

902 (a) To satisfy or maintain program eligibility, including,
903 but not limited to, eligibility to receive program payments and
904 expend program payments ~~enroll an eligible student in the~~
905 ~~program,~~ the parent must sign an agreement with the EFI eligible
906 ~~nonprofit scholarship-funding organization~~ and annually submit a
907 notarized, sworn compliance statement to the EFI organization
908 to:

909 1. Affirm that the student is enrolled in a program that



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910 meets regular school attendance requirements as provided in s.
911 1003.01(13)(b)-(d).

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

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

917 a. If the parent enrolls the child in an eligible private
918 school, the student must take an assessment selected by the
919 private school pursuant to s. 1002.395(7)(e) or, if requested by
920 the parent, the statewide, standardized assessments pursuant to
921 s. 1002.39(8)(c)2. and (9)(e).

922 b. If the parent enrolls the child in a home education
923 program, the parent may choose to participate in an assessment
924 as part of the annual evaluation provided for in s.
925 1002.41(1)(c).

926 4. Notify the school district that the student is
927 participating in the program ~~Personal Learning Scholarship~~
928 ~~Accounts~~ if the parent chooses to enroll in a home education
929 program as provided in s. 1002.41.

930 5. File a completed application for initial program
931 participation with an EFI ~~Request participation in the program~~
932 by the dates ~~date~~ established pursuant to this section ~~by the~~
933 ~~eligible nonprofit scholarship funding organization.~~

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

938 7. Apply for admission of his or her child if the private



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939 school option is selected by the parent.

940 8. Annually file a completed application to renew
941 participation in the program if renewal is desired by the
942 parent. Notwithstanding any changes to the student's IEP, a
943 student who was previously eligible for participation in the
944 program shall remain eligible to apply for renewal ~~as provided~~
945 ~~in subsection (6)~~. However, in order for a high-risk child to
946 continue to participate in the program in the school year after
947 he or she reaches 6 years of age, the child's completed
948 application for renewal of program participation must contain
949 documentation that the child has a disability defined in
950 paragraph (2) (d) other than high-risk status.

951 9. Affirm that the parent is prohibited from transferring
952 and will not transfer any prepaid college plan or college
953 savings plan funds contributed pursuant to paragraph (5) (f) to
954 another beneficiary while the plan contains funds contributed
955 pursuant to this section.

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

959 11. Affirm that the parent will maintain a portfolio of
960 records and materials which must be preserved ~~by the parent~~ for
961 2 years and be made available for inspection by the EFI, the
962 department, or the district school superintendent or the
963 superintendent's designee upon 15 days' written notice. This
964 paragraph does not require inspection of the superintendent to
965 ~~inspect~~ the portfolio. The portfolio of records and materials
966 must consist of:

967 a. A log of educational instruction and services which is



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968 made contemporaneously with delivery of the instruction and
969 services and which designates by title any reading materials
970 used; ~~and~~

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

973 c. Other records, documents, or materials required by the
974 EFI or specified by the department in rule, to facilitate
975 program implementation.

976 (b) The parent is responsible for procuring the services
977 necessary to educate the student. When the student receives a
978 personal learning scholarship account, the district school board
979 is not obligated to provide the student with a free appropriate
980 public education. For purposes of s. 1003.57 and the Individuals
981 with Disabilities in Education Act, a participating student has
982 only those rights that apply to all other unilaterally
983 parentally placed students, except that, when requested by the
984 parent, school district personnel must develop an individual
985 education plan or matrix level of services.

986 (c) The parent is responsible for ~~the payment of all~~
987 ~~eligible expenses in excess of the amount of the personal~~
988 ~~learning scholarship account in accordance with the terms agreed~~
989 ~~to between the parent and the providers.~~

990
991 A parent who fails to comply with this subsection forfeits the
992 personal learning scholarship account.

