



268914

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: NC/2R

.

04/22/2021 04:28 PM

.

.

Senator Diaz moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (1) of subsection (2) of section
11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(1) At least once every 3 years, ~~Annually~~ conduct
operational audits of the accounts and records of eligible
nonprofit scholarship-funding organizations receiving eligible



268914

12 contributions under s. 1002.395, including any contracts for
13 services with related entities, to determine compliance with the
14 provisions of that section. Such audits shall include, but not
15 be limited to, a determination of the eligible nonprofit
16 scholarship-funding organization's compliance with s.
17 1002.395(6)(j). The Auditor General shall provide its report on
18 the results of the audits to the Governor, the President of the
19 Senate, the Speaker of the House of Representatives, the Chief
20 Financial Officer, and the Legislative Auditing Committee,
21 within 30 days of completion of the audit.

22
23 The Auditor General shall perform his or her duties
24 independently but under the general policies established by the
25 Legislative Auditing Committee. This subsection does not limit
26 the Auditor General's discretionary authority to conduct other
27 audits or engagements of governmental entities as authorized in
28 subsection (3).

29 Section 2. Section 1002.385, Florida Statutes, is repealed.

30 Section 3. Subsection (10) of section 1002.39, Florida
31 Statutes, is amended, and subsection (14) is added to that
32 section, to read:

33 1002.39 The John M. McKay Scholarships for Students with
34 Disabilities Program.—There is established a program that is
35 separate and distinct from the Opportunity Scholarship Program
36 and is named the John M. McKay Scholarships for Students with
37 Disabilities Program.

38 (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

39 (a) ~~1~~. The maximum scholarship granted for an eligible
40 student with disabilities shall be calculated in accordance with



41 ~~s. 1002.394(12)(b) equivalent to the base student allocation in~~
42 ~~the Florida Education Finance Program multiplied by the~~
43 ~~appropriate cost factor for the educational program that would~~
44 ~~have been provided for the student in the district school to~~
45 ~~which he or she was assigned, multiplied by the district cost~~
46 ~~differential.~~

47 ~~2. In addition, a share of the guaranteed allocation for~~
48 ~~exceptional students shall be determined and added to the amount~~
49 ~~in subparagraph 1. The calculation shall be based on the~~
50 ~~methodology and the data used to calculate the guaranteed~~
51 ~~allocation for exceptional students for each district in chapter~~
52 ~~2000-166, Laws of Florida. Except as provided in subparagraphs~~
53 ~~3. and 4., the calculation shall be based on the student's~~
54 ~~grade, matrix level of services, and the difference between the~~
55 ~~2000-2001 basic program and the appropriate level of services~~
56 ~~cost factor, multiplied by the 2000-2001 base student allocation~~
57 ~~and the 2000-2001 district cost differential for the sending~~
58 ~~district. The calculated amount shall include the per-student~~
59 ~~share of supplemental academic instruction funds, instructional~~
60 ~~materials funds, technology funds, and other categorical funds~~
61 ~~as provided in the General Appropriations Act.~~

62 ~~3. The scholarship amount for a student who is eligible~~
63 ~~under sub-subparagraph (2)(a)2.b. shall be calculated as~~
64 ~~provided in subparagraphs 1. and 2. However, the calculation~~
65 ~~shall be based on the school district in which the parent~~
66 ~~resides at the time of the scholarship request.~~

67 ~~4. Until the school district completes the matrix required~~
68 ~~by paragraph (5)(b), the calculation shall be based on the~~
69 ~~matrix that assigns the student to support Level I of service as~~



268914

70 ~~it existed prior to the 2000-2001 school year. When the school~~
71 ~~district completes the matrix, the amount of the payment shall~~
72 ~~be adjusted as needed.~~

73 ~~5. The scholarship amount for a student eligible under s.~~
74 ~~504 of the Rehabilitation Act of 1973 shall be based on the~~
75 ~~program cost factor the student currently generates through the~~
76 ~~Florida Education Finance Program.~~

77 ~~6. The scholarship amount granted for an eligible student~~
78 ~~with disabilities is not subject to the maximum value for~~
79 ~~funding a student under s. 1011.61(4).~~

80 (b) The amount of the John M. McKay Scholarship shall be
81 the calculated amount or the amount of the private school's
82 tuition and fees, whichever is less. The amount of any
83 assessment fee required by the participating private school may
84 be paid from the total amount of the scholarship.

85 (c)1. The school district shall report all students who are
86 attending a private school under this program. The students with
87 disabilities attending private schools on ~~John M. McKay~~
88 scholarships shall be reported separately from other students
89 reported for purposes of the Florida Education Finance Program.

90 ~~2. For program participants who are eligible under sub-~~
91 ~~subparagraph (2)(a)2.b., the school district that is used as the~~
92 ~~basis for the calculation of the scholarship amount as provided~~
93 ~~in subparagraph (a)3. shall:~~

94 ~~a. Report to the department all such students who are~~
95 ~~attending a private school under this program.~~

96 2.b. The school district shall be held harmless for such
97 students from the weighted enrollment ceiling for group 2
98 programs in s. 1011.62(1)(d)3.b. during the first school year in



268914

99 which the students are reported.

100 (d) Following notification on July 1, September 1, December
101 1, or February 1 of the number of program participants, the
102 department shall transfer, from General Revenue funds only, the
103 amount calculated under paragraph (a) ~~(b)~~ from the school
104 district's total funding entitlement under the Florida Education
105 Finance Program and from authorized categorical accounts to a
106 separate account for the scholarship program for quarterly
107 disbursement to the parents of participating students. Funds may
108 not be transferred from any funding provided to the Florida
109 School for the Deaf and the Blind for program participants who
110 are eligible under sub-subparagraph (2)(a)2.b. For a student
111 exiting a Department of Juvenile Justice commitment program who
112 chooses to participate in the scholarship program, the amount of
113 the ~~John M. McKay~~ scholarship calculated pursuant to paragraph
114 (a) ~~(b)~~ shall be transferred from the school district in which
115 the student last attended a public school before commitment to
116 the Department of Juvenile Justice. When a student enters the
117 scholarship program, the department must receive all
118 documentation required for the student's participation,
119 including the private school's and the student's fee schedules,
120 at least 30 days before the first quarterly scholarship payment
121 is made for the student.

122 (e) Upon notification by the department that it has
123 received the documentation required under paragraph (d), the
124 Chief Financial Officer shall make scholarship payments in four
125 equal amounts no later than September 1, November 1, February 1,
126 and April 1 of each academic year in which the scholarship is in
127 force. The initial payment shall be made after department



268914

128 verification of admission acceptance, and subsequent payments
129 shall be made upon verification of continued enrollment and
130 attendance at the private school. Payment must be made by
131 individual warrant made payable to the student's parent and
132 mailed by the department to the private school of the parent's
133 choice, and the parent shall restrictively endorse the warrant
134 to the private school for deposit into the account of the
135 private school.

136 (f) Subsequent to each scholarship payment, the department
137 shall request from the Department of Financial Services a sample
138 of endorsed warrants to review and confirm compliance with
139 endorsement requirements.

140 (14) REPEAL.—This section is repealed July 1, 2022.

141 Section 4. Section 1002.394, Florida Statutes, is amended
142 to read:

143 1002.394 The Family Empowerment Scholarship Program.—

144 (1) PURPOSE.—The Family Empowerment Scholarship Program is
145 established to provide children of families in this state which
146 have limited financial resources with educational options to
147 achieve success in their education.

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

149 (a) "Approved provider" means a provider approved by the
150 Agency for Persons with Disabilities, a health care practitioner
151 as defined in s. 456.001, or a provider approved by the
152 department pursuant to s. 1002.66.

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

156 (c) ~~(a)~~ "Department" means the Department of Education.



