

By Senator Gaetz

1-00797-16

2016672__

1 A bill to be entitled
2 An act relating to educational options; creating s.
3 1004.6495, F.S.; providing a short title; providing
4 purposes and legislative intent; defining terms;
5 establishing student eligibility requirements for
6 enrollment in the Florida Postsecondary Comprehensive
7 Transition Program; requiring eligible institutions to
8 make student eligibility determinations; establishing
9 the Florida Center for Students with Unique Abilities;
10 specifying the responsibilities of the center and the
11 center director; specifying amounts of funds to be
12 used for start-up and enhancement grants; specifying
13 application requirements for initial approval and
14 renewal of approval; requiring an eligible institution
15 with an approved program to submit an annual report to
16 the center by a specified date; establishing a Florida
17 Postsecondary Comprehensive Transition Program
18 Scholarship for certain qualified students; specifying
19 requirements for a student to maintain scholarship
20 eligibility; providing for the distribution of
21 scholarship funds; requiring an eligible institution
22 to report certain data and information to the center;
23 requiring an eligible institution to certify and
24 report the amount of funds disbursed and undisbursed
25 advances to the center by a specified date; specifying
26 the amount of the scholarship for eligible students;
27 authorizing awards to be prorated under certain
28 circumstances; requiring the center, with the Board of
29 Governors and the State Board of Education, to

1-00797-16

2016672__

30 identify program progress and performance indicators;
31 requiring an annual report to the Legislature, the
32 Chancellor of the State University System, and the
33 Commissioner of Education by a specified date;
34 requiring the center, in collaboration with the Board
35 of Governors, State Board of Education, Higher
36 Education Coordinating Council, and other
37 stakeholders, to submit to the Governor and
38 Legislature statutory and budgetary recommendations
39 for the program; requiring the Board of Governors and
40 the State Board of Education, in consultation with the
41 center, to adopt regulations and rules; creating s.
42 1011.78, F.S.; authorizing certain school districts
43 and charter schools to be eligible to receive
44 incentive payments for implementing a standard student
45 attire policy that meets certain criteria; providing a
46 short title and purpose; establishing the
47 qualifications for such a payment; providing for
48 funding, subject to availability in the General
49 Appropriations Act; requiring the district school
50 superintendent or charter school governing board to
51 certify certain information to the commissioner by a
52 specified date; providing for reversion of the funds
53 under certain circumstances; providing immunity from
54 civil liability to a school district board or charter
55 school governing board that establishes a standard
56 student attire policy; amending ss. 1001.43 and
57 1002.33, F.S.; authorizing a district school board or
58 charter school that implements a standard student

1-00797-16

2016672__

59 attire policy to be eligible to receive incentive
60 payments; amending s. 1002.385, F.S.; revising terms
61 for purposes of the Florida Personal Learning
62 Scholarship Account Program; revising program
63 eligibility criteria and program prohibitions for such
64 accounts; authorizing a parent to submit a specified
65 document to receive scholarship funds before confirmed
66 eligibility; requiring that authorized program funds
67 be used to support the student's educational needs;
68 authorizing program funds to be spent for specified
69 fees and services; revising the terms of the program;
70 providing for the reversion of certain funds to the
71 state; revising the obligations of school districts,
72 parents, and the Department of Education with respect
73 to the program; revising the authority of the
74 Commissioner of Education to deny, suspend, or revoke
75 certain program participation and use of program
76 funds; specifying maximum periods for certain
77 suspensions and revocations; authorizing the
78 commissioner to recover program funds through certain
79 means; revising information that must be provided for
80 the program by scholarship-funding organizations and
81 parents of applicants; specifying priority for
82 participation in the program; revising funding and
83 payment provisions for the program; requiring the
84 Auditor General to provide the commissioner with
85 program annual operational audits by a specified time;
86 amending s. 1002.395, F.S.; prohibiting a scholarship-
87 funding organization from charging an application fee;

1-00797-16

2016672__

88 deleting a requirement that certain fees be returned
89 to the General Revenue Fund; providing for the
90 transfer of contributions in excess of the amount that
91 may be carried forward; revising the surety bond or
92 letter of credit requirements for nonprofit
93 scholarship-funding organizations submitting initial
94 or renewal scholarship program participation
95 applications; providing for the deposit of certain
96 transferred funds by certain scholarship-funding
97 organizations; requiring that certain deposited funds
98 be separately disclosed; amending s. 1009.971, F.S.;
99 revising the duties of the Florida Prepaid College
100 Board; amending ss. 1009.98 and 1009.981, F.S.;
101 providing implementation procedures for the Stanley G.
102 Tate Florida Prepaid College Program and the Florida
103 College Savings Program relating to plans purchased
104 through the Personal Learning Scholarship Accounts
105 Programs; providing appropriations; providing an
106 effective date.

107
108 Be It Enacted by the Legislature of the State of Florida:

109
110 Section 1. Section 1004.6495, Florida Statutes, is created
111 to read:

112 1004.6495 Florida Postsecondary Comprehensive Transition
113 Program and Florida Center for Students with Unique Abilities.-

114 (1) SHORT TITLE.-This section may be cited as the "Florida
115 Postsecondary Comprehensive Transition Program Act."

116 (2) PURPOSE AND LEGISLATIVE INTENT.-The purpose of this

1-00797-16

2016672__

117 section is to increase independent living, inclusive and
118 experiential postsecondary education, and employment
119 opportunities for students with intellectual disabilities
120 through degree, certificate, or nondegree programs and to
121 establish statewide coordination of the dissemination of
122 information regarding programs and services for students with
123 disabilities. It is the intent of the Legislature that students
124 with intellectual disabilities and students with disabilities
125 have access to meaningful postsecondary education credentials
126 and be afforded the opportunity to have a meaningful campus
127 experience.

128 (3) DEFINITIONS.—As used in this section, the term:

129 (a) "Center" means the Florida Center for Students with
130 Unique Abilities established under subsection (5).

131 (b) "Director" means the director of the center.

132 (c) "Eligible institution" means a state university; a
133 Florida College System institution; a career center; a charter
134 technical career center; or an independent college or university
135 that is located and chartered in this state, is not for profit,
136 is accredited by the Commission on Colleges of the Southern
137 Association of Colleges and Schools, and is eligible to
138 participate in the William L. Boyd, IV, Florida Resident Access
139 Grant Program.

140 (d) "Florida Postsecondary Comprehensive Transition Program
141 Scholarship" or "scholarship" means the scholarship established
142 under this section to provide state financial assistance awards
143 to students who meet the student eligibility requirements
144 specified in subsection (4) and are enrolled in an FPCTP.

145 (e) "FPCTP" means a Florida Postsecondary Comprehensive

1-00797-16

2016672__

146 Transition Program that is approved pursuant to paragraph (5)(c)
147 and offered by an eligible institution.

148 (f) "Transitional student" means a student who is 18 to 26
149 years of age and meets the student eligibility requirements
150 specified in subsection (4).

151 (4) STUDENT ELIGIBILITY.—To be eligible to enroll in an
152 FPCTP at an eligible institution, a student must, as determined
153 by the institution, based on guidelines established by the
154 center:

155 (a) Be a "student with an intellectual disability" as that
156 term is defined in 20 U.S.C. s. 1140(2), including, but not
157 limited to, a transitional student.

158 (b) Physically attend the eligible institution.

159 (c) Submit to the eligible institution documentation
160 regarding his or her intellectual disability. Such documentation
161 may include, but need not be limited to, a current
162 individualized plan for employment associated with a review
163 completed pursuant to s. 413.20(3) or a diagnosis from a
164 physician who is licensed under chapter 458 or chapter 459 or a
165 psychologist licensed under chapter 490.

166 (5) CENTER RESPONSIBILITIES.—The Florida Center for
167 Students with Unique Abilities is established within the
168 University of Central Florida. At a minimum, the center shall:

169 (a) Disseminate information to students with disabilities
170 and their parents, including, but not limited to:

171 1. Education programs, services, and resources that are
172 available at eligible institutions.

173 2. Supports, accommodations, technical assistance, or
174 training provided by eligible institutions, the advisory council

1-00797-16

2016672__

175 established pursuant to s. 383.141, and regional autism centers
176 established pursuant to s. 1004.55.

177 3. Mentoring, networking, and employment opportunities.

178 (b) Coordinate, facilitate, and oversee the statewide
179 implementation of this section. At a minimum, the director
180 shall:

181 1. Consult and collaborate with the National Center and the
182 Coordinating Center, as identified in 20 U.S.C. s. 1140q,
183 regarding guidelines established by the center for the effective
184 implementation of the programs for students with disabilities
185 and for students with intellectual disabilities which align with
186 the federal requirements and with standards, quality indicators,
187 and benchmarks identified by the National Center and the
188 Coordinating Center.

189 2. Consult and collaborate with the Higher Education
190 Coordinating Council to identify meaningful credentials for
191 FPCTPs and to engage businesses and stakeholders to promote
192 experiential training and employment opportunities for students
193 with intellectual disabilities.

194 3. Establish requirements and timelines for the:

195 a. Submission and review of an application.

196 b. Approval or disapproval of an initial or renewal
197 application.

198 c. Implementation of an FPCTP, which must begin no later
199 than the academic year immediately following the academic year
200 during which the approval is granted.

201 4. Administer scholarship funds.

