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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2020	.	
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The Committee on Appropriations (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present paragraphs (b), (c), and (d) of subsection (10) of section 1002.394, Florida Statutes, are redesignated as paragraphs (c), (d,) and (e), respectively, paragraph (i) of subsection (9) and a new paragraph (b) of subsection (10) are added to that section, and subsections (3) and (7), paragraph (c) of subsection (8), and paragraph (a) of



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11 subsection (11) of that section are amended, to read:

12 1002.394 The Family Empowerment Scholarship Program.—

13 (3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible
14 for a Family Empowerment Scholarship under this section if the
15 student meets the following criteria:

16 (a)1. The student is on the direct certification list
17 pursuant to s. 1002.395(2)(c) or the student's household income
18 level does not exceed 185 ~~300~~ percent of the federal poverty
19 level; ~~or~~

20 2. The student is currently placed, or during the previous
21 state fiscal year was placed, in foster care or in out-of-home
22 care as defined in s. 39.01; or

23 3. The student's household income level does not exceed 300
24 percent of the federal poverty level or an adjusted maximum
25 percent of the federal poverty level as established pursuant to
26 paragraph (e).

27

28 ~~Priority shall be given to students whose household income~~
29 ~~levels do not exceed 185 percent of the federal poverty level or~~
30 ~~who are in foster care or out-of-home care.~~ A student who
31 initially receives a scholarship based on eligibility under
32 subparagraph 2. remains eligible to participate until the
33 student graduates from high school or attains the age of 21
34 years, whichever occurs first, regardless of the student's
35 household income level. A sibling of a student who is
36 participating in the scholarship program under this subsection
37 is eligible for a scholarship if the student resides in the same
38 household as the sibling.

39 (b)1. The student is eligible to enroll in kindergarten;



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40 2. The student ~~or~~ has spent the prior school year in
41 attendance at a Florida public school; or
42 3. Beginning with the 2020-2021 school year, the student
43 received a scholarship pursuant to s. 1002.395 during the
44 previous school year but did not receive a renewal scholarship
45 based solely on the eligible nonprofit scholarship-funding
46 organization's lack of available funds after the organization
47 fully exhausts its efforts to use funds available for awards
48 under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit
49 scholarship-funding organizations with students who meet the
50 eligibility criterion of this subparagraph must annually notify
51 the department in a format and by a date established by the
52 department.
53
54 For purposes of this paragraph, the term "prior school year in
55 attendance" means that the student was enrolled full time and
56 reported by a school district for funding during the preceding
57 October and February Florida Education Finance Program surveys
58 in kindergarten through grade 12, which includes time spent in a
59 Department of Juvenile Justice commitment program if funded
60 under the Florida Education Finance Program. However, a
61 dependent child of a member of the United States Armed Forces
62 who transfers to a school in this state from out of state or
63 from a foreign country due to a parent's permanent change of
64 station orders or a foster child is exempt from the prior public
65 school attendance requirement under this paragraph, but must
66 meet the other eligibility requirements specified under this
67 section to participate in the program.
68 (c) The parent has obtained acceptance for admission of the



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69 student to a private school that is eligible for the program
70 under subsection (8), and the parent has requested a scholarship
71 from the Department of Education by a date established by the
72 department pursuant to paragraph (7)(e), but no later than at
73 least 60 days before the date of the first scholarship payment.
74 The request must be communicated directly to the department in a
75 manner that creates a written or electronic record of the
76 request and the date of receipt of the request. The department
77 must notify the school district of the parent's intent upon
78 receipt of the parent's request.

79 (d) The student is awarded a scholarship in accordance with
80 the following priority order:

81 1. An eligible student who received a Family Empowerment
82 Scholarship during the previous school year and requested a
83 renewal scholarship award.

84 2. An eligible student who meets the criteria for an
85 initial award under both paragraph (a) and subparagraph (b)3.

86 3. An eligible student who meets the criteria for an
87 initial award under subparagraph (b)2. and either subparagraph
88 (a)1. or subparagraph (a)2.

89 4. An eligible student who meets the criteria for an
90 initial award under subparagraph (b)1. and either subparagraph
91 (a)1. or subparagraph (a)2.

92 5. An eligible student who meets the criteria for an
93 initial award under subparagraph (a)3. and, in priority order,
94 either subparagraph (b)2. or subparagraph (b)1.

95 (e) The student's household income level does not exceed an
96 adjusted maximum percent of the federal poverty level that is
97 increased by 25 percent in the fiscal year following any fiscal



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98 year in which more than 5 percent of the available scholarships
99 authorized under subsection (11) have not been awarded.

100 (7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
101 shall:

102 (a) Publish and update, as necessary, information on the
103 department website about the Family Empowerment Scholarship
104 Program, including, but not limited to, student eligibility
105 criteria, parental responsibilities, and relevant data.