268914

157 (d) "Disability" means, for a 3- or 4-year-old child or for
158 a student in kindergarten to grade 12, autism spectrum disorder,
159 as defined in the Diagnostic and Statistical Manual of Mental
160 Disorders, Fifth Edition, published by the American Psychiatric
161 Association; cerebral palsy, as defined in s. 393.063; Down
162 syndrome, as defined in s. 393.063; an intellectual disability,
163 as defined in s. 393.063; a speech impairment; a language
164 impairment; an orthopedic impairment; any other health
165 impairment; an emotional or a behavioral disability; a specific
166 learning disability, including, but not limited to, dyslexia,
167 dyscalculia, or developmental aphasia; Phelan-McDermid syndrome,
168 as defined in s. 393.063; Prader-Willi syndrome, as defined in
169 s. 393.063; spina bifida, as defined in s. 393.063; being a
170 high-risk child, as defined in s. 393.063(23) (a); muscular
171 dystrophy; Williams syndrome; rare diseases which affect patient
172 populations of fewer than 200,000 individuals in the United
173 States, as defined by the National Organization for Rare
174 Disorders; anaphylaxis; a hearing impairment, including
175 deafness; a visual impairment, including blindness; traumatic
176 brain injury; hospital or homebound; or identification as dual
177 sensory impaired, as defined by rules of the State Board of
178 Education and evidenced by reports from local school districts.
179 The term "hospital or homebound" includes a student who has a
180 medically diagnosed physical or psychiatric condition or
181 illness, as defined by the state board in rule, and who is
182 confined to the home or hospital for more than 6 months.

183 (e) ~~(b)~~ "Eligible nonprofit scholarship-funding
184 organization" or "organization" has the same meaning as provided
185 in s. 1002.395(2) (f).



268914

186 (f) "Eligible postsecondary educational institution" means
187 a Florida College System institution; a state university; a
188 school district technical center; a school district adult
189 general education center; an independent college or university
190 that is eligible to participate in the William L. Boyd, IV,
191 Effective Access to Student Education Grant Program under s.
192 1009.89; or an accredited independent postsecondary educational
193 institution, as defined in s. 1005.02, which is licensed to
194 operate in this state under part III of chapter 1005.

195 (g)(e) "Eligible private school" has the same meaning as
196 provided in s. 1002.395(2) (g).

197 (h) "IEP" means an individual education plan, regardless of
198 whether the plan has been reviewed or revised within the last 12
199 months.

200 (i) "Inactive" means that no eligible expenditures have
201 been made from an account funded pursuant to paragraph (12) (b).

202 (j) "Job coach" means an individual employed to help people
203 with disabilities learn, accommodate to, and perform their work
204 duties.

205 (k)(d) "Parent" means a resident of this state who is a
206 parent, as defined in s. 1000.21.

207 (l)(e) "Program" means the Family Empowerment Scholarship
208 Program.

209 ~~(3) INITIAL SCHOLARSHIP ELIGIBILITY. A student is eligible~~
210 ~~for a Family Empowerment Scholarship under this section if the~~
211 ~~student meets the following criteria:~~

212 (a) A parent of a student may request and receive from the
213 state a scholarship for the purposes specified in paragraph

214 (4) (a) if:



268914

215 1. The student is on the direct certification list pursuant
216 to s. 1002.395(2)(c) or the student's household income level
217 does not exceed 185 percent of the federal poverty level;

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

221 3. The student's household income level does not exceed 375
222 ~~300~~ percent of the federal poverty level or an adjusted maximum
223 percent of the federal poverty level that is increased by 25
224 percentage points in the fiscal year following any fiscal year
225 in which more than 5 percent of the available scholarships
226 authorized under paragraph (12)(a) have not been funded;

227 4. The student is a sibling of a student who is
228 participating in the scholarship program under this subsection
229 and such siblings reside in the same household; or

230 5. The student is a dependent child of a member of the
231 United States Armed Forces.

232
233 Priority must be given to a student whose household income level
234 does not exceed 185 percent of the federal poverty level or who
235 is in foster care or out-of-home care as established pursuant to
236 paragraph (c). A student who initially receives a scholarship
237 based on eligibility under subparagraph 2. remains eligible to
238 participate until the student graduates from high school or
239 attains the age of 21 years, whichever occurs first, regardless
240 of the student's household income level. A sibling of a student
241 who is participating in the scholarship program under this
242 subsection is eligible for a scholarship if the student resides
243 in the same household as the sibling.



268914

244 (b) A parent of a student with a disability may request and
245 receive from the state a scholarship for the purposes specified
246 in paragraph (4)(b) if the student:

247 1. Is a resident of this state;

248 2. Is 3 or 4 years of age on or before September 1 of the
249 year in which the student applies for program participation, or
250 is eligible to enroll in kindergarten through grade 12 in a
251 public school in this state;

252 3. Has a disability as defined in subsection (2); and

253 4. Is the subject of an IEP written in accordance with
254 rules of the State Board of Education or with the applicable
255 rules of another state or has received a diagnosis of a
256 disability from a physician who is licensed under chapter 458 or
257 chapter 459, a psychologist who is licensed under chapter 490,
258 or a physician who holds an active license issued by another
259 state or territory of the United States, the District of
260 Columbia, or the Commonwealth of Puerto Rico.

261 (c) An approved student who does not receive a scholarship
262 must be placed on the wait list in the order in which the
263 student is approved. An eligible student who does not receive a
264 scholarship within the fiscal year must be retained on the wait
265 list for the subsequent year.

266 ~~1. The student is eligible to enroll in kindergarten;~~

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

269 ~~3. Beginning with the 2020-2021 school year, the student~~
270 ~~received a scholarship pursuant to s. 1002.395 during the~~
271 ~~previous school year but did not receive a renewal scholarship~~
272 ~~based solely on the eligible nonprofit scholarship funding~~



268914

273 ~~organization's lack of available funds after the organization~~
274 ~~fully exhausts its efforts to use funds available for awards~~
275 ~~under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit~~
276 ~~scholarship funding organizations with students who meet the~~
277 ~~eligibility criterion of this subparagraph must annually notify~~
278 ~~the department in a format and by a date established by the~~
279 ~~department.~~

280
281 ~~For purposes of this paragraph, the term "prior school year in~~
282 ~~attendance" means that the student was enrolled full time and~~
283 ~~reported by a school district for funding during the preceding~~
284 ~~October and February Florida Education Finance Program surveys~~
285 ~~in kindergarten through grade 12, which includes time spent in a~~
286 ~~Department of Juvenile Justice commitment program if funded~~
287 ~~under the Florida Education Finance Program. However, a~~
288 ~~dependent child of a member of the United States Armed Forces~~
289 ~~who transfers to a school in this state from out of state or~~
290 ~~from a foreign country due to a parent's permanent change of~~
291 ~~station orders or a foster child is exempt from the prior public~~
292 ~~school attendance requirement under this paragraph, but must~~
293 ~~meet the other eligibility requirements specified under this~~
294 ~~section to participate in the program.~~

295 ~~(c) The parent has obtained acceptance for admission of the~~
296 ~~student to a private school that is eligible for the program~~
297 ~~under subsection (8), and the parent has requested a scholarship~~
298 ~~from the Department of Education by a date established by the~~
299 ~~department pursuant to paragraph (7)(c), but no later than at~~
300 ~~least 60 days before the date of the first scholarship payment.~~
301 ~~The request must be communicated directly to the department in a~~



268914

302 ~~manner that creates a written or electronic record of the~~
303 ~~request and the date of receipt of the request. The department~~
304 ~~must notify the school district of the parent's intent upon~~
305 ~~receipt of the parent's request.~~

306 ~~(d) The student is awarded a scholarship in accordance with~~
307 ~~the following priority order:~~

308 ~~1. An eligible student who received a Family Empowerment~~
309 ~~Scholarship during the previous school year and requested a~~
310 ~~renewal scholarship award.~~

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

313 ~~3. An eligible student who meets the criteria for an~~
314 ~~initial award under subparagraph (b)2. and either subparagraph~~
315 ~~(a)1. or subparagraph (a)2.~~

316 ~~4. An eligible student who meets the criteria for an~~
317 ~~initial award under subparagraph (b)1. and either subparagraph~~
318 ~~(a)1. or subparagraph (a)2.~~

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

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

327 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

328 (a) Program funds awarded to a student determined eligible
329 pursuant to paragraph (3) (a) may be used for:

330 1. Tuition and fees at an eligible private school; or



268914

331 2. Transportation to a Florida public school in which a
332 student is enrolled and which is different from the school to
333 which the student was assigned or to a lab school as defined in
334 s. 1002.32 if the student is determined eligible pursuant to
335 subparagraph (3) (a)1. or 2.