202 5. Administer FPCTP start-up and enhancement grants. From
203 funds appropriated in the 2016-2017 fiscal year for the FPCTP,

1-00797-16

2016672__

204 \$3 million shall be used for such grants. Thereafter, funds
205 appropriated for the FPCTP may only be used for such grants if
206 specifically authorized in the General Appropriations Act. The
207 maximum annual start-up and enhancement grant award shall be
208 \$300,000 per institution.

209 6. Report on the implementation and administration of this
210 section by planning, advising, and evaluating approved degree,
211 certificate, and nondegree programs and the performance of
212 students and programs pursuant to subsection (8).

213 (c) Create the application for the initial approval and
214 renewal of approval as an FPCTP for use by an eligible
215 institution which, at a minimum, must align with the federal
216 comprehensive transition and postsecondary program application
217 requirements. Notwithstanding the program approval requirements
218 of s. 1004.03, the director shall review applications for the
219 initial approval of an application for, or renewal of approval
220 of, an FPCTP.

221 1. Within 30 days after receipt of an application, the
222 director shall issue his or her recommendation regarding
223 approval to the Chancellor of the State University System or the
224 Commissioner of Education, as applicable, or shall give written
225 notice to the applicant of any deficiencies in the application,
226 which the eligible institution must be given an opportunity to
227 correct. Within 15 days after receipt of a notice of
228 deficiencies, an eligible institution that chooses to continue
229 to seek program approval shall correct the application
230 deficiencies and return the application to the center. Within 30
231 days after receipt of a revised application, the director shall
232 recommend approval or disapproval of the revised application to

1-00797-16

2016672__

233 the chancellor or the commissioner, as applicable. Within 15
234 days after receipt of the director's recommendation, the
235 chancellor or the commissioner shall approve or disapprove the
236 recommendation. If the chancellor or the commissioner does not
237 act on the director's recommendation within 15 days after
238 receipt of such recommendation, the comprehensive transition
239 program proposed by the institution shall be considered
240 approved.

241 2. Initial approval of an application for an FPCTP that
242 meets the requirements of this section is valid for the 3
243 academic years immediately following the academic year during
244 which the approval is granted. An eligible institution may
245 submit an application to the center requesting that the initial
246 approval be renewed. If the approval is granted and the FPCTP
247 continues to meet the requirements of this section, including,
248 but not limited to, program and student performance outcomes,
249 and federal requirements, a renewal is valid for the 5 academic
250 years immediately following the academic year during which the
251 renewal is granted.

252 3. An application must, at a minimum:

253 a. Identify a credential associated with the proposed
254 program which will be awarded to eligible students upon
255 completion of the FPCTP.

256 b. Outline the program length and design, including, at a
257 minimum, inclusive and successful experiential education
258 practices relating to curricular, assessment, and advising
259 structure and internship and employment opportunities, which
260 must support students with intellectual disabilities who are
261 seeking to continue academic, career and technical, and

1-00797-16

2016672__

262 independent living instruction at an eligible institution,
263 including, but not limited to, opportunities to earn industry
264 certifications, to prepare students for gainful employment. If
265 an eligible institution offers a credit-bearing degree program,
266 the institution is responsible for maintaining the rigor and
267 effectiveness of a comprehensive transition degree program at
268 the same level as other comparable degree programs offered by
269 the institution pursuant to applicable accreditation standards.

270 c. Outline a plan for students with intellectual
271 disabilities to be integrated socially and academically with
272 nondisabled students, to the maximum extent possible, and to
273 participate on not less than a half-time basis, as determined by
274 the eligible institution, with such participation focusing on
275 academic components and occurring through one or more of the
276 following activities with nondisabled students:

277 (I) Regular enrollment in credit-bearing courses offered by
278 the institution.

279 (II) Auditing or participating in courses offered by the
280 institution for which the student does not receive academic
281 credit.

282 (III) Enrollment in noncredit-bearing, nondegree courses.

283 (IV) Participation in internships or work-based training.

284 d. Outline a plan for partnerships with businesses to
285 promote experiential training and employment opportunities for
286 students with intellectual disabilities.

287 e. Identify performance indicators pursuant to subsection
288 (8) and other requirements identified by the center.

289 f. Outline a 5-year plan incorporating enrollment and
290 operational expectations for the program.

1-00797-16

2016672__

291 (d) Provide technical assistance regarding programs and
292 services for students with intellectual disabilities to
293 administrators, instructors, staff, and others, as applicable,
294 at eligible institutions by:

295 1. Holding meetings and annual workshops to share
296 successful practices and to address issues or concerns.

297 2. Facilitating collaboration between eligible institutions
298 and school districts, private schools operating pursuant to s.
299 1002.42, and parents of students enrolled in home education
300 programs operating pursuant to s. 1002.41 in assisting students
301 with intellectual disabilities and their parents to plan for the
302 transition of such students into an FPCTP or another program at
303 an eligible institution.

304 3. Assisting eligible institutions with FPCTP and federal
305 comprehensive transition and postsecondary program applications.

306 4. Assisting eligible institutions with the identification
307 of funding sources for an FPCTP and for student financial
308 assistance for students enrolled in an FPCTP.

309 5. Monitoring federal and state law relating to the
310 comprehensive transition program and notifying the Legislature,
311 the Governor, the Board of Governors, and the State Board of
312 Education of any change in law which may impact the
313 implementation of this section.

314 (6) INSTITUTION ELIGIBILITY AND RESPONSIBILITIES.—

315 (a) To offer an FPCTP, the president or executive director
316 of an eligible institution, as applicable, must submit to the
317 center, by a date established by the center, the following:

318 1. An application for approval of a comprehensive
319 transition program proposed by the eligible institution, which

1-00797-16

2016672__

320 must be approved by the institution's governing board and must
321 address the requirements of the federal comprehensive transition
322 and postsecondary program under 20 U.S.C. s. 1140 and the
323 requirements of this section.

324 2. Documented evidence that the institution currently
325 offers a federally approved comprehensive transition and
326 postsecondary program that is eligible for federal student aid
327 programs, documented evidence of the submission of an
328 application for such federal approval of a program proposed by
329 the institution, or documentation demonstrating the commitment
330 of the institution's governing board to submit an application
331 within the subsequent academic year for federal approval of a
332 program pursuant to 20 U.S.C. s. 1140.

333 (b) An eligible institution may submit an application to
334 the center for approval pursuant to the requirements of this
335 section for implementation of the FPCTP no later than the
336 academic year immediately following the academic year during
337 which the approval is granted. An eligible institution must
338 submit a renewal application to the center no later than 3 years
339 following the year during which the approval is initially
340 granted.

341 (c) By August 1 of each year, an eligible institution that
342 has an FPCTP shall submit an annual report to the center which,
343 at a minimum, for the prior academic year, addresses the
344 following performance indicators:

345 1. Efforts to recruit students in the FPCTP and the number
346 of students enrolled in the program.

347 2. Efforts to retain students in the FPCTP and the
348 retention rate of students in the program.

1-00797-16

2016672__

349 3. The completion rate of students enrolled in the FPCTP
350 and related courses, as applicable.

351 4. Transition success of students who complete the FPCTP,
352 as measured by employment rates and salary levels at 1 year and
353 5 years after completion.

354 5. Other performance indicators identified by the center
355 pursuant to subsection (8).

356 (d) An eligible institution shall notify students with
357 intellectual disabilities and their parents of the student
358 eligibility requirements specified in subsection (4) and the
359 scholarship requirements and eligibility requirements specified
360 in subsection (7).

361 (7) FLORIDA POSTSECONDARY COMPREHENSIVE TRANSITION PROGRAM
362 SCHOLARSHIP.-

363 (a) Beginning in the 2016-2017 academic year, the Florida
364 Postsecondary Comprehensive Transition Program Scholarship is
365 established for students who meet the student eligibility
366 requirements specified in subsection (4), are enrolled in an
367 FPCTP, and are not receiving services that are funded through
368 the Florida Education Finance Program or a scholarship under
369 part III of chapter 1002.

370 (b) To maintain eligibility to receive a scholarship, a
371 student must continue to meet the requirements of paragraph (a)
372 and must demonstrate satisfactory academic progress in the
373 FPCTP, as determined by the eligible institution that the
374 student attends, based on the indicators identified by the
375 center pursuant to subsection (8).

376 (c) Payment of scholarship funds shall be transmitted to
377 the director of the center or his or her designee in advance of

1-00797-16

2016672__

378 the registration period. The director or his or her designee
379 shall disburse the scholarship funds to the eligible
380 institutions that are responsible for awarding the scholarship
381 to students who meet the requirements of paragraphs (a) and (b).

382 (d) During each academic term, by a date established by the
383 center, an eligible institution shall report to the center the
384 number and value of all scholarships awarded under this
385 subsection. Each eligible institution shall also report to the
386 center necessary demographic and eligibility data and other data
387 requested by the center for students who received the
388 scholarship awards.

389 (e) By a date annually established by the center, each
390 eligible institution shall certify to the center the amount of
391 funds disbursed to each student and shall remit to the center
392 any undisbursed advances by June 1 of each year.

393 (f) For the 2016-2017 academic year, the amount of the
394 annual scholarship shall be \$7,000 for each student who meets
395 the eligibility requirements of subsection (4). Beginning in the
396 2017-2018 fiscal year, the funding for the program and the
397 annual amount of the scholarship to be provided to a student who
398 meets the eligibility requirements of subsection (4) shall be
399 the amounts specified in the General Appropriations Act. If
400 appropriated funds in any fiscal year are not adequate to
401 provide the maximum allowable award to each eligible student,
402 the awards may be prorated.

