

By the Committees on Appropriations; and Education; and Senator Diaz

576-04555-20

20201220c2

1 A bill to be entitled  
2 An act relating to K-12 scholarship programs; amending  
3 s. 1002.394, F.S.; revising initial scholarship  
4 eligibility criteria for the Family Empowerment  
5 Scholarship Program; establishing a priority order for  
6 award of a scholarship that includes an adjusted  
7 maximum eligible household income level that is  
8 increased in specified circumstances; requiring the  
9 Department of Education to maintain and publish a list  
10 of nationally norm-referenced tests and to establish  
11 deadlines for lists of eligible students,  
12 applications, and notifications; requiring a private  
13 school to report scores to a state university by a  
14 specified date; requiring parents to annually renew  
15 participation in the program; requiring an eligible  
16 nonprofit scholarship-funding organization to award  
17 scholarships in priority order and implement  
18 deadlines; requiring, rather than authorizing, an  
19 annual specified increase in the maximum number of  
20 students participating in the scholarship program;  
21 amending s. 1002.395, F.S.; revising eligibility  
22 criteria for the Florida Tax Credit Scholarship  
23 Program and applying the criteria only to initial  
24 eligibility; requiring that priority be given to  
25 students whose household income levels do not exceed a  
26 specified amount or who are in foster care or out-of-  
27 home care; requiring scholarship-funding organizations  
28 to prioritize renewal scholarships over initial  
29 scholarships; requiring a scholarship-funding

576-04555-20

20201220c2

30 organization to refer students who did not receive a  
31 scholarship because of lack of funds to another  
32 scholarship-funding organization; amending s. 1002.40,  
33 F.S.; requiring scholarship-funding organizations to  
34 use excess contributions to fund scholarships for  
35 specified students under certain conditions; providing  
36 an effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Present paragraphs (b), (c), and (d) of  
41 subsection (10) of section 1002.394, Florida Statutes, are  
42 redesignated as paragraphs (c), (d), and (e), respectively,  
43 paragraph (i) of subsection (9) and a new paragraph (b) of  
44 subsection (10) are added to that section, and subsections (3)  
45 and (7), paragraph (c) of subsection (8), and paragraph (a) of  
46 subsection (11) of that section are amended, to read:

47 1002.394 The Family Empowerment Scholarship Program.—

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

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

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

58 3. The student's household income level does not exceed 300

576-04555-20

20201220c2

59 percent of the federal poverty level or an adjusted maximum  
60 percent of the federal poverty level as established pursuant to  
61 paragraph (e).

62  
63 ~~Priority shall be given to students whose household income~~  
64 ~~levels do not exceed 185 percent of the federal poverty level or~~  
65 ~~who are in foster care or out-of-home care.~~ A student who  
66 initially receives a scholarship based on eligibility under  
67 subparagraph 2. remains eligible to participate until the  
68 student graduates from high school or attains the age of 21  
69 years, whichever occurs first, regardless of the student's  
70 household income level. A sibling of a student who is  
71 participating in the scholarship program under this subsection  
72 is eligible for a scholarship if the student resides in the same  
73 household as the sibling.

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

75 2. The student ~~or~~ has spent the prior school year in  
76 attendance at a Florida public school; or

77 3. Beginning with the 2020-2021 school year, the student  
78 received a scholarship pursuant to s. 1002.395 during the  
79 previous school year but did not receive a renewal scholarship  
80 based solely on the eligible nonprofit scholarship-funding  
81 organization's lack of available funds after the organization  
82 fully exhausts its efforts to use funds available for awards  
83 under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit  
84 scholarship-funding organizations with students who meet the  
85 eligibility criterion of this subparagraph must annually notify  
86 the department in a format and by a date established by the  
87 department.

576-04555-20

20201220c2

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89 For purposes of this paragraph, the term "prior school year in  
90 attendance" means that the student was enrolled full time and  
91 reported by a school district for funding during the preceding  
92 October and February Florida Education Finance Program surveys  
93 in kindergarten through grade 12, which includes time spent in a  
94 Department of Juvenile Justice commitment program if funded  
95 under the Florida Education Finance Program. However, a  
96 dependent child of a member of the United States Armed Forces  
97 who transfers to a school in this state from out of state or  
98 from a foreign country due to a parent's permanent change of  
99 station orders or a foster child is exempt from the prior public  
100 school attendance requirement under this paragraph, but must  
101 meet the other eligibility requirements specified under this  
102 section to participate in the program.