336 (b) Program funds awarded to a student with a disability
337 determined eligible pursuant to paragraph (3) (b) may be used for
338 the following purposes:

339 1. Instructional materials, including digital devices,
340 digital periphery devices, and assistive technology devices that
341 allow a student to access instruction or instructional content
342 and training on the use of and maintenance agreements for these
343 devices.

344 2. Curriculum as defined in subsection (2).

345 3. Specialized services by approved providers or by a
346 hospital in this state which are selected by the parent. These
347 specialized services may include, but are not limited to:

348 a. Applied behavior analysis services as provided in ss.
349 627.6686 and 641.31098.

350 b. Services provided by speech-language pathologists as
351 defined in s. 468.1125(8).

352 c. Occupational therapy services as defined in s. 468.203.

353 d. Services provided by physical therapists as defined in
354 s. 486.021(8).

355 e. Services provided by listening and spoken language
356 specialists and an appropriate acoustical environment for a
357 child who has a hearing impairment, including deafness, and who
358 has received an implant or assistive hearing device.

359 4. Tuition or fees associated with full-time or part-time



268914

360 enrollment in a home education program, an eligible private
361 school, an eligible postsecondary educational institution or a
362 program offered by the postsecondary educational institution, a
363 private tutoring program authorized under s. 1002.43, a virtual
364 program offered by a department-approved private online provider
365 that meets the provider qualifications specified in s.
366 1002.45(2)(a), the Florida Virtual School as a private paying
367 student, or an approved online course offered pursuant to s.
368 1003.499 or s. 1004.0961.

369 5. Fees for nationally standardized, norm-referenced
370 achievement tests, Advanced Placement Examinations, industry
371 certification examinations, assessments related to postsecondary
372 education, or other assessments.

373 6. Contributions to the Stanley G. Tate Florida Prepaid
374 College Program pursuant to s. 1009.98 or the Florida College
375 Savings Program pursuant to s. 1009.981 for the benefit of the
376 eligible student.

377 7. Contracted services provided by a public school or
378 school district, including classes. A student who receives
379 services under a contract under this paragraph is not considered
380 enrolled in a public school for eligibility purposes as
381 specified in subsection (6).

382 8. Tuition and fees for part-time tutoring services
383 provided by a person who holds a valid Florida educator's
384 certificate pursuant to s. 1012.56, a person who holds an
385 adjunct teaching certificate pursuant to s. 1012.57, a person
386 who has a bachelor's degree or a graduate degree in the subject
387 area in which instruction is given, a person who has
388 demonstrated a mastery of subject area knowledge pursuant to s.



268914

389 1012.56(5), or a person certified by a nationally or
390 internationally recognized research-based training program as
391 approved by the department. As used in this paragraph, the term
392 "part-time tutoring services" does not qualify as regular school
393 attendance as defined in s. 1003.01(13)(e).

394 9. Fees for specialized summer education programs.

395 10. Fees for specialized after-school education programs.

396 11. Transition services provided by job coaches.

397 12. Fees for an annual evaluation of educational progress
398 by a state-certified teacher under s. 1002.41(1)(f), if this
399 option is chosen for a home education student.

400 13. Tuition and fees associated with programs offered by
401 Voluntary Prekindergarten Education Program providers approved
402 pursuant to s. 1002.55 and school readiness providers approved
403 pursuant to s. 1002.88.

404 14. Fees for services provided at a center that is a member
405 of the Professional Association of Therapeutic Horsemanship
406 International.

407 15. Fees for services provided by a therapist who is
408 certified by the Certification Board for Music Therapists or
409 credentialed by the Art Therapy Credentials Board, Inc.

410 (5)(4) TERM OF SCHOLARSHIP.—

411 (a) For purposes of continuity of educational choice: ~~a~~
412 ~~Family Empowerment Scholarship~~

413 (a) A scholarship awarded to an eligible student pursuant
414 to paragraph (3)(a) shall remain in force until the student
415 returns to a public school, graduates from high school, or
416 reaches the age of 21, whichever occurs first. A scholarship
417 student who enrolls in a public school or public school program



268914

418 is considered to have returned to a public school for the
419 purpose of determining the end of the scholarship's term.
420 However, if a student enters a Department of Juvenile Justice
421 detention center for a period of no more than 21 days, the
422 student is not considered to have returned to a public school
423 for that purpose.

424 (b)1. A scholarship awarded to an eligible student pursuant
425 to paragraph (3)(b) shall remain in force until:

426 a. The parent does not renew program eligibility;

427 b. The organization determines that the student is not
428 eligible for program renewal;

429 c. The Commissioner of Education suspends or revokes
430 program participation or use of funds;

431 d. The student's parent forfeits participation in the
432 program for failure to comply with subsection (10);

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

434 f. The student graduates from high school or attains 22
435 years of age, whichever occurs first.

436 2. Reimbursements for program expenditures may continue
437 until the account balance is expended or the account is closed.

438 3. A student's scholarship account must be closed and any
439 remaining funds, including, but not limited to, contributions
440 made to the Stanley G. Tate Florida Prepaid College Program or
441 earnings from or contributions made to the Florida College
442 Savings Program using program funds pursuant to subparagraph
443 (4)(b)6., shall revert to the state after:

444 a. Denial or revocation of program eligibility by the
445 commissioner for fraud or abuse, including, but not limited to,
446 the student or student's parent accepting any payment, refund,



268914

447 or rebate, in any manner, from a provider of any services
448 received pursuant to subsection (4);

449 b. Any period of 3 consecutive years after high school
450 completion or graduation during which the student has not been
451 enrolled in an eligible postsecondary educational institution or
452 a program offered by the institution; or

453 c. Two consecutive fiscal years in which an account has
454 been inactive.

455 (c) Upon reasonable notice to the organization ~~department~~
456 and the school district, the student's parent may remove the
457 student from the private school and place the student in a
458 public school in accordance with this section.

459 (d) ~~(e)~~ Upon reasonable notice to the organization
460 ~~department~~, the student's parent may move the student from one
461 participating private school to another participating private
462 school.

463 (6) ~~(5)~~ SCHOLARSHIP PROHIBITIONS.—A student is not eligible
464 for a Family Empowerment Scholarship while he or she is:

465 (a) Enrolled in a public school, including, but not limited
466 to, the Florida School for the Deaf and the Blind, the College-
467 Preparatory Boarding Academy, a developmental research school
468 authorized under s. 1002.32, or a charter school authorized
469 under this chapter. For purposes of this paragraph, a 3- or 4-
470 year-old child who receives services funded through the Florida
471 Education Finance Program is considered to be a student enrolled
472 in a public school;

473 (b) Enrolled in a school operating for the purpose of
474 providing educational services to youth in a Department of
475 Juvenile Justice commitment program;



268914

476 (c) Receiving any other educational scholarship pursuant to
477 this chapter;

478 (d) Not having regular and direct contact with his or her
479 private school teachers pursuant to s. 1002.421(1)(i), unless he
480 or she is eligible pursuant to paragraph (3)(b) and enrolled in
481 the private school's transition-to-work program pursuant to
482 subsection (16) or a home education program pursuant to s.
483 1002.41;

484 ~~(d) Participating in a home education program as defined in~~
485 ~~s. 1002.01(1);~~

486 (e) Participating in a private tutoring program pursuant to
487 s. 1002.43 unless he or she is determined eligible pursuant to
488 paragraph (3)(b); or

489 (f) Participating in a virtual instruction pursuant to s.
490 1002.455 school, correspondence school, or distance learning
491 program that receives state funding pursuant to the student's
492 participation.

493 (7)(6) SCHOOL DISTRICT OBLIGATIONS.-

494 (a) By January July 15, 2019, and by April 1 of each year
495 ~~thereafter~~, a school district shall inform all households within
496 the district receiving free or reduced-priced meals under the
497 National School Lunch Act of their eligibility to apply to the
498 department for a Family Empowerment Scholarship. The form of
499 such notice shall be provided by the department, and the school
500 district shall include the provided form in any normal
501 correspondence with eligible households. Such notice is limited
502 to once a year.