403 (8) ACCOUNTABILITY.—

404 (a) The center, in collaboration with the Board of
405 Governors and the State Board of Education, shall identify
406 indicators for the satisfactory progress of a student in an

1-00797-16

2016672__

407 FPCTP and for the performance of such programs. Each eligible
408 institution must address the indicators identified by the center
409 in its application for the approval of a proposed program and
410 for the renewal of an FPCTP and in the annual report that the
411 institution submits to the center.

412 (b) By October 1 of each year, the center shall provide to
413 the Governor, the President of the Senate, the Speaker of the
414 House of Representatives, the Chancellor of the State University
415 System, and the Commissioner of Education a report summarizing
416 information including, but not limited to:

417 1. The status of the statewide coordination of FPCTPs and
418 the implementation of FPCTPs at eligible institutions including,
419 but not limited to:

420 a. The number of applications approved and disapproved and
421 the reasons for each disapproval and no action taken by the
422 chancellor or the commissioner.

423 b. The number and value of all scholarships awarded to
424 students and undisbursed advances remitted to the center
425 pursuant to subsection (7).

426 2. Indicators identified by the center pursuant to
427 paragraph (a) and the performance of each eligible institution
428 based on the indicators identified in paragraph (6)(c).

429 3. The projected number of students with intellectual
430 disabilities who may be eligible to enroll in the FPCTPs within
431 the next academic year.

432 4. Education programs and services for students with
433 intellectual disabilities which are available at eligible
434 institutions.

435 (c) Beginning in the 2016-2017 fiscal year, the center, in

1-00797-16

2016672__

436 collaboration with the Board of Governors, State Board of
437 Education, Higher Education Coordinating Council, and other
438 stakeholders, by December 1 of each year, shall submit to the
439 Governor, the President of the Senate, and the Speaker of the
440 House of Representatives statutory and budget recommendations
441 for improving the implementation and delivery of FPCTPs and
442 other education programs and services for students with
443 disabilities.

444 (9) RULES.—The Board of Governors and the State Board of
445 Education, in consultation with the center, shall expeditiously
446 adopt any necessary regulations and rules, as applicable, to
447 allow the center to perform its responsibilities pursuant to
448 this section beginning in the 2016-2017 fiscal year.

449 Section 2. Section 1011.78, Florida Statutes, is created to
450 read:

451 1011.78 Standard student attire incentive payments.—There
452 is created an incentive payment for school districts and charter
453 schools that implement a standard student attire policy for all
454 students in kindergarten through grade 8 in accordance with this
455 section.

456 (1) SHORT TITLE.—This section may be cited as the “Students
457 Attired for Education (SAFE) Act.”

458 (2) PURPOSE.—The purpose of a standard student attire
459 policy is to provide a safe environment for students which
460 fosters learning and improves school safety and discipline by:

461 (a) Encouraging students to express their individuality
462 through personality and academic achievements, rather than
463 outward appearance.

464 (b) Enabling students to focus on academics, rather than

1-00797-16

2016672__

465 fashion, because they are able to convey a neat, serious, and
466 studious image.

467 (c) Minimizing disciplinary problems because students are
468 not distracted by clothing.

469 (d) Reducing the time needed to correct dress code
470 violations through a readily available inventory of compliant
471 attire.

472 (e) Minimizing visible differences between students and
473 eliminating social pressures to wear brand-name clothing or
474 colors to show gang affiliation, thereby easing financial
475 pressures on parents and enhancing school safety.

476 (f) Creating a sense of school pride and belonging.

477 (3) QUALIFICATIONS.—To qualify for the incentive payment, a
478 school district or charter school must, at a minimum, implement
479 a standard attire policy that:

480 (a) Applies to all students in kindergarten through grade 8
481 in the school district or charter school, regardless of
482 individual school grade configurations.

483 (b) Prohibits certain types or styles of clothing and
484 requires solid-colored clothing and fabrics for pants, skirts,
485 shorts, or similar clothing and short- or long-sleeved shirts
486 with collars.

487 (c) Allows reasonable accommodations based on a student's
488 religion, disability, or medical condition.

489 (4) AWARD.—Subject to the appropriation of funds by the
490 Legislature, a qualified school district or charter school shall
491 receive an annual award of not less than \$10 per student in
492 kindergarten through grade 8, as specified in the General
493 Appropriations Act. Before the release of funds, but no later

1-00797-16

2016672__

494 than September 1 of each year, the district school
495 superintendent or the charter school governing board shall
496 certify to the commissioner that the school district or charter
497 school has implemented a districtwide or schoolwide standard
498 student attire policy, respectively, in accordance with this
499 section. A charter school may also qualify by participating in
500 its sponsor's qualifying policy. The commissioner shall make
501 payment of awards to school districts and charter schools in the
502 order in which certifications are received. As of June 30 of
503 each year, any funds provided pursuant to this section that have
504 not been disbursed to qualified school districts and charter
505 schools revert to the fund from which they were appropriated
506 pursuant to s. 216.301.

507 (5) IMMUNITY.—A district school board or governing board of
508 a charter school that implements a districtwide or schoolwide
509 standard student attire policy, respectively, is immune from
510 civil liability resulting from adoption of the policy in
511 accordance with this section.

512 Section 3. Paragraph (b) of subsection (1) of section
513 1001.43, Florida Statutes, is amended to read:

514 1001.43 Supplemental powers and duties of district school
515 board.—The district school board may exercise the following
516 supplemental powers and duties as authorized by this code or
517 State Board of Education rule.

518 (1) STUDENT MANAGEMENT.—The district school board may adopt
519 programs and policies to ensure the safety and welfare of
520 individuals, the student body, and school personnel, which
521 programs and policies may:

522 (b) Require uniforms to be worn by the student body, or

1-00797-16

2016672__

523 impose other dress-related requirements, if the district school
524 board finds that those requirements are necessary for the safety
525 or welfare of the student body or school personnel. However,
526 students may wear sunglasses, hats, or other sun-protective wear
527 while outdoors during school hours, such as when students are at
528 recess. A district school board that implements a districtwide
529 standard student attire policy pursuant to s. 1011.78 is
530 eligible to receive incentive payments.

531 Section 4. Paragraph (g) is added to subsection (17) of
532 section 1002.33, Florida Statutes, to read:

533 1002.33 Charter schools.—

534 (17) FUNDING.—Students enrolled in a charter school,
535 regardless of the sponsorship, shall be funded as if they are in
536 a basic program or a special program, the same as students
537 enrolled in other public schools in the school district. Funding
538 for a charter lab school shall be as provided in s. 1002.32.

539 (g) A charter school that implements a schoolwide standard
540 student attire policy pursuant to s. 1011.78 is eligible to
541 receive incentive payments.

542 Section 5. Section 1002.385, Florida Statutes, is amended
543 to read:

544 1002.385 Florida personal learning scholarship accounts.—

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

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

550 (a) "Approved provider" means a provider approved by the
551 Agency for Persons with Disabilities, a health care practitioner

1-00797-16

2016672__

552 as defined in s. 456.001(4), or a provider approved by the
553 department pursuant to s. 1002.66.

554 (b) "Curriculum" means a complete course of study for a
555 particular content area or grade level, including any required
556 supplemental materials and associated online instruction.

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

558 (d) "Disability" means, for a 3- or 4-year-old child or for
559 a student in kindergarten to grade 12, autism spectrum disorder,
560 as defined in the Diagnostic and Statistical Manual of Mental
561 Disorders, Fifth Edition, published by the American Psychiatric
562 Association ~~s. 393.063(3)~~; cerebral palsy, as defined in s.
563 393.063(4); Down syndrome, as defined in s. 393.063(13); an
564 intellectual disability, as defined in s. 393.063(21); Prader-
565 Willi syndrome, as defined in s. 393.063(25); ~~or~~ spina bifida,
566 as defined in s. 393.063(36); ~~for a student in kindergarten,~~
567 being a high-risk child, as defined in s. 393.063(20) (a);
568 muscular dystrophy; and Williams syndrome.

569 (e) "Eligible nonprofit scholarship-funding organization"
570 or "organization" means a nonprofit scholarship-funding
571 organization that is approved pursuant to s. 1002.395(16) ~~has~~
572 ~~the same meaning as in s. 1002.395.~~

573 (f) "Eligible postsecondary educational institution" means
574 a Florida College System institution; ; a state university; ; a
575 school district technical center; ; a school district adult
576 general education center; an independent college or university
577 that is eligible to participate in the William L. Boyd, IV,
578 Florida Resident Access Grant Program under s. 1009.89; ; or an
579 accredited independent nonpublic postsecondary educational
580 institution, as defined in s. 1005.02, which is licensed to

1-00797-16

2016672__

581 operate in the state pursuant to requirements specified in part
582 III of chapter 1005.

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

- 587 1. Sections 1002.42 and 1002.421; and
588 2. A scholarship program under s. 1002.39 or s. 1002.395,
589 as applicable, if the private school participates in a
590 scholarship program under s. 1002.39 or s. 1002.395.