993 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP
994 ACCOUNTS.—An EFI ~~eligible nonprofit scholarship funding~~
995 ~~organization participating in the Florida Tax Credit Scholarship~~
996 ~~Program established under s. 1002.395~~ may establish personal



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997 learning scholarship accounts for eligible students, in
998 accordance with the deadlines established in this section, by:
999 (a) Receiving completed applications and final verification
1000 and determining student eligibility in accordance with the
1001 requirements of this section. For initial program participation,
1002 preference must first be provided to students retained on a wait
1003 list created by the EFI in the order that completed applications
1004 are approved ~~The organization shall notify the department of the~~
1005 ~~applicants for the program by March 1 before the school year in~~
1006 ~~which the student intends to participate.~~ When a completed an
1007 application and final verification are ~~is~~ received and approved,
1008 the EFI scholarship funding organization must provide the
1009 department with information on the student to enable the
1010 department to report the student for funding in an amount
1011 determined in accordance with subsection (13).
1012 (b) Notifying parents of their receipt of a scholarship on
1013 a first-come, first-served basis, after approving the completed
1014 application and confirming receipt of the parent's final
1015 verification, based upon the funds provided for this program in
1016 the General Appropriations Act.
1017 (c) Establishing a date pursuant to paragraph (3) (b) by
1018 which a parent must confirm initial or continuing participation
1019 in the program and confirm the establishment or continuance of a
1020 personal learning scholarship account.
1021 (d) Establishing a date and process pursuant to paragraph
1022 (3) (b) by which completed applications may be approved and
1023 students on the wait list or late-filing applicants may be
1024 allowed to participate in the program during the school year,
1025 within the amount of funds provided for this program in the



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1026 General Appropriations Act. The process must allow timely filed
1027 completed applications to take precedence before late-filed
1028 completed applications for purposes of creating a wait list for
1029 participation in the program.

1030 (e) Establishing and maintaining separate accounts for each
1031 eligible student. For each account, the EFI must maintain a
1032 record of interest accrued that is retained in the student's
1033 account and available only for authorized program expenditures.

1034 (f) Verifying qualifying educational expenditures pursuant
1035 to the requirements of subsection (5) paragraph ~~(8) (b)~~.

1036 (g) Returning any remaining program ~~unused~~ funds pursuant
1037 to paragraph (6) (c) to the department when the student is no
1038 longer authorized to expend program funds. The EFI may reimburse
1039 a parent for authorized program expenditures made during the
1040 fiscal year before funds are deposited in the student's eligible
1041 for a personal scholarship learning account.

1042 (h) Annually notifying the parent about the availability of
1043 and the requirements associated with requesting an initial
1044 matrix or matrix reevaluation annually for each student
1045 participating in the program.

1046 (13) FUNDING AND PAYMENT.—

1047 (a)1. The maximum funding amount granted for an eligible
1048 student with a disability, pursuant to this section ~~subsection~~
1049 ~~(3)~~, shall be equivalent to the base student allocation in the
1050 Florida Education Finance Program multiplied by the appropriate
1051 cost factor for the educational program which would have been
1052 provided for the student in the district school to which he or
1053 she would have been assigned, multiplied by the district cost
1054 differential.



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1055 2. In addition, an amount equivalent to a share of the
1056 guaranteed allocation for exceptional students in the Florida
1057 Education Finance Program shall be determined and added to the
1058 amount in subparagraph 1. The calculation shall be based on the
1059 methodology and the data used to calculate the guaranteed
1060 allocation for exceptional students for each district in chapter
1061 2000-166, Laws of Florida. Except as provided in subparagraph
1062 3., the calculation shall be based on the student's grade, the
1063 matrix level of services, and the difference between the 2000-
1064 2001 basic program and the appropriate level of services cost
1065 factor, multiplied by the 2000-2001 base student allocation and
1066 the 2000-2001 district cost differential for the sending
1067 district. The calculated amount must also include an amount
1068 equivalent to the per-student share of supplemental academic
1069 instruction funds, instructional materials funds, technology
1070 funds, and other categorical funds as provided in the General
1071 Appropriations Act.

1072 3. Except as otherwise provided, the calculation for all
1073 students participating in the program shall be based on the
1074 matrix that assigns the student to support Level III of
1075 services. If a parent chooses to request and receive a matrix of
1076 services from the school district, when the school district
1077 completes the matrix, the amount of the payment shall be
1078 adjusted as needed.

1079 (b) The amount of the awarded funds shall be 90 percent of
1080 the calculated amount. One hundred percent of the funds
1081 appropriated for this program shall be released in the first
1082 quarter of each fiscal year. Accrued interest is in addition to,
1083 and not part of, the awarded funds. Program funds include both



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1084 the awarded funds and the accrued interest.