503 (b)1. The parent of a student with a disability who does
504 not have an IEP in accordance with subparagraph (3)(b)4. or who



268914

505 seeks a reevaluation of an existing IEP may request an IEP
506 meeting and evaluation from the school district in order to
507 obtain or revise a matrix of services. The school district shall
508 notify a parent who has made a request for an IEP that the
509 district is required to complete the IEP and matrix of services
510 within 30 days after receiving notice of the parent's request.
511 The school district shall conduct a meeting and develop an IEP
512 and a matrix of services within 30 days after receipt of the
513 parent's request in accordance with State Board of Education
514 rules. The district must accept the diagnosis, and consider the
515 service plan of the licensed professional providing the
516 diagnosis pursuant to subparagraph (3) (b)4. The school district
517 must complete a matrix that assigns the student to one of the
518 levels of service as they existed before the 2000-2001 school
519 year.

520 2.a. The school district must provide the student's parent
521 and the department with the student's matrix level within 10
522 calendar days after its completion.

523 b. The department shall notify the parent and the
524 organization of the amount of the funds awarded within 10 days
525 after receiving the school district's notification of the
526 student's matrix level.

527 c. A school district may change a matrix of services only
528 if the change is a result of an IEP reevaluation or to correct a
529 technical, typographical, or calculation error.

530 (c)1. Within 10 days after an IEP meeting is held, a school
531 district shall notify the parent of a student of all options
532 available pursuant to this section and offer that student's
533 parent an opportunity to enroll the student in another public



268914

534 school in the school district.

535 2. The parent is not required to accept the offer of
536 enrolling the student in another public school in lieu of
537 requesting a scholarship. However, if the parent chooses the
538 public school option, the student may continue attending the
539 public school chosen by the parent until the student graduates
540 from high school.

541 3. The parent may choose another public school in the
542 school district, and the school district shall provide
543 transportation to the public school selected by the parent.

544 4. The parent may choose, as an alternative, to enroll the
545 student in and transport the student to a public school in an
546 adjacent school district that has available space and has a
547 program with the services agreed to in the student's IEP already
548 in place, and that school district shall accept the student and
549 report the student for purposes of the school district's funding
550 pursuant to the Florida Education Finance Program.

551 (d) ~~(b)~~ The school district in which a participating student
552 resides must notify the student and his or her parent about the
553 locations and times to take all statewide assessments under s.
554 1008.22 if the student chooses to participate in such
555 assessments. Upon the request of the department, a school
556 district shall coordinate with the department to provide to a
557 participating private school the statewide assessments
558 administered under s. 1008.22 and any related materials for
559 administering the assessments. For a student who participates in
560 the Family Empowerment Scholarship Program whose parent requests
561 that the student take the statewide assessments under s.
562 1008.22, the district in which the student attends a private



268914

563 school shall provide locations and times to take all statewide
564 assessments. A school district is responsible for implementing
565 test administrations at a participating private school,
566 including the:

567 1. Provision of training for private school staff on test
568 security and assessment administration procedures;

569 2. Distribution of testing materials to a private school;

570 3. Retrieval of testing materials from a private school;

571 4. Provision of the required format for a private school to
572 submit information to the district for test administration and
573 enrollment purposes; and

574 5. Provision of any required assistance, monitoring, or
575 investigation at a private school.

576 (e)~~(e)~~ Each school district must publish information about
577 the Family Empowerment Scholarship Program on the district's
578 website homepage. At a minimum, the published information must
579 include a website link to the Family Empowerment Scholarship
580 Program published on the Department of Education website as well
581 as a telephone number and e-mail that students and parents may
582 use to contact relevant personnel in the school district to
583 obtain information about the scholarship.

584 (f) A school district shall report all students who are
585 receiving a scholarship under this program. Students receiving a
586 scholarship shall be reported separately from other students
587 reported for purposes of the Florida Education Finance Program.

588 (g) A school district shall be held harmless for students
589 who are receiving a scholarship under this program from the
590 weighted enrollment ceiling for group 2 programs in s.
591 1011.62(1)(d)3.b. during the first school year in which the



268914

592 students are reported.

593 (8)(7) DEPARTMENT OF EDUCATION OBLIGATIONS.~~The department~~
594 ~~shall:~~

595 (a) The department shall:

596 1. Publish and update, as necessary, information on the
597 department website about the Family Empowerment Scholarship
598 Program, including, but not limited to, student eligibility
599 criteria, parental responsibilities, and relevant data.

600 2. ~~(b)~~ Cross-check before each distribution of funds the
601 list of participating scholarship students with the public
602 school enrollment lists before each scholarship payment to avoid
603 duplication.

604 3. ~~(e)~~ Maintain and publish a list of nationally norm-
605 referenced tests identified for purposes of satisfying the
606 testing requirement in subparagraph (9)(c)1. ~~(8)(e)1.~~ The tests
607 must meet industry standards of quality in accordance with state
608 board rule.

609 4. ~~(d)~~ Notify eligible nonprofit scholarship-funding
610 organizations of the deadlines for submitting the verified list
611 of students determined to be eligible for a ~~an initial or~~
612 renewal scholarship.

613 5. Notify each school district of a parent's participation
614 in the scholarship program for purposes of paragraph (7)(f).

615 6. Deny or terminate program participation upon a parent's
616 failure to comply with subsection (10).

617 7. Notify the parent and the organization when a
618 scholarship account is closed and program funds revert to the
619 state.

620 8. Notify an eligible nonprofit scholarship-funding



268914

621 organization of any of the organization's or other
622 organization's identified students who are receiving
623 scholarships under this chapter.

624 9. Maintain on its website a list of approved providers as
625 required by s. 1002.66, eligible postsecondary educational
626 institutions, eligible private schools, and eligible
627 organizations and may identify or provide links to lists of
628 other approved providers.

629 10. Require each organization to verify eligible
630 expenditures before the distribution of funds for any
631 expenditures made pursuant to subparagraphs (4) (b)1. and 2.
632 Review of expenditures made for services specified in
633 subparagraphs (4) (b)3.-15. may be completed after the purchase
634 is made.

635 11. Investigate any written complaint of a violation of
636 this section by a parent, a student, a private school, a public
637 school, a school district, an organization, a provider, or
638 another appropriate party in accordance with the process
639 established under s. 1002.421.

640 12. Require quarterly reports by an organization, which
641 must include, at a minimum, the number of students participating
642 in the program; the demographics of program participants; the
643 disability category of program participants; the matrix level of
644 services, if known; the program award amount per student; the
645 total expenditures for the purposes specified in paragraph
646 (4) (b); the types of providers of services to students; and any
647 other information deemed necessary by the department.

648 13. Notify eligible nonprofit scholarship funding
649 organizations that scholarships may not be awarded in a school



268914

650 district in which the award will exceed 99 percent of the school
651 district's share of state funding through the Florida Education
652 Finance Program as calculated by the department.

653 (b) At the direction of the Commissioner of Education, the
654 department may:

655 1. Suspend or revoke program participation or use of
656 program funds by the student or participation or eligibility of
657 an organization, eligible postsecondary educational institution,
658 approved provider, or other party for a violation of this
659 section.

660 2. Determine the length of, and conditions for lifting, a
661 suspension or revocation specified in this paragraph.

662 3. Recover unexpended program funds or withhold payment of
663 an equal amount of program funds to recover program funds that
664 were not authorized for use.

665
666 In determining whether to suspend or revoke participation or
667 lift a suspension or revocation in accordance with this
668 paragraph, the department may consider factors that include, but
669 are not limited to, acts or omissions that led to a previous
670 suspension or revocation of participation in a state or federal
671 program or an education scholarship program; failure to
672 reimburse the organization for funds improperly received or
673 retained; failure to reimburse government funds improperly
674 received or retained; imposition of a prior criminal sanction
675 related to the person or entity or its officers or employees;
676 imposition of a civil fine or administrative fine, license
677 revocation or suspension, or program eligibility suspension,
678 termination, or revocation related to a person's or entity's



268914

679 management or operation; or other types of criminal proceedings
680 in which the person or entity or its officers or employees were
681 found guilty of, regardless of adjudication, or entered a plea
682 of nolo contendere or guilty to, any offense involving fraud,
683 deceit, dishonesty, or moral turpitude.