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

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

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

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

600 (a) The student:

- 601 1. Is a resident of this state;
602 2. Is 3 or 4 years of age on or before September 1 of the
603 year in which the student applies for program participation or
604 is eligible to enroll in kindergarten through grade 12 in a
605 public school in this state;

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

607 4. Is the subject of an IEP written in accordance with
608 rules of the State Board of Education or has received a
609 diagnosis of a disability ~~as defined in subsection (2)~~ from a

1-00797-16

2016672__

610 physician who is licensed under chapter 458 or chapter 459 or a
611 psychologist who is licensed under chapter 490 ~~in this state~~.

612 (b) ~~Beginning January 2015,~~ The parent has applied to an
613 eligible nonprofit scholarship-funding organization to
614 participate in the program by February 1 before the school year
615 in which the student will participate or an alternative date as
616 set by the organization for any vacant, funded slots. The
617 request must be communicated directly to the organization in a
618 manner that creates a written or electronic record of the
619 request and the date of receipt of the request. In addition to
620 the application and any documentation required by the
621 organization or by State Board of Education rule, the parent may
622 submit a final verification document pursuant to this paragraph
623 to receive scholarship funds in the student's account before the
624 department confirms program eligibility pursuant to paragraph
625 (9) (e). The final verification document must consist of one of
626 the following items applicable to the student:

627 1. A completed withdrawal form from the school district, if
628 the student was enrolled in a public school before the
629 determination of program eligibility.

630 2. A letter of admission or enrollment from an eligible
631 private school for the fiscal year in which the student wishes
632 to participate and, if applicable, a copy of the notification
633 from the private school that the student has withdrawn from the
634 John M. McKay Scholarships for Students with Disabilities
635 Program or the Florida Tax Credit Scholarship Program.

636 3. A copy of the notice of the parent's intent to establish
637 and maintain a home education program required by s.
638 1002.41(1) (a) or the annual educational evaluation of the

1-00797-16

2016672__

639 student in a home education program, which is required by s.
640 1002.41(2) ~~The organization shall notify the district and the~~
641 ~~department of the parent's intent upon receipt of the parent's~~
642 ~~request.~~

643 (4) PROGRAM PROHIBITIONS.—

644 ~~(a)~~ A student is not eligible for the program if ~~while~~ he
645 or she is:

646 (a)1- Enrolled in a public school, including, but not
647 limited to, the Florida School for the Deaf and the Blind; the
648 Florida Virtual School; the College-Preparatory Boarding
649 Academy; a developmental research school authorized under s.
650 1002.32; a charter school authorized under s. 1002.33, s.
651 1002.331, or s. 1002.332; or a virtual education program
652 authorized under s. 1002.45. For purposes of this paragraph, a
653 3- or 4-year-old child who receives services funded through the
654 Florida Education Finance Program is considered to be a student
655 enrolled in a public school. Funding provided under this section
656 for a child eligible for enrollment in the Voluntary
657 Prekindergarten Education Program shall constitute funding for
658 the child under part V of this chapter, and no additional
659 funding shall be provided for the child under part V.

660 (b)2- Enrolled in a school operating for the purpose of
661 providing educational services to youth in the Department of
662 Juvenile Justice commitment programs.

663 (c)3- Receiving a scholarship pursuant to the Florida Tax
664 Credit Scholarship Program under s. 1002.395 or the John M.
665 McKay Scholarships for Students with Disabilities Program under
666 s. 1002.39.

667 (d)4- Receiving any other educational scholarship pursuant

1-00797-16

2016672__

668 to this chapter.

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

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

673 ~~2. The student's participation in the program has been~~
674 ~~denied or revoked by the commissioner of Education pursuant to~~
675 ~~subsection (10); or~~

676 ~~3. The student's parent has forfeited participation in the~~
677 ~~program for failure to comply with requirements pursuant to~~
678 ~~subsection (11).~~

679 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
680 used to meet the individual educational needs of an eligible
681 student and may be spent for the following purposes:

682 (a) Instructional materials, including digital devices,
683 digital periphery devices, and assistive technology devices that
684 allow a student to access instruction or instructional content
685 and training on the use of and maintenance agreements for these
686 devices.

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

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

691 1. Applied behavior analysis services as provided in ss.
692 627.6686 and 641.31098.

693 2. Services provided by speech-language pathologists as
694 defined in s. 468.1125.

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

696 4. Services provided by physical therapists as defined in

1-00797-16

2016672__

697 s. 486.021.

698 5. Services provided by listening and spoken language
699 specialists and an appropriate acoustical environment for a
700 child who is deaf or hard of hearing and who has received an
701 implant or assistive hearing device.

702 (d) Enrollment in, or tuition or fees associated with
703 enrollment in, a home education program, an eligible private
704 school, an eligible postsecondary educational institution or a
705 program offered by the institution, a private tutoring program
706 authorized under s. 1002.43, a virtual program offered by a
707 department-approved private online provider that meets the
708 provider qualifications specified in s. 1002.45(2)(a), the
709 Florida Virtual School as a private paying student, or an
710 approved online course offered pursuant to s. 1003.499 or s.
711 1004.0961.

712 (e) Fees for nationally standardized, norm-referenced
713 achievement tests, Advanced Placement Examinations, industry
714 certification examinations, assessments related to postsecondary
715 education, or other assessments.

716 (f) Contributions to the Stanley G. Tate Florida Prepaid
717 College Program pursuant to s. 1009.98 or the Florida College
718 Savings Program pursuant to s. 1009.981, for the benefit of the
719 eligible student.

720 (g) Contracted services provided by a public school or
721 school district, including classes. A student who receives
722 services under a contract under this paragraph is not considered
723 enrolled in a public school for eligibility purposes as
724 specified in subsection (4).

725 (h) Tuition and fees for part-time tutoring services

1-00797-16

2016672__

726 provided by a person who holds a valid Florida educator's
 727 certificate pursuant to s. 1012.56; a person who holds an
 728 adjunct teaching certificate pursuant to s. 1012.57; or a person
 729 who has demonstrated a mastery of subject area knowledge
 730 pursuant to s. 1012.56(5). As used in this paragraph, the term
 731 "part-time tutoring services" does not qualify as regular school
 732 attendance as defined in s. 1003.01(13)(e).

733 (i) Fees for specialized summer education programs.

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

735 (k) Transition services provided by job coaches.

736 (l) Fees for an annual evaluation of educational progress
 737 by a state-certified teacher under s. 1002.41(1)(c), if this
 738 option is chosen for a home education student.

739 (m) Tuition and fees associated with programs offered by
 740 Voluntary Prekindergarten Education Program providers approved
 741 pursuant to s. 1002.55 and school readiness providers approved
 742 pursuant to s. 1002.88.

743
 744 ~~A provider of any services specialized service provider,~~
 745 ~~eligible private school, eligible postsecondary educational~~
 746 ~~institution, private tutoring program provider, online or~~
 747 ~~virtual program provider, public school, school district, or~~
 748 ~~other entity~~ receiving payments pursuant to this subsection may
 749 not share, refund, or rebate any moneys from the Florida
 750 personal learning scholarship account with the parent or
 751 participating student in any manner.

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

754 (a)1. The Program payments made by the state to an

1-00797-16

2016672__

755 organization for a personal learning scholarship account under
756 this section shall continue ~~remain in force~~ until:

757 a. The parent does not renew program eligibility;

758 b. The organization determines that the student is not
759 eligible for program renewal;

760 c. The Commissioner of Education suspends or revokes
761 program participation or use of funds;

762 d. The student's parent has forfeited participation in the
763 program for failure to comply with subsection (11);

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

765 f. The student graduates from high school or attains 22
766 years of age, whichever occurs first ~~a student participating in~~
767 ~~the program participates in any of the prohibited activities~~
768 ~~specified in subsection (4), has funds revoked by the~~
769 ~~Commissioner of Education pursuant to subsection (10), returns~~
770 ~~to a public school, graduates from high school, or attains 22~~
771 ~~years of age, whichever occurs first. A participating student~~
772 ~~who enrolls in a public school or public school program is~~
773 ~~considered to have returned to a public school for the purpose~~
774 ~~of determining the end of the program's term.~~

775 2. Reimbursements for program expenditures may continue
776 until the account balance is expended or the account is closed
777 pursuant to paragraph (b).

778 (b)1. A student's personal learning scholarship account
779 must be closed and any remaining funds, including, but not
780 limited to, contributions made to the Stanley G. Tate Florida
781 Prepaid College Program or earnings from or contributions made
782 to the Florida College Savings Program using program funds
783 pursuant to paragraph (5) (f), shall revert to the state upon:

1-00797-16

2016672__

784 a. Denial or revocation of program eligibility by the
785 commissioner for fraud or abuse, including, but not limited to,
786 the student or student's parent accepting any payment, refund,
787 or rebate, in any manner, from a provider of any services
788 received pursuant to subsection (5); or

789 b. After any period of 3 consecutive years after high
790 school completion or graduation during which the student has not
791 been enrolled in an eligible postsecondary educational
792 institution or a program offered by the institution.

793 2. The commissioner must notify the parent and the
794 organization when a personal learning scholarship account is
795 closed and program funds revert to the state.

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

797 (a)1. The parent of ~~For~~ a student with a disability who
798 does not have an IEP in accordance with subparagraph (3) (a)4. or
799 who seeks a reevaluation of an existing IEP may request an IEP
800 meeting and evaluation from the school district in order to
801 obtain or revise a matrix of services. The school district shall
802 notify a parent who has made a request for an IEP that the
803 district is required to complete the IEP and matrix of services
804 within 30 days after receiving notice of the parent's request.
805 The school district shall conduct a meeting and develop an IEP
806 and a matrix of services within 30 days after receipt of the
807 parent's request in accordance with State Board of Education
808 rules. a matrix of services under s. 1011.62(1)(e) and for whom
809 ~~the parent requests a matrix of services,~~ The school district
810 must complete a matrix that assigns the student to one of the
811 levels of service as they existed before the 2000-2001 school
812 year.