1085 ~~(c) Upon an eligible student's graduation from an eligible~~
1086 ~~postsecondary educational institution or after any period of 4~~
1087 ~~consecutive years after high school graduation in which the~~
1088 ~~student is not enrolled in an eligible postsecondary educational~~
1089 ~~institution, the student's personal learning scholarship account~~
1090 ~~shall be closed, and any remaining funds shall revert to the~~
1091 ~~state.~~

1092 ~~(c)(d)~~ The EFI ~~eligible nonprofit scholarship funding~~
1093 ~~organization~~ shall develop a system for payment of benefits by
1094 ~~electronic~~ funds transfer, including, but not limited to, debit
1095 cards, electronic payment cards, or any other means of
1096 ~~electronic~~ payment that the department deems to be commercially
1097 viable or cost-effective. Commodities or services related to the
1098 development of such a system shall be procured by competitive
1099 solicitation unless they are purchased from a state term
1100 contract pursuant to s. 287.056.

1101 ~~(d)(e)~~ Moneys received pursuant to this section do not
1102 constitute taxable income to the student or parent of the
1103 qualified student.

1104 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

1105 (a) The Auditor General shall conduct an annual ~~financial~~
1106 ~~and~~ operational audit of accounts and records of each EFI
1107 ~~eligible scholarship funding organization~~ that participates in
1108 the program. As part of this audit, the Auditor General shall
1109 verify, at a minimum, the total amount of students served and
1110 eligibility of reimbursements made by each EFI ~~eligible~~
1111 ~~nonprofit scholarship funding organization~~ and transmit that
1112 information to the department.



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1113 (b) The Auditor General shall notify the department of any
1114 EFI eligible nonprofit scholarship-funding organization that
1115 fails to comply with a request for information.

1116 (c) The Auditor General shall provide the Commissioner of
1117 Education with a copy of each annual operational audit performed
1118 pursuant to this subsection within 10 days after each audit is
1119 finalized.

1120 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
1121 Department of Health, the Agency for Persons with Disabilities,
1122 and the Department of Education shall work with an EFI eligible
1123 ~~nonprofit scholarship-funding organization~~ for easy or automated
1124 access to lists of licensed providers of services specified in
1125 paragraph (5) (c) to ensure efficient administration of the
1126 program.

1127 (16) LIABILITY.—The state is not liable for the award or
1128 any use of awarded funds under this section.

1129 (17) SCOPE OF AUTHORITY.—This section does not expand the
1130 regulatory authority of this state, its officers, or any school
1131 district to impose additional regulation on participating
1132 private schools, independent ~~nonpublic~~ postsecondary educational
1133 institutions, and private providers beyond those reasonably
1134 necessary to enforce requirements expressly set forth in this
1135 section.

1136 (18) REPORTS.—The department shall, by February 1 of each
1137 year, provide an annual report to the Governor, the President of
1138 the Senate, and the Speaker of the House of Representatives
1139 regarding the effectiveness of the Florida Personal Learning
1140 Scholarship Accounts Program. The report must address the scope
1141 and size of the program, with regard to participation and other



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1142 related data, and analyze the effectiveness of the program
1143 pertaining to cost, education, and therapeutic services.

1144 (19)~~(18)~~ RULES.—The State Board of Education shall adopt
1145 rules pursuant to ss. 120.536(1) and 120.54 to administer this
1146 section.

1147 (20)~~(19)~~ IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL
1148 YEAR.—Notwithstanding the provisions of this section related to
1149 notification and eligibility timelines, an EFI eligible
1150 ~~nonprofit scholarship-funding organization~~ may enroll parents on
1151 a rolling schedule on a first-come, first-served basis, within
1152 the amount of funds provided in the General Appropriations Act.
1153 This subsection is repealed July 1, 2015.

1154 Section 4. Paragraph (z) is added to subsection (4) of
1155 section 1009.971, Florida Statutes, to read:

1156 1009.971 Florida Prepaid College Board.—

1157 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
1158 board shall have the powers and duties necessary or proper to
1159 carry out the provisions of ss. 1009.97-1009.984, including, but
1160 not limited to, the power and duty to:

1161 (z) Adopt rules governing:

1162 1. The purchase and use of a prepaid college plan
1163 authorized under s. 1009.98 or a college savings plan authorized
1164 under s. 1009.981 for the Florida Personal Learning Scholarship
1165 Accounts Program pursuant to ss. 1002.385, 1009.98, and
1166 1009.981.

