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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/28/2018	.	
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The Committee on Appropriations (Passidomo) recommended the following:

1 **Senate Amendment to Amendment (240726) (with title**
2 **amendment)**

3
4 Between lines 1632 and 1633
5 insert:

6 Section 16. Section 1002.411, Florida Statutes, is created
7 to read:

8 1002.411 Reading scholarship accounts.—

9 (1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship
10 accounts are established to provide educational options for



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11 students.

12 (2) ELIGIBILITY.—Contingent upon available funds, and on a
13 first-come, first-served basis, each student in grades 3 through
14 5 who is enrolled in a Florida public school is eligible for a
15 reading scholarship account if the student scored below a Level
16 3 on the grade 3 or grade 4 statewide, standardized English
17 Language Arts (ELA) assessment in the prior school year.

18 (3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

19 (a) For an eligible student to receive a reading
20 scholarship account, the student's parent must:

21 1. Submit an application to an eligible nonprofit
22 scholarship-funding organization by the deadline established by
23 such organization; and

24 2. Submit eligible expenses to the eligible nonprofit
25 scholarship-funding organization for reimbursement of qualifying
26 expenditures, which may include:

27 a. Instructional materials.

28 b. Curriculum. As used in this sub-subparagraph, the term
29 "curriculum" means a complete course of study for a particular
30 content area or grade level, including any required supplemental
31 materials and associated online instruction.

32 c. Tuition and fees for part-time tutoring services
33 provided by a person who holds a baccalaureate or graduate
34 degree in the subject area; a person who holds an adjunct
35 teaching certificate pursuant to s. 1012.57; or a person who has
36 demonstrated a mastery of subject area knowledge pursuant to s.
37 1012.56(5).

38 d. Fees for summer education programs.

39 e. Fees for after-school education programs.



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40 f. Specialized services by approved providers or by a
41 hospital in this state which are selected by the parent. These
42 specialized services may include, but are not limited to:

43 (I) Applied behavior analysis services as provided in ss.
44 627.6686 and 641.31098.

45 (II) Services provided by speech-language pathologists as
46 defined in s. 468.1125.

47 (III) Occupational therapy services as defined in s.
48 468.203.

49 (IV) Services provided by physical therapists as defined in
50 s. 486.021.

51 (V) Services provided by listening and spoken language
52 specialists and an appropriate acoustical environment for a
53 child who is deaf or hard of hearing and who has received an
54 implant or assistive hearing device.

55
56 A provider of any services receiving payments pursuant to this
57 subparagraph may not share any moneys from the reading
58 scholarship with, or provide a refund or rebate of any moneys
59 from such scholarship to, the parent or participating student in
60 any manner. A parent, student, or provider of any services may
61 not bill an insurance company, Medicaid, or any other agency for
62 the same services that are paid for using reading scholarship
63 funds.

64 (b) The parent is responsible for the payment of all
65 eligible expenses in excess of the amount in the account in
66 accordance with the terms agreed to between the parent and any
67 providers and may not receive any refund or rebate of any
68 expenditures made in accordance with paragraph (a).



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69 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
70 funding organization participating in the Florida Tax Credit
71 Scholarship Program established by s. 1002.395 may establish
72 reading scholarship accounts for eligible students in accordance
73 with the requirements of eligible nonprofit scholarship-funding
74 organizations under this chapter.

75 (5) DEPARTMENT OBLIGATIONS.—The department shall have the
76 same duties imposed by this chapter upon the department
77 regarding oversight of scholarship programs administered by an
78 eligible nonprofit scholarship-funding organization.

79 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By
80 September 30, the school district shall notify the parent of
81 each student in grades 3 through 5 who scored below a level 3 on
82 the statewide, standardized ELA assessment in the prior school
83 year of the process to request and receive a reading
84 scholarship, subject to available funds.

85 (7) ACCOUNT FUNDING AND PAYMENT.—

86 (a) The maximum amount granted for an eligible student
87 shall be provided in the General Appropriations Act.

88 (b) One hundred percent of the funds appropriated for the
89 reading scholarship accounts shall be released to the department
90 at the beginning of the first quarter of each fiscal year.

91 (c) Upon notification from the eligible nonprofit
92 scholarship-funding organization that a student has been
93 determined eligible for a reading scholarship, the department
94 shall release the student's scholarship funds to such
95 organization to be deposited into the student's account.

96 (d) Accrued interest in the student's account is in
97 addition to, and not part of, the awarded funds. Account funds



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98 include both the awarded funds and accrued interest.

99 (e) The eligible nonprofit scholarship-funding organization
100 may develop a system for payment of scholarship funds by funds
101 transfer, including, but not limited to, debit cards, electronic
102 payment cards, or any other means of payment that the department
103 deems to be commercially viable or cost-effective. A student's
104 scholarship award may not be reduced for debit card or
105 electronic payment fees. Commodities or services related to the
106 development of such a system shall be procured by competitive
107 solicitation unless they are purchased from a state term
108 contract pursuant to s. 287.056.

109 (f) Payment of the scholarship shall be made by the
110 eligible nonprofit scholarship-funding organization no less
111 frequently than on a quarterly basis.

112 (g) In addition to funds appropriated for scholarships and
113 subject to a separate, specific legislative appropriation, an
114 organization may receive an amount equivalent to not more than 3
115 percent of the amount of each scholarship from state funds for
116 administrative expenses if the organization has operated as a
117 nonprofit entity for at least the preceding 3 fiscal years and
118 did not have any findings of material weakness or material
119 noncompliance in its most recent audit under s. 1002.395. Such
120 administrative expenses must be reasonable and necessary for the
121 organization's management and distribution of scholarships under
122 this section. Funds authorized under this paragraph may not be
123 used for lobbying or political activity or expenses related to
124 lobbying or political activity. An organization may not charge
125 an application fee for a scholarship. Administrative expenses
126 may not be deducted from funds appropriated for scholarships.



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127 (h) Moneys received pursuant to this section do not
128 constitute taxable income to the qualified student or his or her
129 parent.

130 (i) A student's scholarship account must be closed and any
131 remaining funds shall revert to the state after:

132 1. Denial or revocation of scholarship eligibility by the
133 commissioner for fraud or abuse, including, but not limited to,
134 the student or student's parent accepting any payment, refund,
135 or rebate, in any manner, from a provider of any services
136 received pursuant to subsection (3); or

137 2. Three consecutive fiscal years in which an account has
138 been inactive.

139 (8) LIABILITY.—No liability shall arise on the part of the
140 state based on the award or use of a reading scholarship
141 account.

142
143 ===== T I T L E A M E N D M E N T =====

144 And the title is amended as follows:

145 Delete line 3471

146 and insert:

147 program; creating s. 1002.411, F.S.; establishing
148 reading scholarship accounts for specified purposes;
149 providing for eligibility for scholarships; providing
150 for administration; providing duties of the Department
151 of Education; providing school district obligations;
152 specifying options for parents; providing that maximum
153 funding shall be specified in the General
154 Appropriations Act; providing for payment of funds;
155 specifying that no state liability arises from the



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award or use of a reading scholarship account;
amending s. 1002.421, F.S.; defining the term