1-00797-16

2016672__

813 ~~2.a. Within 10 school days after a school district receives~~
814 ~~notification of a parent's request for completion of a matrix of~~
815 ~~services, the school district must notify the student's parent~~
816 ~~if the matrix of services has not been completed and inform the~~
817 ~~parent that the district is required to complete the matrix~~
818 ~~within 30 days after receiving notice of the parent's request~~
819 ~~for the matrix of services. This notice must include the~~
820 ~~required completion date for the matrix.~~

821 ~~b. The school district shall complete the matrix of~~
822 ~~services for a student whose parent has made a request. The~~
823 school district must provide the student's parent and the
824 department with the student's matrix level within 10 calendar
825 ~~school~~ days after its completion.

826 ~~b.e.~~ The department shall notify the parent and the
827 ~~eligible nonprofit scholarship funding~~ organization of the
828 amount of the funds awarded within 10 days after receiving the
829 school district's notification of the student's matrix level.

830 ~~c.d.~~ A school district may change a matrix of services only
831 if the change is a result of an IEP reevaluation or to correct a
832 technical, typographical, or calculation error.

833 (b) For each student participating in the program who
834 chooses to participate in statewide, standardized assessments
835 under s. 1008.22 or the Florida Alternate Assessment, the school
836 district in which the student resides must notify the student
837 and his or her parent about the locations and times to take all
838 statewide, standardized assessments.

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

1-00797-16

2016672__

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

844 (a) Comply with all requirements for private schools
845 participating in state school choice scholarship programs
846 pursuant to s. 1002.421.

847 (b) Provide to the ~~eligible nonprofit scholarship funding~~
848 organization, upon request, all documentation required for the
849 student's participation, including the private school's and
850 student's fee schedules.

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

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

855 2. Annually administering or making provision for students
856 participating in the program in grades 3 through 10 to take one
857 of the nationally norm-referenced tests identified by the
858 Department of Education or the statewide assessments pursuant to
859 s. 1008.22. Students with disabilities for whom standardized
860 testing is not appropriate are exempt from this requirement. A
861 participating private school shall report a student's scores to
862 the parent.

863 3. Cooperating with the scholarship student whose parent
864 chooses to have the student participate in the statewide
865 assessments pursuant to s. 1008.22 or, if a private school
866 chooses to offer the statewide assessments, administering the
867 assessments at the school.

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

1-00797-16

2016672__

871 b. A participating private school shall submit a request in
 872 writing to the Department of Education by March 1 of each year
 873 in order to administer the statewide assessments in the
 874 subsequent school year.

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

878 (e) Annually contract with an independent certified public
 879 accountant to perform the agreed-upon procedures developed under
 880 s. 1002.395(6)(o) ~~s. 1002.395(6)(n)~~ and produce a report of the
 881 results if the private school receives more than \$250,000 in
 882 funds from scholarships awarded under this section in the 2014-
 883 2015 state fiscal year or a state fiscal year thereafter. A
 884 private school subject to this paragraph must submit the report
 885 by September 15, 2015, and annually thereafter to the
 886 ~~scholarship-funding~~ organization that awarded the majority of
 887 the school's scholarship funds. The agreed-upon procedures must
 888 be conducted in accordance with attestation standards
 889 established by the American Institute of Certified Public
 890 Accountants.

891
 892 The inability of a private school to meet the requirements of
 893 this subsection constitutes a basis for the ineligibility of the
 894 private school to participate in the program as determined by
 895 the commissioner ~~department~~.

896 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 897 shall:

898 (a) Maintain on its website a list of approved providers as
 899 required in s. 1002.66, eligible postsecondary educational

1-00797-16

2016672__

900 institutions, eligible private schools, and organizations and
 901 may identify or provide links to lists of other approved
 902 providers.

903 (b) Require each ~~eligible nonprofit scholarship-funding~~
 904 organization to verify eligible expenditures before the
 905 distribution of funds for any expenditures made pursuant to
 906 paragraphs (5) (a) and (b). Review of expenditures made for
 907 services specified in paragraphs (5) (c)-(m) ~~(5) (e)-(g)~~ may be
 908 completed after the purchase is ~~payment has been~~ made.

909 (c) Investigate any written complaint of a violation of
 910 this section by a parent, a student, a private school, a public
 911 school or a school district, an organization, a provider, or
 912 another appropriate party in accordance with the process
 913 established by s. 1002.395(9) (f).

914 (d) Require quarterly reports by an ~~eligible nonprofit~~
 915 ~~scholarship-funding~~ organization, which must, at a minimum,
 916 include regarding the number of students participating in the
 917 program; the demographics of program participants; the
 918 disability category of program participants; the matrix level of
 919 services, if known; the program award amount per student; the
 920 total expenditures for the purposes specified in subsection
 921 (5); ~~the types of providers of services to students;~~ and any
 922 other information deemed necessary by the department.

923 (e) Compare the list of students participating in the
 924 program with the public school student enrollment lists,
 925 Voluntary Prekindergarten Education Program enrollment lists,
 926 and the list of students participating in school choice
 927 scholarship programs established pursuant to this chapter before
 928 each scholarship award is provided to the organization, and

1-00797-16

2016672__

929 subsequently throughout the school year, each program payment to
930 avoid duplicate payments and confirm program eligibility. A
931 parent who files a final verification pursuant to paragraph
932 (3) (b) shall receive scholarship funds before the department
933 confirms program eligibility.

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

935 (a) The Commissioner of Education:

936 1. ~~Shall deny, suspend, or revoke a student's participation~~
937 ~~in the program if the health, safety, or welfare of the student~~
938 ~~is threatened or fraud is suspected.~~

939 2. ~~Shall deny, suspend, or revoke an authorized use of~~
940 ~~program funds if the health, safety, or welfare of the student~~
941 ~~is threatened or fraud is suspected.~~

942 3. ~~May deny, suspend, or revoke an authorized use of~~
943 ~~program funds for material failure to comply with this section~~
944 ~~and applicable department rules if the noncompliance is~~
945 ~~correctable within a reasonable period of time. Otherwise, the~~
946 ~~commissioner shall deny, suspend, or revoke an authorized use~~
947 ~~for failure to materially comply with the law and rules adopted~~
948 ~~under this section.~~

949 4. ~~Shall require compliance by the appropriate party by a~~
950 ~~date certain for all nonmaterial failures to comply with this~~
951 ~~section and applicable department rules. The commissioner May~~
952 ~~deny, suspend, or revoke program participation or use of program~~
953 funds by the student or participation or eligibility of an
954 organization, eligible private school, eligible postsecondary
955 educational institution, approved provider, or other party for a
956 violation of this section.

957 2. May determine the length of, and conditions for lifting,

1-00797-16

2016672__

958 a suspension or revocation specified in this subsection.

959 3. May recover unexpended program funds or withhold payment
960 of an equal amount of program funds to recover program funds
961 that were not authorized for use.

962 4. Shall deny or terminate program participation upon a
963 parent's forfeiture of a personal learning scholarship account
964 pursuant to subsection (11) under this section thereafter.

965 (b) In determining whether to ~~deny~~, ~~suspend~~, or ~~revoke~~
966 participation or lift a suspension or revocation in accordance
967 with this subsection, the commissioner may consider factors that
968 include, but are not limited to, acts or omissions that by a
969 ~~participating entity which~~ led to a previous suspension denial
970 or revocation of participation in a state or federal program or
971 an education scholarship program; failure to reimburse the
972 ~~eligible nonprofit scholarship funding~~ organization for ~~program~~
973 funds improperly received or retained by the entity; failure to
974 reimburse government funds improperly received or retained;
975 imposition of a prior criminal sanction related to the person or
976 entity or its officers or employees; imposition of a civil fine
977 or administrative fine, license revocation or suspension, or
978 program eligibility suspension, termination, or revocation
979 related to a person's or an entity's management or operation; or
980 other types of criminal proceedings in which the person or
981 entity or its officers or employees were found guilty of,
982 regardless of adjudication, or entered a plea of nolo contendere
983 or guilty to, any offense involving fraud, deceit, dishonesty,
984 or moral turpitude.

985 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
986 PARTICIPATION.—A parent who applies for program participation

1-00797-16

2016672__

987 under this section is exercising his or her parental option to
988 determine the appropriate placement or the services that best
989 meet the needs of his or her child. The scholarship award for a
990 student is based on a matrix that assigns the student to support
991 Level III services. If a parent receives ~~chooses to request and~~
992 ~~receive~~ an IEP and a matrix of services from the school district
993 pursuant to subsection (7), the amount of the payment shall be
994 adjusted as needed, when the school district completes the
995 matrix.

996 (a) To satisfy or maintain program eligibility, including
997 eligibility to receive and spend program payments ~~enroll an~~
998 ~~eligible student in the program~~, the parent must sign an
999 agreement with the ~~eligible nonprofit scholarship funding~~
1000 organization and annually submit a notarized, sworn compliance
1001 statement to the organization to:

1002 1. Affirm that the student is enrolled in a program that
1003 meets regular school attendance requirements as provided in s.
1004 1003.01(13)(b)-(d).