106 (b) Cross-check the list of participating scholarship
107 students with the public school enrollment lists before each
108 scholarship payment to avoid duplication.

109 (c) Maintain and publish a list of nationally norm-
110 referenced tests identified for purposes of satisfying the
111 testing requirement in subparagraph (8)(c)1. The tests must meet
112 industry standards of quality in accordance with state board
113 rule.

114 (d) Notify eligible nonprofit scholarship-funding
115 organizations of the deadlines for submitting the verified list
116 of students determined to be eligible for an initial or renewal
117 scholarship.

118 (e) Establish deadlines for the receipt of initial
119 applications and renewal notifications in order to implement the
120 priority order for scholarship awards pursuant to paragraph
121 (3)(d).

122 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
123 eligible to participate in the Family Empowerment Scholarship
124 Program, a private school may be sectarian or nonsectarian and
125 must:

126 (c)1. Annually administer or make provision for students



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127 participating in the program in grades 3 through 10 to take one
128 of the nationally norm-referenced tests that are identified by
129 the department pursuant to paragraph (7)(c) or to take the
130 statewide assessments pursuant to s. 1008.22. Students with
131 disabilities for whom standardized testing is not appropriate
132 are exempt from this requirement. A participating private school
133 shall report a student's scores to his or her parent. By August
134 15 of each year, a participating private school must report the
135 scores of all participating students to a state university as
136 described in s. 1002.395(9)(f).

137 2. Administer the statewide assessments pursuant to s.
138 1008.22 if the private school chooses to offer the statewide
139 assessments. A participating private school may choose to offer
140 and administer the statewide assessments to all students who
141 attend the private school in grades 3 through 10 and must submit
142 a request in writing to the department by March 1 of each year
143 in order to administer the statewide assessments in the
144 subsequent school year.

145
146 If a private school fails to meet the requirements of this
147 subsection or s. 1002.421, the commissioner may determine that
148 the private school is ineligible to participate in the
149 scholarship program.

150 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
151 PARTICIPATION.—A parent who applies for a Family Empowerment
152 Scholarship is exercising his or her parental option to place
153 his or her child in a private school.

154 (i) The parent must annually renew participation in the
155 program by the date established by the department pursuant to



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156 paragraph (7) (e).

157 (10) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
158 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
159 organization:

160 (b) Shall award initial and renewal scholarships in
161 priority order pursuant to paragraph (3) (d). The eligible
162 nonprofit scholarship-funding organization shall implement the
163 deadlines established by the department pursuant to paragraphs
164 (7) (d) and (e).

165 (11) SCHOLARSHIP FUNDING AND PAYMENT.—

166 (a) The scholarship is established for up to 18,000
167 students annually ~~on a first-come, first-served~~ basis beginning
168 in with the 2019-2020 school year. Beginning in the 2020-2021
169 school year, the maximum number of students participating in the
170 scholarship program under this section shall ~~may~~ annually
171 increase by 1.0 ~~0.25~~ percent of the state's total public school
172 student enrollment.

173 Section 2. Subsection (3) and paragraphs (e) and (f) of
174 subsection (6) of section 1002.395, Florida Statutes, are
175 amended to read:

176 1002.395 Florida Tax Credit Scholarship Program.—

177 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

178 (a) The Florida Tax Credit Scholarship Program is
179 established.

180 (b) A student is eligible for a Florida tax credit
181 scholarship under this section if the student meets one or more
182 of the following criteria:

183 1. The student is on the direct certification list or the
184 student's household income level does not exceed 260 ~~185~~ percent



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185 of the federal poverty level; or

186 2. The student is currently placed, or during the previous
187 state fiscal year was placed, in foster care or in out-of-home
188 care as defined in s. 39.01.

189 ~~3. The student's household income level is greater than 185~~
190 ~~percent of the federal poverty level but does not exceed 260~~
191 ~~percent of the federal poverty level.~~

192
193 Priority must be given to a student whose household income level
194 does not exceed 185 percent of the federal poverty level or who
195 is in foster care or out-of-home care. A student who initially
196 receives a scholarship based on eligibility under this paragraph
197 ~~subparagraph (b)2.~~ remains eligible to participate until he or
198 she ~~the student~~ graduates from high school or attains the age of
199 21 years, whichever occurs first, regardless of the student's
200 household income level. ~~A student who initially received a~~
201 ~~scholarship based on income eligibility before the 2019-2020~~
202 ~~school year remains eligible to participate until he or she~~
203 ~~graduates from high school, attains the age of 21 years, or the~~
204 ~~student's household income level exceeds 260 percent of the~~
205 ~~federal poverty level, whichever occurs first.~~ A sibling of a
206 student who is participating in the scholarship program under
207 this subsection is eligible for a scholarship if the student
208 resides in the same household as the sibling.