1167 2. The use of a prepaid college plan authorized under s.
1168 1009.98 or a college savings plan authorized under s. 1009.981
1169 for postsecondary education programs for students with
1170 disabilities.



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1171 Section 5. Subsection (11) is added to section 1009.98,
1172 Florida Statutes, to read:

1173 1009.98 Stanley G. Tate Florida Prepaid College Program.—

1174 (11) IMPLEMENTATION PROCEDURES.—

1175 (a) Notwithstanding any other provision in this section, a
1176 prepaid college plan may be purchased, accounted for, used, and
1177 terminated as provided in s. 1002.385. By July 1, 2015, the
1178 board shall develop procedures, contracts, and any other
1179 required forms or documentation necessary to fully implement
1180 this subsection. The board shall enter into a contract with
1181 educational fiscal intermediaries pursuant to s. 1002.385 to
1182 enable the board to establish mechanisms to implement this
1183 subsection, including, but not limited to, identifying the
1184 source of funds being deposited into a prepaid college plan. A
1185 qualified or designated beneficiary may not be changed while a
1186 prepaid college plan contains funds contributed from s.
1187 1002.385.

1188 (b) A qualified beneficiary may apply the benefits of an
1189 advance payment contract toward the program fees of a program
1190 designed for students with disabilities conducted by a state
1191 postsecondary institution. A transfer authorized under this
1192 subsection may not exceed the redemption value of the advance
1193 payment contract at a state postsecondary institution or the
1194 number of semester credit hours contracted on behalf of a
1195 qualified beneficiary.

1196 Section 6. Subsection (10) is added to section 1009.981,
1197 Florida Statutes, to read:

1198 1009.981 Florida College Savings Program.—

1199 (10) IMPLEMENTATION PROCEDURES.—



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1200 (a) Notwithstanding any other provision in this section, a
1201 college savings plan may be purchased, accounted for, used, and
1202 terminated as provided in s. 1002.385. By July 1, 2015, the
1203 board shall develop procedures, contracts, and any other
1204 required forms or documentation necessary to fully implement
1205 this subsection. The board shall enter into a contract with
1206 educational fiscal intermediaries pursuant to s. 1002.385 to
1207 enable the board to establish mechanisms to implement this
1208 subsection, including, but not limited, to identifying the
1209 source of funds being deposited into a college savings plan. A
1210 qualified or designated beneficiary may not be changed while a
1211 college savings plan contains funds contributed from s.
1212 1002.385.

1213 (b) A qualified beneficiary may apply the benefits of an
1214 advance payment contract toward the program fees of a program
1215 designed for students with disabilities conducted by a state
1216 postsecondary institution. A transfer authorized under this
1217 subsection may not exceed the redemption value of the advance
1218 payment contract at a state postsecondary institution or the
1219 number of semester credit hours contracted on behalf of a
1220 qualified beneficiary.

1221 Section 7. The Department of Education shall adopt rules to
1222 implement s. 1002.385, Florida Statutes.

1223 (1) Such rules must be effective by July 1, 2015, and must
1224 include, but need not be limited to:

1225 (a) Establishing procedures concerning the student,
1226 organization, eligible private school, eligible postsecondary
1227 educational institution, or other appropriate party to
1228 participate in the program, including approval, suspension, and