1005 2. Affirm that ~~Use~~ the program funds are used only for
1006 authorized purposes serving the student's educational needs, as
1007 described in subsection (5).

1008 3. Affirm that the parent is responsible for the education
1009 of his or her student by, as applicable: ~~takes all appropriate~~
1010 ~~standardized assessments as specified in this section.~~

1011 a. Requiring the student to ~~If the parent enrolls the child~~
1012 ~~in an eligible private school, the student must take an~~
1013 assessment in accordance with paragraph (8)(c); ~~selected by the~~
1014 ~~private school pursuant to s. 1002.395(7)(e).~~

1015 b. Providing an ~~If the parent enrolls the child in a home~~

1-00797-16

2016672__

1016 ~~education program, the parent may choose to participate in an~~
1017 ~~assessment as part of the annual evaluation in accordance with~~
1018 ~~provided for in s. 1002.41(1)(c); or-~~

1019 c. Requiring the child to take any pre- and post-
1020 assessments selected by the provider if the child is 4 years of
1021 age and is enrolled in a program provided by an eligible
1022 Voluntary Prekindergarten Education Program provider. A student
1023 with disabilities for whom a pre- and post-assessment is not
1024 appropriate is exempt from this requirement. A participating
1025 provider shall report a student's scores to the parent.

1026 ~~4. Notify the school district that the student is~~
1027 ~~participating in the Personal Learning Scholarship Accounts if~~
1028 ~~the parent chooses to enroll in a home education program as~~
1029 ~~provided in s. 1002.41.~~

1030 ~~5. Request participation in the program by the date~~
1031 ~~established by the eligible nonprofit scholarship funding~~
1032 ~~organization.~~

1033 ~~4.6.~~ Affirm that the student remains in good standing with
1034 the provider or school if those options are selected by the
1035 parent.

1036 ~~7. Apply for admission of his or her child if the private~~
1037 ~~school option is selected by the parent.~~

1038 ~~8. Annually renew participation in the program.~~
1039 Notwithstanding any changes to the student's IEP, a student who
1040 was previously eligible for participation in the program shall
1041 remain eligible to apply for renewal as provided in subsection
1042 (6).

1043 ~~9. Affirm that the parent will not transfer any college~~
1044 ~~savings funds to another beneficiary.~~

1-00797-16

2016672__

1045 ~~10. Affirm that the parent will not take possession of any~~
1046 ~~funding provided by the state for the Florida Personal Learning~~
1047 ~~Scholarship Accounts.~~

1048 ~~11. Maintain a portfolio of records and materials which~~
1049 ~~must be preserved by the parent for 2 years and be made~~
1050 ~~available for inspection by the district school superintendent~~
1051 ~~or the superintendent's designee upon 15 days' written notice.~~
1052 ~~This paragraph does not require the superintendent to inspect~~
1053 ~~the portfolio. The portfolio of records and materials must~~
1054 ~~consist of:~~

1055 ~~a. A log of educational instruction and services which is~~
1056 ~~made contemporaneously with delivery of the instruction and~~
1057 ~~services and which designates by title any reading materials~~
1058 ~~used; and~~

1059 ~~b. Samples of any writings, worksheets, workbooks, or~~
1060 ~~creative materials used or developed by the student.~~

1061 (b) The parent must file an application for initial program
1062 participation with an organization by the dates established
1063 pursuant to this section.

1064 (c) The parent must notify the school district that the
1065 student is participating in the Personal Learning Scholarship
1066 Program if the parent chooses to enroll the student in a home
1067 education program as provided in s. 1002.41. This notification
1068 is not in lieu of the required notification a parent must submit
1069 to the district when establishing a home education program
1070 pursuant to s. 1002.41(1) (a).

1071 (d) The parent must enroll his or her child in a program
1072 from a Voluntary Prekindergarten Education Program provider
1073 authorized under s. 1002.55, a school readiness provider

1-00797-16

2016672__

1074 authorized under s. 1002.88, or an eligible private school if
1075 either option is selected by the parent.

1076 (e) The parent must annually renew participation in the
1077 program. Notwithstanding any changes to the student's IEP, a
1078 student who was previously eligible for participation in the
1079 program shall remain eligible to apply for renewal. However, for
1080 a high-risk child to continue to participate in the program in
1081 the school year after he or she reaches 6 years of age, the
1082 child's application for renewal of program participation must
1083 contain documentation that the child has a disability defined in
1084 paragraph (2) (d) other than high-risk status.

1085 (f) ~~(b)~~ The parent is responsible for procuring the services
1086 necessary to educate the student. When the student receives a
1087 personal learning scholarship account, the district school board
1088 is not obligated to provide the student with a free appropriate
1089 public education. For purposes of s. 1003.57 and the Individuals
1090 with Disabilities in Education Act, a participating student has
1091 only those rights that apply to all other unilaterally
1092 parentally placed students, except that, when requested by the
1093 parent, school district personnel must develop an individual
1094 education plan or matrix level of services.

1095 (g) ~~(e)~~ The parent is responsible for ~~the payment of all~~
1096 ~~eligible expenses in excess of the amount of the personal~~
1097 ~~learning scholarship account in accordance with the terms agreed~~
1098 ~~to between the parent and the providers.~~

1099 (h) The parent may not transfer any prepaid college plan or
1100 college savings plan funds contributed pursuant to paragraph
1101 (5) (f) to another beneficiary while the plan contains funds
1102 contributed pursuant to this section.

1-00797-16

2016672__

1103 (i) The parent may not receive a payment, refund, or rebate
 1104 from an approved provider of any services under this program.

1106 A parent who fails to comply with this subsection forfeits the
 1107 personal learning scholarship account.

1108 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS
 1109 ~~ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP ACCOUNTS.~~-An
 1110 ~~eligible nonprofit scholarship funding~~ organization
 1111 ~~participating in the Florida Tax Credit Scholarship Program~~
 1112 ~~established under s. 1002.395~~ may establish personal learning
 1113 scholarship accounts for eligible students by:

1114 (a) Receiving applications and determining student
 1115 eligibility in accordance with the requirements of this section.
 1116 ~~The organization shall notify the department of the applicants~~
 1117 ~~for the program by March 1 before the school year in which the~~
 1118 ~~student intends to participate.~~ When an application is approved
 1119 ~~received,~~ the ~~scholarship funding~~ organization must provide the
 1120 department with information on the student to enable the
 1121 department to determine ~~report~~ the student ~~for~~ funding in
 1122 accordance with subsection (13).

1123 (b) Notifying parents of their receipt of a scholarship on
 1124 a first-come, first-served basis, based upon the funds provided
 1125 ~~for this program in the General Appropriations Act.~~

1126 (c) Establishing a date pursuant to paragraph (3)(b) by
 1127 which a parent must confirm initial or continuing participation
 1128 in the program ~~and confirm the establishment or continuance of a~~
 1129 ~~personal learning scholarship account.~~

1130 (d) Reviewing applications and awarding scholarship funds
 1131 to approved applicants using the following priorities:

1-00797-16

2016672__

- 1132 1. Renewing students from the previous school year;
 1133 2. Students retained on the previous school year's wait
 1134 list;
 1135 3. Newly approved applicants; and
 1136 4. Late-filed applicants.

1137
 1138 An approved student who does not receive a scholarship must be
 1139 placed on the wait list in the order in which his or her
 1140 application is approved. The ~~Establishing a date and process by~~
 1141 ~~which~~ students on the wait list or subsequent late-filing
 1142 applicants may be allowed to participate in the program during
 1143 the fiscal school year, within the amount of funds provided ~~for~~
 1144 this program in the General Appropriations Act. A student who
 1145 does not receive a scholarship within the fiscal year shall be
 1146 retained on the wait list for the subsequent year.

1147 (e) Establishing and maintaining separate accounts for each
 1148 eligible student. For each account, the organization must
 1149 maintain a record of accrued interest that is retained in the
 1150 student's account and available only for authorized program
 1151 expenditures.

1152 (f) Verifying qualifying educational expenditures pursuant
 1153 to the requirements of paragraph (9) (b) ~~(8) (b)~~.

1154 (g) Returning any remaining program ~~unused~~ funds to the
 1155 department pursuant to paragraph (6) (b) ~~when the student is no~~
 1156 longer eligible for a personal scholarship learning account.

1157 (h) Notifying the parent about the availability of, and the
 1158 requirements associated with, requesting an initial IEP or IEP
 1159 reevaluation every 3 years for each student participating in the
 1160 program.

1-00797-16

2016672__

1161 (i) Notifying the department of any violation of this
1162 section.

1163 (j) Documenting each scholarship student's eligibility for
1164 a fiscal year before granting a scholarship for that fiscal year
1165 pursuant to paragraph (3) (b).

1166 (13) FUNDING AND PAYMENT.—

1167 (a)1. The maximum funding amount granted for an eligible
1168 student with a disability, pursuant to subsection (3), shall be
1169 equivalent to the base student allocation in the Florida
1170 Education Finance Program multiplied by the appropriate cost
1171 factor for the educational program which would have been
1172 provided for the student in the district school to which he or
1173 she would have been assigned, multiplied by the district cost
1174 differential.