209 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
210 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
211 organization:

212 (e) Must give first priority to eligible renewal students
213 who received a full-time scholarship from an eligible nonprofit



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214 scholarship-funding organization or from the State of Florida
215 during the previous school year. The eligible nonprofit
216 scholarship-funding organization must fully apply and exhaust
217 all funds available under this section and s. 1002.40(11)(i) for
218 renewal scholarship awards before awarding any initial
219 scholarships. Beginning in the 2016-2017 school year, an
220 eligible nonprofit scholarship-funding organization shall give
221 priority to new applicants whose household income levels do not
222 exceed 185 percent of the federal poverty level or who are in
223 foster care or out-of-home care.

224 (f) Must provide a renewal or initial scholarship to an
225 eligible student on a first-come, first-served basis unless the
226 student qualifies for priority pursuant to paragraph (e). Each
227 eligible nonprofit scholarship-funding organization must refer
228 any student eligible for a scholarship pursuant to this section
229 who did not receive a renewal or initial scholarship based
230 solely on the lack of available funds under this section and s.
231 1002.40(11)(i) to another eligible nonprofit scholarship-funding
232 organization that may have funds available.

233
234 Information and documentation provided to the Department of
235 Education and the Auditor General relating to the identity of a
236 taxpayer that provides an eligible contribution under this
237 section shall remain confidential at all times in accordance
238 with s. 213.053.

239 Section 3. Paragraph (i) of subsection (11) of section
240 1002.40, Florida Statutes, is amended to read:

241 1002.40 The Hope Scholarship Program.—

242 (11) FUNDING AND PAYMENT.—



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243 (i) Notwithstanding s. 1002.395(6)(j)2., no more than 5
244 percent of net eligible contributions may be carried forward to
245 the following state fiscal year by an eligible scholarship-
246 funding organization. For audit purposes, all amounts carried
247 forward must be specifically identified for individual students
248 by student name and by the name of the school to which the
249 student is admitted, subject to the requirements of ss. 1002.21
250 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and
251 regulations issued pursuant to such requirements. Any amounts
252 carried forward shall be expended for annual scholarships or
253 partial-year scholarships in the following state fiscal year.
254 Net eligible contributions remaining on June 30 of each year
255 which are in excess of the 5 percent that may be carried forward
256 shall be transferred to other eligible nonprofit scholarship-
257 funding organizations participating in the Hope Scholarship
258 Program to provide scholarships for eligible students. All
259 transferred funds must be deposited by each eligible nonprofit
260 scholarship-funding organization receiving such funds into the
261 scholarship account of eligible students. All transferred
262 amounts received by an eligible nonprofit scholarship-funding
263 organization must be separately disclosed in the annual
264 financial audit requirement under s. 1002.395(6)(m). If no other
265 eligible nonprofit scholarship-funding organization participates
266 in the Hope Scholarship Program, net eligible contributions in
267 excess of the 5 percent may be used to fund scholarships for
268 students eligible under s. 1002.395 only after fully exhausting
269 all contributions made in support of scholarships under that
270 section in accordance with the priority established in s.
271 1002.395(6)(e) prior to awarding any initial scholarships ~~s.~~



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272 ~~1002.395(3).~~

273 Section 4. This act shall take effect July 1, 2020.

274

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

276 And the title is amended as follows:

277 Delete everything before the enacting clause

278 and insert:

279 A bill to be entitled

280 An act relating to K-12 scholarship programs; amending

281 s. 1002.394, F.S.; revising initial scholarship

282 eligibility criteria for the Family Empowerment

283 Scholarship Program; establishing a priority order for

284 award of a scholarship that includes an adjusted

285 maximum eligible household income level that is

286 increased in specified circumstances; requiring the

287 Department of Education to maintain and publish a list

288 of nationally norm-referenced tests and to establish

289 deadlines for lists of eligible students,

290 applications, and notifications; requiring a private

291 school to report scores to a state university by a

292 specified date; requiring parents to annually renew

293 participation in the program; requiring an eligible

294 nonprofit scholarship-funding organization to award

295 scholarships in priority order and implement

296 deadlines; requiring, rather than authorizing, an

297 annual specified increase in the maximum number of

298 students participating in the scholarship program;

299 amending s. 1002.395, F.S.; revising eligibility

300 criteria for the Florida Tax Credit Scholarship



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301 Program and applying the criteria only to initial
302 eligibility; requiring that priority be given to
303 students whose household income levels do not exceed a
304 specified amount or who are in foster care or out-of-
305 home care; requiring scholarship-funding organizations
306 to prioritize renewal scholarships over initial
307 scholarships; requiring a scholarship-funding
308 organization to refer students who did not receive a
309 scholarship because of lack of funds to another
310 scholarship-funding organization; amending s. 1002.40,
311 F.S.; requiring scholarship-funding organizations to
312 use excess contributions to fund scholarships for
313 specified students under certain conditions; providing
314 an effective date.