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1229 termination of eligibility;
1230 (b) Establishing uniform forms for use by organizations for
1231 parents and students;
1232 (c) Approving providers pertaining to the Florida K-20
1233 Education Code;
1234 (d) Incorporating program participation in existing private
1235 school scholarship program applications, including, but not
1236 limited to, ensuring that the process for obtaining eligibility
1237 under s. 1002.385, Florida Statutes, is as administratively
1238 convenient as possible for a private school;
1239 (e) Establishing a matrix of services calculations and
1240 timelines, so that the initial and revised matrix is completed
1241 by a school district in time to be included in the completed
1242 application;
1243 (f) Establishing a deadline for an organization to provide
1244 annual notice of the ability for a parent to request an initial
1245 or revised matrix of services, which must enable the initial or
1246 revised matrix to be included in the completed application;
1247 (g) Establishing additional records, documents, or
1248 materials a parent must collect and retain in the student's
1249 portfolio;
1250 (h) Establishing preliminary timelines and procedures that
1251 enable a parent to submit a completed application to the
1252 organization, and for the organization to review and approve the
1253 completed application; and
1254 (i) Defining terms, including, but not limited to, the
1255 terms "participating student," "new student," "eligible
1256 student," "award letter," "program funds," "associated
1257 interest," "program payments," "program expenditures," "initial



1258 program participation," "program renewal," "wait list," "timely
1259 filed application," and "late-filed application."

1260 (2) Such rules should maximize flexibility and ease of
1261 program use for the parent and student.

1262 Section 8. This act shall take effect upon becoming a law.

1263
1264 ===== T I T L E A M E N D M E N T =====

1265 And the title is amended as follows:

1266 Delete everything before the enacting clause
1267 and insert:

1268 A bill to be entitled
1269 An act relating to students with disabilities;
1270 amending s. 11.45, F.S.; revising the duties of the
1271 Auditor General to include annual audits of
1272 educational fiscal intermediaries; creating s.
1273 1002.384, F.S.; defining terms; requiring the
1274 Department of Education to issue a competitive
1275 solicitation to procure an educational fiscal
1276 intermediary; prescribing requirements and
1277 qualifications for an educational fiscal intermediary
1278 to compete for a contract; authorizing an educational
1279 fiscal intermediary to collect an administrative fee;
1280 specifying authorized and prohibited actions and
1281 requirements for an educational fiscal intermediary
1282 that is awarded a contract; establishing requirements
1283 for the department with respect to the oversight of
1284 contracted educational fiscal intermediaries;
1285 providing transitional provisions; amending s.
1286 1002.385, F.S.; revising definitions applicable to the



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1287 Florida Personal Learning Scholarship Accounts
1288 Program; revising scholarship application deadlines
1289 and guidelines; revising provisions to conform to the
1290 designation of educational fiscal intermediaries;
1291 requiring authorized program funds to support the
1292 student's educational needs; requiring the Florida
1293 Prepaid College Board to create certain procedures;
1294 authorizing part-time private tutoring services by
1295 persons meeting certain requirements; authorizing
1296 program funds to be spent for specified education
1297 programs and services; revising the conditions under
1298 which a student's personal learning scholarship
1299 account must be closed; revising the responsibilities
1300 for school districts; revising requirements for a
1301 private school's eligibility to participate in the
1302 program; revising responsibilities of the Department
1303 of Education and the Commissioner of Education with
1304 respect to program administration; revising
1305 responsibilities for parents and students to
1306 participate in the program; requiring a parent to
1307 affirm that program funds are used only for authorized
1308 purposes that serve the student's educational needs;
1309 revising responsibilities of education fiscal
1310 intermediaries pertaining to the administration of
1311 personal learning scholarship accounts; revising the
1312 wait list and priority of approving renewal and new
1313 applications; revising the notice requirement of an
1314 education fiscal intermediary; authorizing accrued
1315 interest to be used for authorized expenditures;



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1316 requiring accrued interest to be reverted as a part of
1317 reverted scholarship funds; revising taxable income
1318 requirements; removing obsolete audit requirements;
1319 requiring the Auditor General to provide a copy of
1320 each annual operational audit performed to the
1321 Commissioner of Education within a specified
1322 timeframe; requiring the department to provide an
1323 annual report to the Governor and the Legislature
1324 regarding the program; prescribing report
1325 requirements; providing for future repeal of
1326 provisions pertaining to an implementation schedule of
1327 notification and eligibility timelines; amending s.
1328 1009.971, F.S.; revising the powers and duties of the
1329 Florida Prepaid College Board to include specified
1330 rulemaking authority; amending ss. 1009.98 and
1331 1009.981, F.S.; authorizing a prepaid college plan or
1332 a college savings plan to be purchased, accounted for,
1333 used, and terminated under certain circumstances;
1334 specifying rulemaking requirements applicable to the
1335 department; providing an effective date.