1175 2. In addition, an amount equivalent to a share of the
1176 guaranteed allocation for exceptional students in the Florida
1177 Education Finance Program shall be determined and added to the
1178 amount in subparagraph 1. The calculation shall be based on the
1179 methodology and the data used to calculate the guaranteed
1180 allocation for exceptional students for each district in chapter
1181 2000-166, Laws of Florida. Except as provided in subparagraph
1182 3., the calculation shall be based on the student's grade, the
1183 matrix level of services, and the difference between the 2000-
1184 2001 basic program and the appropriate level of services cost
1185 factor, multiplied by the 2000-2001 base student allocation and
1186 the 2000-2001 district cost differential for the sending
1187 district. The calculated amount must also include an amount
1188 equivalent to the per-student share of supplemental academic
1189 instruction funds, instructional materials funds, technology

1-00797-16

2016672__

1190 funds, and other categorical funds as provided in the General
1191 Appropriations Act.

1192 3. Except as otherwise provided in subsection (7), the
1193 calculation for all students participating in the program shall
1194 be based on the matrix that assigns the student to support Level
1195 III of services. If a parent chooses to request and receive a
1196 matrix of services from the school district, when the school
1197 district completes the matrix, the amount of the payment shall
1198 be adjusted as needed.

1199 (b) The amount of the awarded funds shall be 90 percent of
1200 the calculated amount. One hundred percent of the funds
1201 appropriated for the program shall be released to the department
1202 at the beginning of the first quarter of each fiscal year.

1203 (c) Upon notification from the organization that a parent
1204 has filed a final verification document pursuant to paragraph
1205 (3)(b) or upon notification from the organization that a 3- or
1206 4-year-old child's application has been approved for the
1207 program, the department shall release the student's scholarship
1208 funds to the organization to be deposited into the student's
1209 account ~~an eligible student's graduation from an eligible~~
1210 ~~postsecondary educational institution or after any period of 4~~
1211 ~~consecutive years after high school graduation in which the~~
1212 ~~student is not enrolled in an eligible postsecondary educational~~
1213 ~~institution, the student's personal learning scholarship account~~
1214 ~~shall be closed, and any remaining funds shall revert to the~~
1215 ~~state.~~

1216 (d) For initial eligibility for the program, students
1217 determined eligible by the organization for a personal learning
1218 scholarship amount by:

1-00797-16

2016672__

1219 1. September 1 shall receive 100 percent of the total
1220 awarded funds.

1221 2. November 1 shall receive 75 percent of the total awarded
1222 funds.

1223 3. February 1 shall receive 50 percent of the total awarded
1224 funds.

1225 4. April 1 shall receive 25 percent of the total awarded
1226 funds.

1227 (e) Accrued interest in the student's account is in
1228 addition to, and not part of, the awarded funds. Program funds
1229 include both the awarded funds and accrued interest.

1230 (f) ~~(d)~~ The eligible nonprofit scholarship funding
1231 organization may ~~shall~~ develop a system for payment of benefits
1232 by ~~electronic~~ funds transfer, including, but not limited to,
1233 debit cards, electronic payment cards, or any other means of
1234 ~~electronic~~ payment that the department deems to be commercially
1235 viable or cost-effective. A student's scholarship award may not
1236 be reduced for debit card or electronic payment fees.

1237 Commodities or services related to the development of such a
1238 system shall be procured by competitive solicitation unless they
1239 are purchased from a state term contract pursuant to s. 287.056.

1240 (g) In addition to funds appropriated for scholarship
1241 awards and subject to a separate, specific legislative
1242 appropriation, an organization may receive an amount equivalent
1243 to not more than 3 percent of the amount of each scholarship
1244 award from state funds for administrative expenses if the
1245 organization has operated as a nonprofit entity for at least the
1246 preceding 3 fiscal years and did not have any findings of
1247 material weakness or material noncompliance in its most recent

1-00797-16

2016672__

1248 audit under s. 1002.395(6)(m). Such administrative expenses must
1249 be reasonable and necessary for the organization's management
1250 and distribution of scholarships under this section. Funds
1251 authorized under this paragraph may not be used for lobbying or
1252 political activity or expenses related to lobbying or political
1253 activity. An organization may not charge an application fee for
1254 a scholarship. Administrative expenses may not be deducted from
1255 funds appropriated for scholarship awards.

1256 (h)~~(e)~~ Moneys received pursuant to this section do not
1257 constitute taxable income to the qualified student or parent of
1258 the qualified student.

1259 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

1260 (a) The Auditor General shall conduct an annual ~~financial~~
1261 ~~and~~ operational audit of accounts and records of each eligible
1262 ~~scholarship-funding~~ organization that participates in the
1263 program. As part of this audit, the Auditor General shall
1264 verify, at a minimum, the total amount of students served and
1265 the eligibility of reimbursements made by the ~~each eligible~~
1266 ~~nonprofit scholarship-funding~~ organization and transmit that
1267 information to the department. The Auditor General shall provide
1268 the commissioner with a copy of each annual operational audit
1269 performed pursuant to this subsection within 10 days after the
1270 audit is finalized.

1271 (b) The Auditor General shall notify the department of any
1272 ~~eligible nonprofit scholarship-funding~~ organization that fails
1273 to comply with a request for information.

1274 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
1275 Department of Health, the Agency for Persons with Disabilities,
1276 and the Department of Education shall work with an ~~eligible~~

1-00797-16

2016672__

1277 ~~nonprofit scholarship-funding~~ organization for easy or automated
 1278 access to lists of licensed providers of services specified in
 1279 paragraph (5) (c) to ensure efficient administration of the
 1280 program.

1281 (16) LIABILITY.—The state is not liable for the award or
 1282 any use of awarded funds under this section.

1283 (17) SCOPE OF AUTHORITY.—This section does not expand the
 1284 regulatory authority of this state, its officers, or any school
 1285 district to impose additional regulation on participating
 1286 private schools, independent nonpublic postsecondary educational
 1287 institutions, and private providers beyond those reasonably
 1288 necessary to enforce requirements expressly set forth in this
 1289 section.

1290 (18) RULES.—The State Board of Education shall adopt rules
 1291 pursuant to ss. 120.536(1) and 120.54 to administer this
 1292 section.

1293 ~~(19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL~~
 1294 ~~YEAR. Notwithstanding the provisions of this section related to~~
 1295 ~~notification and eligibility timelines, an eligible nonprofit~~
 1296 ~~scholarship-funding organization may enroll parents on a rolling~~
 1297 ~~schedule on a first-come, first-served basis, within the amount~~
 1298 ~~of funds provided in the General Appropriations Act.~~

1299 Section 6. Paragraph (j) of subsection (6) and paragraphs
 1300 (a), (b), and (f) of subsection (16) of section 1002.395,
 1301 Florida Statutes, are amended to read:

1302 1002.395 Florida Tax Credit Scholarship Program.—

1303 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 1304 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 1305 organization:

1-00797-16

2016672__

1306 (j)1. May use up to 3 percent of eligible contributions
1307 received during the state fiscal year in which such
1308 contributions are collected for administrative expenses if the
1309 organization has operated as an eligible nonprofit scholarship-
1310 funding organization ~~under this section~~ for at least the
1311 preceding 3 ~~state~~ fiscal years and did not have any ~~negative~~
1312 ~~financial~~ findings of material weakness or material
1313 noncompliance in its most recent audit under paragraph (m). Such
1314 administrative expenses must be reasonable and necessary for the
1315 organization's management and distribution of eligible
1316 contributions under this section. No funds authorized under this
1317 subparagraph shall be used for lobbying or political activity or
1318 expenses related to lobbying or political activity. Up to one-
1319 third of the funds authorized for administrative expenses under
1320 this subparagraph may be used for expenses related to the
1321 recruitment of contributions from taxpayers. ~~If~~ An eligible
1322 nonprofit scholarship-funding organization may not charge
1323 ~~charges~~ an application fee ~~for a scholarship, the application~~
1324 ~~fee must be immediately refunded to the person that paid the fee~~
1325 ~~if the student is not enrolled in a participating school within~~
1326 ~~12 months.~~

1327 2. Must expend for annual or partial-year scholarships an
1328 amount equal to or greater than 75 percent of the net eligible
1329 contributions remaining after administrative expenses during the
1330 state fiscal year in which such contributions are collected. No
1331 more than 25 percent of such net eligible contributions may be
1332 carried forward to the following state fiscal year. All amounts
1333 carried forward, for audit purposes, must be specifically
1334 identified for particular students, by student name and the name

1-00797-16

2016672__

1335 of the school to which the student is admitted, subject to the
1336 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
1337 and the applicable rules and regulations issued pursuant
1338 thereto. Any amounts carried forward shall be expended for
1339 annual or partial-year scholarships in the following state
1340 fiscal year. Net eligible contributions remaining on June 30 of
1341 each year that are in excess of the 25 percent that may be
1342 carried forward shall be transferred to other eligible nonprofit
1343 scholarship-funding organizations to provide scholarships for
1344 eligible students. All transferred funds must be deposited by
1345 each eligible nonprofit scholarship-funding organization
1346 receiving such funds into its scholarship account. All
1347 transferred amounts received by any eligible nonprofit
1348 scholarship-funding organization must be separately disclosed in
1349 the annual financial audit required under paragraph (m) returned
1350 to the State Treasury for deposit in the General Revenue Fund.

1351 3. Must, before granting a scholarship for an academic
1352 year, document each scholarship student's eligibility for that
1353 academic year. A scholarship-funding organization may not grant
1354 multiyear scholarships in one approval process.

1355
1356 Information and documentation provided to the Department of
1357 Education and the Auditor General relating to the identity of a
1358 taxpayer that provides an eligible contribution under this
1359 section shall remain confidential at all times in accordance
1360 with s. 213.053.