684 ~~(c) Establish deadlines for the receipt of initial~~
685 ~~applications and renewal notifications in order to implement the~~
686 ~~priority order for scholarship awards pursuant to paragraph~~
687 ~~(3)(d).~~

688 (9)(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
689 eligible to participate in the Family Empowerment Scholarship
690 Program, a private school may be sectarian or nonsectarian and
691 must:

692 (a) Comply with all requirements for private schools
693 participating in state school choice scholarship programs
694 pursuant to s. 1002.421.

695 (b) Provide to the organization ~~department~~ all
696 documentation required for a student's participation, including
697 the private school's and student's fee schedules, at least 30
698 days before any quarterly scholarship payment is made for the
699 student pursuant to paragraph (12)(a) ~~(11)(f)~~. A student is not
700 eligible to receive a quarterly scholarship payment if the
701 private school fails to meet this deadline.

702 (c)1. Annually administer or make provision for students
703 participating in the program in grades 3 through 10 to take one
704 of the nationally norm-referenced tests that are identified by
705 the department pursuant to paragraph (8)(a) ~~(7)(e)~~ or to take
706 the statewide assessments pursuant to s. 1008.22. Students with
707 disabilities for whom the physician or psychologist who issued



268914

708 the diagnosis or the IEP team determines that standardized
709 testing is not appropriate are exempt from this requirement. A
710 participating private school shall report a student's scores to
711 his or her parent. By August 15 of each year, a participating
712 private school must report the scores of all participating
713 students to a state university as described in s.
714 1002.395(9) (f).

715 2. Administer the statewide assessments pursuant to s.
716 1008.22 if the private school chooses to offer the statewide
717 assessments. A participating private school may choose to offer
718 and administer the statewide assessments to all students who
719 attend the private school in grades 3 through 10 and must submit
720 a request in writing to the department by March 1 of each year
721 in order to administer the statewide assessments in the
722 subsequent school year.

723
724 If a private school fails to meet the requirements of this
725 subsection or s. 1002.421, the commissioner may determine that
726 the private school is ineligible to participate in the
727 scholarship program.

728 (10)(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
729 PARTICIPATION.—

730 (a) A parent who applies for program participation under
731 paragraph (3) (a) a Family Empowerment Scholarship is exercising
732 his or her parental option to place his or her child in a
733 private school and must:—

734 1.(a) ~~The parent must~~ Select the private school and apply
735 for the admission of his or her student.

736 2.(b) ~~The parent must~~ Request the scholarship by a date



268914

737 established by the organization, in a manner that creates a
738 written or electronic record of the request and the date of
739 receipt of the request at least 60 days before the date of the
740 first scholarship payment.

741 ~~3.(c) The parent must~~ Inform the applicable school district
742 when the parent withdraws his or her student from a public
743 school to attend an eligible private school.

744 ~~4.(d) Require his or her~~ Any student participating in the
745 program to ~~must~~ remain in attendance throughout the school year
746 unless excused by the school for illness or other good cause.

747 ~~5.(e) Before enrolling in a private school, a student and~~
748 ~~his or her parent or guardian must~~ Meet with the private
749 school's principal or the principal's designee to review the
750 school's academic programs and policies, customized educational
751 programs, code of student conduct, and attendance policies prior
752 to enrollment.

753 ~~6.(f) Require~~ The parent shall ensure that the student
754 participating in the scholarship program takes the norm-
755 referenced assessment offered by the private school. The parent
756 may also choose to have the student participate in the statewide
757 assessments pursuant to paragraph (7) (d) ~~(6) (b)~~.

758 ~~(g)~~ If the parent requests that the student participating
759 in the program take all statewide assessments required pursuant
760 to s. 1008.22, the parent is responsible for transporting the
761 student to the assessment site designated by the school
762 district.

763 ~~7.(h) Upon receipt of a scholarship warrant, the parent to~~
764 ~~whom the warrant is issued must~~ Restrictively endorse the
765 warrant, issued in the name of the parent pursuant to



268914

766 subparagraph (12) (a) 6., to the private school for deposit into
767 the private school's account. The parent may not designate any
768 entity or individual associated with the participating private
769 school as the parent's attorney in fact to endorse a scholarship
770 warrant. ~~A participant who fails to comply with this paragraph~~
771 ~~forfeits the scholarship.~~

772 (b) A parent who applies for program participation under
773 paragraph (3) (b) is exercising his or her parental option to
774 determine the appropriate placement or the services that best
775 meet the needs of his or her child and must:

776 1. Apply to an eligible nonprofit scholarship-funding
777 organization to participate in the program by a date set by the
778 organization. The request must be communicated directly to the
779 organization in a manner that creates a written or electronic
780 record of the request and the date of receipt of the request.

781 2. Sign an agreement with the organization and annually
782 submit a sworn compliance statement to the organization to
783 satisfy or maintain program eligibility, including eligibility
784 to receive and spend program payments by:

785 a. Affirming that the student is enrolled in a program that
786 meets regular school attendance requirements as provided in s.
787 1003.01(13) (b), (c), or (d).

788 b. Affirming that the program funds are used only for
789 authorized purposes serving the student's educational needs, as
790 described in paragraph (4) (b); that any prepaid college plan or
791 college savings plan funds contributed pursuant to subparagraph
792 (4) (b) 6. will not be transferred to another beneficiary while
793 the plan contains funds contributed pursuant to this section;
794 and that they will not receive a payment, refund, or rebate of



268914

795 any funds provided under this section.

796 c. Affirming that the parent is responsible for all
797 eligible expenses in excess of the amount of the scholarship and
798 for the education of his or her student by, as applicable:

799 (I) Requiring the student to take an assessment in
800 accordance with paragraph (9) (c);

801 (II) Providing an annual evaluation in accordance with s.
802 1002.41(1)(f); or

803 (III) Requiring the child to take any preassessments and
804 postassessments selected by the provider if the child is 4 years
805 of age and is enrolled in a program provided by an eligible
806 Voluntary Prekindergarten Education Program provider. A student
807 with disabilities for whom the physician or psychologist who
808 issued the diagnosis or the IEP team determines that a
809 preassessment and postassessment is not appropriate is exempt
810 from this requirement. A participating provider shall report a
811 student's scores to the parent.

812 d. Affirming that the student remains in good standing with
813 the provider or school if those options are selected by the
814 parent.

815 e. Enrolling his or her child in a program from a Voluntary
816 Prekindergarten Education Program provider authorized under s.
817 1002.55, a school readiness provider authorized under s.
818 1002.88, or an eligible private school if either option is
819 selected by the parent.

820 f. Renewing participation in the program each year. A
821 student whose participation in the program is not renewed may
822 continue to spend scholarship funds that are in his or her
823 account from prior years unless the account must be closed



268914

824 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
825 the student's IEP, a student who was previously eligible for
826 participation in the program shall remain eligible to apply for
827 renewal. However, for a high-risk child to continue to
828 participate in the program in the school year after he or she
829 reaches 6 years of age, the child's application for renewal of
830 program participation must contain documentation that the child
831 has a disability defined in paragraph (2)(d) other than high-
832 risk status.

833 g. Procuring the services necessary to educate the student.
834 If a parent does not procure the necessary educational services
835 for the student and the student's account has been inactive for
836 2 consecutive fiscal years, the student is ineligible for
837 additional scholarship payments until the scholarship funding
838 organization verifies that expenditures from the account have
839 occurred. When the student receives a scholarship, the district
840 school board is not obligated to provide the student with a free
841 appropriate public education. For purposes of s. 1003.57 and the
842 Individuals with Disabilities in Education Act, a participating
843 student has only those rights that apply to all other
844 unilaterally parentally placed students, except that, when
845 requested by the parent, school district personnel must develop
846 an IEP or matrix level of services.