103 (c) The parent has obtained acceptance for admission of the  
104 student to a private school that is eligible for the program  
105 under subsection (8), and the parent has requested a scholarship  
106 from the Department of Education by a date established by the  
107 department pursuant to paragraph (7) (e), but no later than at  
108 least 60 days before the date of the first scholarship payment.  
109 The request must be communicated directly to the department in a  
110 manner that creates a written or electronic record of the  
111 request and the date of receipt of the request. The department  
112 must notify the school district of the parent's intent upon  
113 receipt of the parent's request.

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

116 1. An eligible student who received a Family Empowerment

576-04555-20

20201220c2

117 Scholarship during the previous school year and requested a  
118 renewal scholarship award.

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

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

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

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

130 (e) The student's household income level does not exceed an  
131 adjusted maximum percent of the federal poverty level that is  
132 increased by 25 percent in the fiscal year following any fiscal  
133 year in which more than 5 percent of the available scholarships  
134 authorized under subsection (11) have not been awarded.

135 (7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
136 shall:

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

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

144 (c) Maintain and publish a list of nationally norm-  
145 referenced tests identified for purposes of satisfying the

576-04555-20

20201220c2

146 testing requirement in subparagraph (8)(c)1. The tests must meet  
147 industry standards of quality in accordance with state board  
148 rule.

149 (d) Notify eligible nonprofit scholarship-funding  
150 organizations of the deadlines for submitting the verified list  
151 of students determined to be eligible for an initial or renewal  
152 scholarship.

153 (e) Establish deadlines for the receipt of initial  
154 applications and renewal notifications in order to implement the  
155 priority order for scholarship awards pursuant to paragraph  
156 (3)(d).

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

161 (c)1. Annually administer or make provision for students  
162 participating in the program in grades 3 through 10 to take one  
163 of the nationally norm-referenced tests that are identified by  
164 the department pursuant to paragraph (7)(c) or to take the  
165 statewide assessments pursuant to s. 1008.22. Students with  
166 disabilities for whom standardized testing is not appropriate  
167 are exempt from this requirement. A participating private school  
168 shall report a student's scores to his or her parent. By August  
169 15 of each year, a participating private school must report the  
170 scores of all participating students to a state university as  
171 described in s. 1002.395(9)(f).

172 2. Administer the statewide assessments pursuant to s.  
173 1008.22 if the private school chooses to offer the statewide  
174 assessments. A participating private school may choose to offer

576-04555-20

20201220c2

175 and administer the statewide assessments to all students who  
176 attend the private school in grades 3 through 10 and must submit  
177 a request in writing to the department by March 1 of each year  
178 in order to administer the statewide assessments in the  
179 subsequent school year.

180

181 If a private school fails to meet the requirements of this  
182 subsection or s. 1002.421, the commissioner may determine that  
183 the private school is ineligible to participate in the  
184 scholarship program.

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

189 (i) The parent must annually renew participation in the  
190 program by the date established by the department pursuant to  
191 paragraph (7) (e).

192 (10) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING  
193 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
194 organization:

195 (b) Shall award initial and renewal scholarships in  
196 priority order pursuant to paragraph (3) (d). The eligible  
197 nonprofit scholarship-funding organization shall implement the  
198 deadlines established by the department pursuant to paragraphs  
199 (7) (d) and (e).

200 (11) SCHOLARSHIP FUNDING AND PAYMENT.—

201 (a) The scholarship is established for up to 18,000  
202 students annually ~~on a first-come, first-served~~ basis beginning  
203 in with the 2019-2020 school year. Beginning in the 2020-2021

576-04555-20

20201220c2

204 school year, the maximum number of students participating in the  
205 scholarship program under this section shall ~~may~~ annually  
206 increase by 1.0 ~~0.25~~ percent of the state's total public school  
207 student enrollment.

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

211 1002.395 Florida Tax Credit Scholarship Program.—

212 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

213 (a) The Florida Tax Credit Scholarship Program is  
214 established.