1361 (16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
1362 APPLICATION.—In order to participate in the scholarship program
1363 created under this section, a charitable organization that seeks

1-00797-16

2016672__

1364 to be a nonprofit scholarship-funding organization must submit
1365 an application for initial approval or renewal to the Office of
1366 Independent Education and Parental Choice no later than
1367 September 1 of each year before the school year for which the
1368 organization intends to offer scholarships.

1369 (a) An application for initial approval must include:

1370 1. A copy of the organization's incorporation documents and
1371 registration with the Division of Corporations of the Department
1372 of State.

1373 2. A copy of the organization's Internal Revenue Service
1374 determination letter as a s. 501(c)(3) not-for-profit
1375 organization.

1376 3. A description of the organization's financial plan that
1377 demonstrates sufficient funds to operate throughout the school
1378 year.

1379 4. A description of the geographic region that the
1380 organization intends to serve and an analysis of the demand and
1381 unmet need for eligible students in that area.

1382 5. The organization's organizational chart.

1383 6. A description of the criteria and methodology that the
1384 organization will use to evaluate scholarship eligibility.

1385 7. A description of the application process, including
1386 deadlines and any associated fees.

1387 8. A description of the deadlines for attendance
1388 verification and scholarship payments.

1389 9. A copy of the organization's policies on conflict of
1390 interest and whistleblowers.

1391 10. A copy of a surety bond or letter of credit to secure
1392 the faithful performance of the obligations of the eligible

1-00797-16

2016672__

1393 nonprofit scholarship-funding organization in accordance with
1394 this section in an amount equal to 25 percent of the scholarship
1395 funds anticipated for each school year or \$100,000, whichever is
1396 greater. The surety bond or letter of credit must specify that
1397 any claim against the bond or letter of credit may be made only
1398 by an eligible nonprofit scholarship-funding organization to
1399 provide scholarships to and on behalf of students who would have
1400 had scholarships funded if it were not for the diversion of
1401 funds giving rise to the claim against the bond or letter of
1402 credit.

1403 (b) In addition to the information required by
1404 subparagraphs (a)1.-9., an application for renewal must include:

1405 1. A surety bond or letter of credit to secure the faithful
1406 performance of the obligations of the eligible nonprofit
1407 scholarship-funding organization in accordance with this section
1408 equal to the amount of undisbursed donations held by the
1409 organization based on the annual report submitted pursuant to
1410 paragraph (6) (m). The amount of the surety bond or letter of
1411 credit must be at least \$100,000, but not more than \$25 million.
1412 The surety bond or letter of credit must specify that any claim
1413 against the bond or letter of credit may be made only by an
1414 eligible nonprofit scholarship-funding organization to provide
1415 scholarships to and on behalf of students who would have had
1416 scholarships funded if it were not for the diversion of funds
1417 giving rise to the claim against the bond or letter of credit.

1418 2. The organization's completed Internal Revenue Service
1419 Form 990 submitted no later than November 30 of the year before
1420 the school year that the organization intends to offer the
1421 scholarships, notwithstanding the September 1 application

1-00797-16

2016672__

1422 deadline.

1423 3. A copy of the statutorily required audit to the
1424 Department of Education and Auditor General.

1425 4. An annual report that includes:

1426 a. The number of students who completed applications, by
1427 county and by grade.

1428 b. The number of students who were approved for
1429 scholarships, by county and by grade.

1430 c. The number of students who received funding for
1431 scholarships within each funding category, by county and by
1432 grade.

1433 d. The amount of funds received, the amount of funds
1434 distributed in scholarships, and an accounting of remaining
1435 funds and the obligation of those funds.

1436 e. A detailed accounting of how the organization spent the
1437 administrative funds allowable under paragraph (6) (j).

1438 (f) All remaining funds held by a nonprofit scholarship-
1439 funding organization that is disapproved for participation must
1440 be transferred ~~revert to the Department of Revenue for~~
1441 ~~redistribution~~ to other eligible nonprofit scholarship-funding
1442 organizations to provide scholarships for eligible students. All
1443 transferred funds must be deposited by each eligible nonprofit
1444 scholarship-funding organization receiving such funds into its
1445 scholarship account. All transferred amounts received by any
1446 eligible nonprofit scholarship-funding organization must be
1447 separately disclosed in the annual financial audit required
1448 under subsection (6).

1449 Section 7. Paragraph (aa) is added to subsection (4) of
1450 section 1009.971, Florida Statutes, to read:

1-00797-16

2016672__

1451 1009.971 Florida Prepaid College Board.—

1452 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
1453 board shall have the powers and duties necessary or proper to
1454 carry out the provisions of ss. 1009.97-1009.988, including, but
1455 not limited to, the power and duty to:

1456 (aa) Adopt rules relating to the purchase and use of a
1457 prepaid college plan authorized under s. 1009.98 or a college
1458 savings plan authorized under s. 1009.981 for the Florida
1459 Personal Learning Scholarship Accounts Program pursuant to s.
1460 1002.385, which may include, but need not be limited to:

1461 1. The use of such funds for postsecondary education
1462 programs for students with disabilities;

1463 2. Effective procedures that allow program funds to be used
1464 in conjunction with other funds used by a parent in the purchase
1465 of a prepaid college plan or a college savings plan;

1466 3. The tracking and accounting of program funds separately
1467 from other funds contributed to a prepaid college plan or a
1468 college savings plan;

1469 4. The reversion of program funds, including, but not
1470 limited to, earnings from contributions to the Florida College
1471 Savings Plan;

1472 5. The use of program funds only after private payments
1473 have been used for prepaid college plan or college savings plan
1474 expenditures;

1475 6. Contracting with each eligible nonprofit scholarship-
1476 funding organization to establish mechanisms to implement s.
1477 1002.385, including, but not limited to, identifying the source
1478 of funds being deposited in the plans; and

1479 7. The development of a written agreement that defines the

1-00797-16

2016672__

1480 owner and beneficiary of an account and outlines
1481 responsibilities for the use of the advance payment contract
1482 funds or savings program funds.

1483 Section 8. Subsection (11) is added to section 1009.98,
1484 Florida Statutes, to read:

1485 1009.98 Stanley G. Tate Florida Prepaid College Program.—

1486 (11) IMPLEMENTATION PROCEDURES.—

1487 (a) A prepaid college plan may be purchased, accounted for,
1488 used, and terminated as provided in s. 1002.385.

1489 (b) A qualified beneficiary may apply the benefits of an
1490 advance payment contract toward the program fees of a program
1491 designed for students with disabilities conducted by a state
1492 postsecondary institution. A transfer authorized under this
1493 subsection may not exceed the redemption value of the advance
1494 payment contract at a state postsecondary institution or the
1495 number of semester credit hours contracted on behalf of a
1496 qualified beneficiary. A qualified beneficiary may not be
1497 changed while a prepaid college plan contains funds contributed
1498 under s. 1002.385.

1499 Section 9. Subsection (10) is added to section 1009.981,
1500 Florida Statutes, to read:

1501 1009.981 Florida College Savings Program.—

1502 (10) IMPLEMENTATION PROCEDURES.—

1503 (a) A college savings plan may be purchased, accounted for,
1504 used, and terminated as provided in s. 1002.385.

1505 (b) A designated beneficiary may apply the benefits of a
1506 participation agreement toward the program fees of a program
1507 designed for students with disabilities conducted by a state
1508 postsecondary institution. A designated beneficiary may not be

1-00797-16

2016672__

1509 changed while a college savings plan contains funds contributed
1510 under s. 1002.385.

1511 Section 10. For the 2016-2017 fiscal year:

1512 (1) The sum of \$71.2 million in recurring funds from the
1513 General Revenue Fund is appropriated to the Department of
1514 Education for scholarship awards under the Personal Learning
1515 Scholarship Accounts Program. In addition to the funds
1516 appropriated for the scholarship awards, the sum of \$2,136,000
1517 in recurring funds from the General Revenue Fund is appropriated
1518 to the Department of Education for reasonable and necessary
1519 administrative expenses for each scholarship-funding
1520 organization's management and distribution of scholarship awards
1521 under the program; however, the amount paid to each scholarship-
1522 funding organization may not exceed 3 percent of the amount of
1523 each scholarship award.

1524 (2) The sum of \$14 million in recurring funds from the
1525 General Revenue Fund is appropriated to the Department of
1526 Education for incentive payments for the Standard Student Attire
1527 Incentive Program.

1528 (3) The sum of \$8 million in recurring funds from the
1529 General Revenue Fund is appropriated for the Florida
1530 Postsecondary Comprehensive Transition Program to be
1531 administered by the Florida Center for Students with Unique
1532 Abilities at the University of Central Florida, as follows:

1533 (a) The sum of \$1.5 million shall be provided to the
1534 Florida Center for Students with Unique Abilities for costs
1535 solely associated with the center serving as the statewide
1536 coordinating center for the program.

1537 (b) The sum of \$3 million shall be distributed for startup

1-00797-16

2016672__

1538 and enhancement grants to eligible institutions pursuant to s.
1539 1004.6495(5)(b)5., Florida Statutes.

1540 (c) The sum of \$3.5 million shall be distributed as Florida
1541 Postsecondary Comprehensive Transition Program scholarships for
1542 students who are enrolled in eligible programs.

1543 Section 11. This act shall take effect July 1, 2016.