847 (c) A participant who fails to comply with this subsection
848 forfeits the scholarship.

849 ~~(i) The parent must annually renew participation in the~~
850 ~~program by the date established by the department pursuant to~~
851 ~~paragraph (7)(e).~~

852 (11)-(10) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING



268914

853 ORGANIZATIONS.—
854 (a) An eligible nonprofit scholarship-funding organization
855 awarding scholarships to eligible students pursuant to paragraph
856 (3) (a):
857 1.(a) Must receive applications, determine student
858 eligibility, notify parents in accordance with the requirements
859 of this section, and provide the department with information on
860 the student to enable the department to determine student
861 funding in accordance with paragraph (12) (a).
862 2. Shall verify the household income level of students
863 pursuant to subparagraph (3) (a)1. and submit the verified list
864 of students and related documentation to the department.
865 3.(b) Shall award ~~initial and renewal~~ scholarships in
866 priority order pursuant to paragraph (3) (a) ~~(3) (d)~~. ~~The eligible~~
867 ~~nonprofit scholarship-funding organization shall implement the~~
868 ~~deadlines established by the department pursuant to paragraphs~~
869 ~~(7) (d) and (e).~~
870 4.(e) May, from eligible contributions received pursuant to
871 s. 1002.395(6) (j)1., use an amount not to exceed 2.5 ± percent
872 of the total amount of all scholarships funded ~~awarded~~ under
873 this section for administrative expenses associated with
874 performing functions under this section. Such administrative
875 expense amount is considered within the 3 percent limit on the
876 total amount an organization may use to administer scholarships
877 under this chapter.
878 5.(d) Must, in a timely manner, submit any information
879 requested by the department relating to the scholarship under
880 this section.
881 6.(e) Must notify the department about any violation of



268914

882 this section by a parent or a private school.

883 (b) An eligible nonprofit scholarship-funding organization
884 awarding scholarships to eligible students pursuant to paragraph
885 (3)(b) shall:

886 1. Receive applications, determine student eligibility, and
887 notify parents in accordance with the requirements of this
888 section. When an application is approved, the organization must
889 provide the department with information on the student to enable
890 the department to determine student funding in accordance with
891 paragraph (12)(b).

892 2. Establish a date by which a parent must confirm initial
893 or continuing participation in the program.

894 3. Review applications and award scholarships using the
895 following priorities:

896 a. For the 2021-2022 school year, a student who received a
897 Gardiner Scholarship in the 2020-2021 school year and meets the
898 eligibility requirements in paragraph (3)(b).

899 b. Renewing students from the previous school year.

900 c. Students retained on the previous school year's wait
901 list.

902 d. An eligible student who meets the criteria for an
903 initial award pursuant to paragraph (3)(b).

904
905 An approved student who does not receive a scholarship must be
906 placed on the wait list in the order in which his or her
907 application is approved. A student who does not receive a
908 scholarship within the fiscal year shall be retained on the wait
909 list for the subsequent fiscal year.

910 4. Establish and maintain separate accounts for each



268914

911 eligible student. For each account, the organization must
912 maintain a record of accrued interest that is retained in the
913 student's account and available only for authorized program
914 expenditures.

915 5. Verify qualifying educational expenditures pursuant to
916 the requirements of paragraph (4) (b).

917 6. Return any remaining program funds to the department
918 pursuant to paragraph (6) (b).

919 7. Notify the parent about the availability of, and the
920 requirements associated with requesting, an initial IEP or IEP
921 reevaluation every 3 years for each student participating in the
922 program.

923 8. Notify the department of any violation of this section.

924 9. Document each scholarship student's eligibility for a
925 fiscal year before granting a scholarship for that fiscal year
926 pursuant to paragraph (3) (b). A student is ineligible for a
927 scholarship if the student's account has been inactive for 2
928 consecutive fiscal years.

929 (12) ~~(11)~~ SCHOLARSHIP FUNDING AND PAYMENT.-

930 (a) 1. Scholarships for students determined eligible
931 pursuant to paragraph (3) (a) are ~~The scholarship is~~ established
932 for up to 18,000 students annually beginning in the 2019-2020
933 school year. Beginning in the 2020-2021 school year, the maximum
934 number of students participating in the scholarship program
935 under this section shall annually increase by 1.0 percent of the
936 state's total public school student enrollment. An eligible
937 student who meets any of the following requirements shall be
938 excluded from the maximum number of students if the student:

939 a. Received a scholarship pursuant to s. 1002.395 during



268914

940 the previous school year but did not receive a renewal
941 scholarship based solely on the eligible nonprofit scholarship-
942 funding organization's lack of available funds after the
943 organization fully exhausted its efforts to use funds available
944 for awards under ss. 1002.395 and 1002.40(11) (i). Eligible
945 nonprofit scholarship-funding organizations with students who
946 meet the criterion in this subparagraph must annually notify the
947 department in a format and by a date established by the
948 department. The maximum number of scholarships awarded pursuant
949 to this subparagraph may not exceed 15,000 per school year;

950 b. Is a dependent child of a member of the United States
951 Armed Forces, a foster child, or an adopted child; or

952 c. Is determined eligible pursuant to subparagraph (3) (a)1.
953 or 2. and either spent the prior school year in attendance at a
954 Florida public school or, beginning in the 2022-2023 school
955 year, is eligible to enroll in kindergarten. For purposes of
956 this sub-subparagraph, the term "prior school year in
957 attendance" means that the student was enrolled and reported by
958 a school district for funding during either the preceding
959 October or February Florida Education Finance Program surveys in
960 kindergarten through grade 12, which includes time spent in a
961 Department of Juvenile Justice commitment program if funded
962 under the Florida Education Finance Program.

963 2. ~~(b)~~ The scholarship amount provided to a student for any
964 single school year shall be for tuition and fees for an eligible
965 private school, not to exceed annual limits, which shall be
966 determined in accordance with this subparagraph ~~paragraph~~. The
967 calculated amount for a participating student ~~to attend an~~
968 ~~eligible private school~~ shall be based upon the grade level and



268914

969 school district in which the student was assigned as 100 ~~95~~
970 percent of the funds per unweighted full-time equivalent in the
971 Florida Education Finance Program for a student in the basic
972 program established pursuant to s. 1011.62(1)(c)1., plus a per-
973 full-time equivalent share of funds for all categorical
974 programs, except for the Exceptional Student Education
975 Guaranteed Allocation.

976 ~~3.(e)~~ The amount of the scholarship ~~Family Empowerment~~
977 ~~Scholarship~~ shall be the calculated amount or the amount of the
978 private school's tuition and fees, whichever is less. The amount
979 of any assessment fee required by the participating private
980 school and any costs to provide a digital device, including
981 Internet access, if necessary, to the student may be paid from
982 the total amount of the scholarship.

983 4. A scholarship of \$750 may be awarded to a student who is
984 determined eligible pursuant to subparagraph (3)(a)1. or 2. and
985 enrolled in a Florida public school that is different from the
986 school to which the student was assigned or in a lab school as
987 defined in s. 1002.32 if the school district does not provide
988 the student with transportation to the school.

989 ~~(d) The school district shall report all students who are~~
990 ~~attending a private school under this program. The students~~
991 ~~attending private schools on Family Empowerment Scholarships~~
992 ~~shall be reported separately from other students reported for~~
993 ~~purposes of the Florida Education Finance Program.~~

994 ~~5.(e)~~ Upon Following notification from the organization on
995 July 1, September 1, December 1, and ~~or~~ February 1 that an
996 application has been approved for the program ~~of the number of~~
997 ~~program participants,~~ the department shall verify that the



268914

998 student is not prohibited from receiving a scholarship pursuant
999 to subsection (6). The organization must provide the department
1000 with the documentation necessary to verify the student's
1001 participation. Upon verification, the department shall transfer,
1002 from state general revenue funds only, the amount calculated
1003 pursuant to subparagraph 2. paragraph (b) to the organization a
1004 separate account for the scholarship program for quarterly
1005 disbursement to parents of participating students each school
1006 year in which the scholarship is in force. For a student exiting
1007 a Department of Juvenile Justice commitment program who chooses
1008 to participate in the scholarship program, the amount of the
1009 Family Empowerment Scholarship calculated pursuant to
1010 subparagraph 2. paragraph (b) must be transferred from the
1011 school district in which the student last attended a public
1012 school before commitment to the Department of Juvenile Justice.
1013 When a student enters the scholarship program, the organization
1014 ~~department~~ must receive all documentation required for the
1015 student's participation, including the private school's and the
1016 student's fee schedules, at least 30 days before the first
1017 quarterly scholarship payment is made for the student.