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

218 1. The student is on the direct certification list or the  
219 student's household income level does not exceed 260 ~~185~~ percent  
220 of the federal poverty level; or

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

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

227  
228 Priority must be given to a student whose household income level  
229 does not exceed 185 percent of the federal poverty level or who  
230 is in foster care or out-of-home care. A student who initially  
231 receives a scholarship based on eligibility under this paragraph  
232 ~~subparagraph (b)2.~~ remains eligible to participate until he or



576-04555-20

20201220c2

233 ~~she the student~~ graduates from high school or attains the age of  
234 21 years, whichever occurs first, regardless of the student's  
235 household income level. ~~A student who initially received a~~  
236 ~~scholarship based on income eligibility before the 2019-2020~~  
237 ~~school year remains eligible to participate until he or she~~  
238 ~~graduates from high school, attains the age of 21 years, or the~~  
239 ~~student's household income level exceeds 260 percent of the~~  
240 ~~federal poverty level, whichever occurs first.~~ A sibling of a  
241 student who is participating in the scholarship program under  
242 this subsection is eligible for a scholarship if the student  
243 resides in the same household as the sibling.

244 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
245 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
246 organization:

247 (e) Must give first priority to eligible renewal students  
248 who received a full-time scholarship from an eligible nonprofit  
249 scholarship-funding organization or from the State of Florida  
250 during the previous school year. The eligible nonprofit  
251 scholarship-funding organization must fully apply and exhaust  
252 all funds available under this section and s. 1002.40(11)(i) for  
253 renewal scholarship awards before awarding any initial  
254 scholarships ~~Beginning in the 2016-2017 school year, an eligible~~  
255 ~~nonprofit scholarship-funding organization shall give priority~~  
256 ~~to new applicants whose household income levels do not exceed~~  
257 ~~185 percent of the federal poverty level or who are in foster~~  
258 ~~care or out-of-home care.~~

259 (f) Must provide a renewal or initial scholarship to an  
260 eligible student on a first-come, first-served basis unless the  
261 student qualifies for priority pursuant to paragraph (e). Each

576-04555-20

20201220c2

262 eligible nonprofit scholarship-funding organization must refer  
263 any student eligible for a scholarship pursuant to this section  
264 who did not receive a renewal or initial scholarship based  
265 solely on the lack of available funds under this section and s.  
266 1002.40(11)(i) to another eligible nonprofit scholarship-funding  
267 organization that may have funds available.

268

269 Information and documentation provided to the Department of  
270 Education and the Auditor General relating to the identity of a  
271 taxpayer that provides an eligible contribution under this  
272 section shall remain confidential at all times in accordance  
273 with s. 213.053.

274 Section 3. Paragraph (i) of subsection (11) of section  
275 1002.40, Florida Statutes, is amended to read:

276 1002.40 The Hope Scholarship Program.—

277 (11) FUNDING AND PAYMENT.—

278 (i) Notwithstanding s. 1002.395(6)(j)2., no more than 5  
279 percent of net eligible contributions may be carried forward to  
280 the following state fiscal year by an eligible scholarship-  
281 funding organization. For audit purposes, all amounts carried  
282 forward must be specifically identified for individual students  
283 by student name and by the name of the school to which the  
284 student is admitted, subject to the requirements of ss. 1002.21  
285 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and  
286 regulations issued pursuant to such requirements. Any amounts  
287 carried forward shall be expended for annual scholarships or  
288 partial-year scholarships in the following state fiscal year.  
289 Net eligible contributions remaining on June 30 of each year  
290 which are in excess of the 5 percent that may be carried forward

576-04555-20

20201220c2

291 shall be transferred to other eligible nonprofit scholarship-  
292 funding organizations participating in the Hope Scholarship  
293 Program to provide scholarships for eligible students. All  
294 transferred funds must be deposited by each eligible nonprofit  
295 scholarship-funding organization receiving such funds into the  
296 scholarship account of eligible students. All transferred  
297 amounts received by an eligible nonprofit scholarship-funding  
298 organization must be separately disclosed in the annual  
299 financial audit requirement under s. 1002.395(6)(m). If no other  
300 eligible nonprofit scholarship-funding organization participates  
301 in the Hope Scholarship Program, net eligible contributions in  
302 excess of the 5 percent may be used to fund scholarships for  
303 students eligible under s. 1002.395 only after fully exhausting  
304 all contributions made in support of scholarships under that  
305 section in accordance with the priority established in s.  
306 1002.395(6)(e) prior to awarding any initial scholarships ~~s.~~  
307 ~~1002.395(3).~~

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