1018 ~~6.(f) Upon notification by the department that it has~~
1019 ~~received the documentation required under paragraph (e), the~~
1020 ~~Chief Financial Officer shall make scholarship payments in four~~
1021 ~~equal amounts no later than September 1, November 1, February 1,~~
1022 ~~and April 1 of each school year in which the scholarship is in~~
1023 ~~force.~~ The initial payment shall be made after the
1024 organization's department verification of admission acceptance,
1025 and subsequent payments shall be made upon verification of
1026 continued enrollment and attendance at the private school.



268914

1027 Payment must be by individual warrant made payable to the
1028 student's parent or by funds transfer or any other means of
1029 payment that the department deems to be commercially viable or
1030 cost-effective. If the payment is made by warrant, the warrant
1031 must be delivered and mailed by the organization department to
1032 the private school of the parent's choice, and the parent shall
1033 restrictively endorse the warrant to the private school. An
1034 organization shall ensure that the parent to whom the warrant is
1035 made has restrictively endorsed the warrant to the private
1036 school for deposit into the account of the private school or
1037 that the parent has approved a funds transfer before any
1038 scholarship funds are deposited.

1039 ~~(g) Subsequent to each scholarship payment, the department~~
1040 ~~shall request from the Department of Financial Services a sample~~
1041 ~~of endorsed warrants to review and confirm compliance with~~
1042 ~~endorsement requirements.~~

1043 (b)1. Scholarships for students determined eligible
1044 pursuant to paragraph (3) (b) are established for up to 20,000
1045 students annually beginning in the 2021-2022 school year.
1046 Beginning in the 2022-2023 school year, the maximum number of
1047 students participating in the scholarship program under this
1048 section shall annually increase by 1.0 percent of the state's
1049 total exceptional student education full-time equivalent student
1050 enrollment, not including gifted students. An eligible student
1051 who meets any of the following requirements shall be excluded
1052 from the maximum number of students if the student:

1053 a. Received specialized instructional services under the
1054 Voluntary Prekindergarten Education Program pursuant to s.
1055 1002.66 during the previous school year and the student has a



268914

1056 current IEP developed by the local school board in accordance
1057 with rules of the State Board of Education;
1058 b. Is a dependent child of a member of the United States
1059 Armed Forces, a foster child, or an adopted child;
1060 c. Spent the prior school year in attendance at a Florida
1061 public school or the Florida School for the Deaf and the Blind.
1062 For purposes of this subparagraph, the term "prior school year
1063 in attendance" means that the student was enrolled and reported
1064 by:
1065 (I) A school district for funding during either the
1066 preceding October or February Florida Education Finance Program
1067 surveys in kindergarten through grade 12, which includes time
1068 spent in a Department of Juvenile Justice commitment program if
1069 funded under the Florida Education Finance Program;
1070 (II) The Florida School for the Deaf and the Blind during
1071 the preceding October or February student membership surveys in
1072 kindergarten through grade 12;
1073 (III) A school district for funding during the preceding
1074 October or February Florida Education Finance Program surveys,
1075 was at least 4 years of age when enrolled and reported, and was
1076 eligible for services under s. 1003.21(1)(e); or
1077 (IV) Received a John M. McKay Scholarship for Students with
1078 Disabilities in the 2021-2022 school year.
1079 2. For a student who has a Level I to Level III matrix of
1080 services or a diagnosis by a physician or psychologist, the
1081 calculated scholarship amount for a student participating in the
1082 program must be based upon the grade level and school district
1083 in which the student would have been enrolled as the total funds
1084 per unweighted full-time equivalent in the Florida Education



268914

1085 Finance Program for a student in the basic exceptional student
1086 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
1087 plus a per full-time equivalent share of funds for all
1088 categorical programs, as funded in the General Appropriations
1089 Act, except that for the exceptional student education
1090 guaranteed allocation as provided in s. 1011.62(1)(e)1.c. and
1091 2., the funds must be allocated based on the school district's
1092 average exceptional student education guaranteed allocation
1093 funds per exceptional student education full-time equivalent
1094 student.

1095 3. For a student with a Level IV or Level V matrix of
1096 services, the calculated scholarship amount must be based upon
1097 the school district to which the student would have been
1098 assigned as the total funds per full-time equivalent for the
1099 Level IV or Level V exceptional student education program
1100 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
1101 equivalent share of funds for all categorical programs, as
1102 funded in the General Appropriations Act.

1103 4. For a student who received a Gardiner Scholarship
1104 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
1105 shall be the greater of the amount calculated pursuant to
1106 subparagraph 2. or the amount the student received for the 2020-
1107 2021 school year.

1108 5. For a student who received a John M. McKay Scholarship
1109 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
1110 shall be the greater of the amount calculated pursuant to
1111 subparagraph 2. or the amount the student received for the 2020-
1112 2021 school year.

1113 6. Upon notification from an organization on July 1,



268914

1114 September 1, December 1, and February 1 that an application has
1115 been approved for the program, the department shall verify that
1116 the student is not prohibited from receiving a scholarship
1117 pursuant to subsection (6). The organization must provide the
1118 department with the documentation necessary to verify the
1119 student's participation.

1120 7. Upon verification, the department shall release, from
1121 state funds only, the student's scholarship funds to the
1122 organization, to be deposited into the student's account in four
1123 equal amounts no later than September 1, November 1, February 1,
1124 and April 1 of each school year in which the scholarship is in
1125 force.

1126 8. Accrued interest in the student's account is in addition
1127 to, and not part of, the awarded funds. Program funds include
1128 both the awarded funds and accrued interest.

1129 9. The organization may develop a system for payment of
1130 benefits by funds transfer, including, but not limited to, debit
1131 cards, electronic payment cards, or any other means of payment
1132 which the department deems to be commercially viable or cost-
1133 effective. A student's scholarship award may not be reduced for
1134 debit card or electronic payment fees. Commodities or services
1135 related to the development of such a system must be procured by
1136 competitive solicitation unless they are purchased from a state
1137 term contract pursuant to s. 287.056.

1138 10. Moneys received pursuant to this section do not
1139 constitute taxable income to the qualified student or the parent
1140 of the qualified student.

1141 (13)-(12) LIABILITY.—No liability shall arise on the part of
1142 the state based on the award or use of a Family Empowerment



268914

1143 Scholarship.

1144 (14) ~~(13)~~ SCOPE OF AUTHORITY.—The inclusion of eligible
1145 private schools within the options available to Florida public
1146 school students does not expand the regulatory authority of the
1147 state, its officers, or any school district to impose any
1148 additional regulation of private schools beyond those reasonably
1149 necessary to enforce requirements expressly set forth in this
1150 section.

1151 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
1152 Department of Health, the Agency for Persons with Disabilities,
1153 and the Department of Education shall work with an organization
1154 for easy or automated access to lists of licensed providers of
1155 services specified in subparagraph (4) (b)3. to ensure efficient
1156 administration of the program.

1157 (16) TRANSITION-TO-WORK PROGRAM.—A student with a
1158 disability who is determined eligible pursuant to paragraph
1159 (3) (b) who is at least 17 years, but not older than 22 years of
1160 age and who has not received a high school diploma or
1161 certificate of completion is eligible for enrollment in his or
1162 her private school's transition-to-work program. A transition-
1163 to-work program shall consist of academic instruction, work
1164 skills training, and a volunteer or paid work experience.

1165 (a) To offer a transition-to-work program, a participating
1166 private school must:

1167 1. Develop a transition-to-work program plan, which must
1168 include a written description of the academic instruction and
1169 work skills training students will receive and the goals for
1170 students in the program.

1171 2. Submit the transition-to-work program plan to the Office



268914

1172 of Independent Education and Parental Choice.

1173 3. Develop a personalized transition-to-work program plan
1174 for each student enrolled in the program. The student's parent,
1175 the student, and the school principal must sign the personalized
1176 plan. The personalized plan must be submitted to the Office of
1177 Independent Education and Parental Choice upon request by the
1178 office.

1179 4. Provide a release of liability form that must be signed
1180 by the student's parent, the student, and a representative of
1181 the business offering the volunteer or paid work experience.

1182 5. Assign a case manager or job coach to visit the
1183 student's job site on a weekly basis to observe the student and,
1184 if necessary, provide support and guidance to the student.

1185 6. Provide to the parent and student a quarterly report
1186 that documents and explains the student's progress and
1187 performance in the program.

1188 7. Maintain accurate attendance and performance records for
1189 the student.

1190 (b) A student enrolled in a transition-to-work program
1191 must, at a minimum:

1192 1. Receive 15 instructional hours at the private school's
1193 physical facility, which must include academic instruction and
1194 work skills training.

1195 2. Participate in 10 hours of work at the student's
1196 volunteer or paid work experience.

1197 (c) To participate in a transition-to-work program, a
1198 business must:

1199 1. Maintain an accurate record of the student's performance
1200 and hours worked and provide the information to the private



268914

1201 school.
1202 2. Comply with all state and federal child labor laws.
1203 (17)(14) RULES.—The State Board of Education shall adopt
1204 rules pursuant to ss. 120.536(1) and 120.54 to administer this
1205 section. The state board rules must include a requirement that
1206 the department work collaboratively with an approved
1207 scholarship funding organization to expedite the process for the
1208 verification and reporting obligations specified under
1209 subsection (10).
1210 (15) IMPLEMENTATION SCHEDULE FOR THE 2019-2020 SCHOOL
1211 YEAR. Notwithstanding the provisions of this section related to
1212 notification requirements and eligibility timelines, for the
1213 2019-2020 school year:
1214 (a) A student is eligible for a Family Empowerment
1215 Scholarship under this section if the student's parent has
1216 obtained acceptance of the student's admission to a private
1217 school that is eligible for the program under subsection (8),
1218 and the parent has requested a scholarship from the Department
1219 of Education no later than August 15, 2019. The request must be
1220 communicated directly to the department in a manner that creates
1221 a written or electronic record of the request and the date of
1222 receipt of the request.
1223 (b) The department shall expedite the publication of
1224 information relevant to the Family Empowerment Scholarship
1225 Program on the department's website, including, but not limited
1226 to, the eligibility criteria for students to qualify for the
1227 scholarship under this section and how parents may request the
1228 scholarship. The department must immediately notify the school
1229 district of the parent's intent upon receipt of the parent's



268914

1230 ~~request.~~

1231 ~~(c) Upon notification by the department that it has~~
1232 ~~received the documentation required under paragraph (10) (a), the~~
1233 ~~Chief Financial Officer shall make the first quarter payment of~~
1234 ~~scholarships no later than October 1, 2019.~~

1235

1236 ~~This subsection shall expire June 30, 2020.~~

1237 Section 5. Paragraph (b) of subsection (3), paragraph (j)
1238 of subsection (6), paragraph (c) of subsection (9), and
1239 paragraph (a) of subsection (11) of section 1002.395, Florida
1240 Statutes, are amended to read:

1241 1002.395 Florida Tax Credit Scholarship Program.—

1242 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

1243 (b) A student is eligible for a Florida tax credit
1244 scholarship under this section if the student meets one or more
1245 of the following criteria:

1246 1. The student is on the direct certification list or the
1247 student's household income level does not exceed 375 ~~260~~ percent
1248 of the federal poverty level or an adjusted maximum percent of
1249 the federal poverty level authorized under s. 1002.394(3)(a)3.;
1250 or

1251 2. The student is currently placed, or during the previous
1252 state fiscal year was placed, in foster care or in out-of-home
1253 care as defined in s. 39.01.

1254

1255 Priority must be given to a student whose household income level
1256 does not exceed 185 percent of the federal poverty level or who
1257 is in foster care or out-of-home care. A student who initially
1258 receives a scholarship based on eligibility under this paragraph



268914

1259 remains eligible to participate until he or she graduates from
1260 high school or attains the age of 21 years, whichever occurs
1261 first, regardless of the student's household income level. A
1262 sibling of a student who is participating in the scholarship
1263 program under this subsection is eligible for a scholarship if
1264 the student resides in the same household as the sibling.

1265 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1266 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
1267 organization:

1268 (j)1. May use eligible contributions received pursuant to
1269 this section and ss. 212.099, 212.1832, and 1002.40 during the
1270 state fiscal year in which such contributions are collected for
1271 administrative expenses if the organization has operated as an
1272 eligible nonprofit scholarship-funding organization for at least
1273 the preceding 3 fiscal years and did not have any findings of
1274 material weakness or material noncompliance in its most recent
1275 audit under paragraph (m). Administrative expenses from eligible
1276 contributions may not exceed 3 percent of the total amount of
1277 all scholarships funded ~~awarded~~ by an eligible scholarship-
1278 funding organization under this chapter. Such administrative
1279 expenses must be reasonable and necessary for the organization's
1280 management and distribution of scholarships funded ~~awarded~~ under
1281 this chapter. No funds authorized under this subparagraph shall
1282 be used for lobbying or political activity or expenses related
1283 to lobbying or political activity. Up to one-third of the funds
1284 authorized for administrative expenses under this subparagraph
1285 may be used for expenses related to the recruitment of
1286 contributions from taxpayers. An eligible nonprofit scholarship-
1287 funding organization may not charge an application fee.



268914

1288 2. Must expend for annual or partial-year scholarships an
1289 amount equal to or greater than 75 percent of the net eligible
1290 contributions remaining after administrative expenses during the
1291 state fiscal year in which such contributions are collected. No
1292 more than 25 percent of such net eligible contributions may be
1293 carried forward to the following state fiscal year. All amounts
1294 carried forward, for audit purposes, must be specifically
1295 identified for particular students, by student name and the name
1296 of the school to which the student is admitted, subject to the
1297 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
1298 and the applicable rules and regulations issued pursuant
1299 thereto. Any amounts carried forward shall be expended for
1300 annual or partial-year scholarships in the following state
1301 fiscal year. No later than September 30 of each year, net
1302 eligible contributions remaining on June 30 of each year that
1303 are in excess of the 25 percent that may be carried forward
1304 shall be used to provide scholarships to eligible students or
1305 transferred to other eligible nonprofit scholarship-funding
1306 organizations to provide scholarships for eligible students. All
1307 transferred funds must be deposited by each eligible nonprofit
1308 scholarship-funding organization receiving such funds into its
1309 scholarship account. All transferred amounts received by any
1310 eligible nonprofit scholarship-funding organization must be
1311 separately disclosed in the annual financial audit required
1312 under paragraph (m).

1313 3. Must, before granting a scholarship for an academic
1314 year, document each scholarship student's eligibility for that
1315 academic year. A scholarship-funding organization may not grant
1316 multiyear scholarships in one approval process.



268914

1317
1318 Information and documentation provided to the Department of
1319 Education and the Auditor General relating to the identity of a
1320 taxpayer that provides an eligible contribution under this
1321 section shall remain confidential at all times in accordance
1322 with s. 213.053.

1323 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1324 Education shall:

1325 (c) Annually verify the eligibility of expenditures as
1326 provided in paragraph (6) (d) using the audit required by
1327 paragraph (6) (m) ~~and s. 11.45(2)(1)~~.

1328 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1329 (a) The scholarship amount provided to any student for any
1330 single school year by an eligible nonprofit scholarship-funding
1331 organization from eligible contributions shall be for total
1332 costs authorized under paragraph (6) (d), not to exceed annual
1333 limits, which shall be determined as follows:

1334 1. For a student who received a scholarship in the 2018-
1335 2019 school year, who remains eligible, and who is enrolled in
1336 an eligible private school, the amount shall be the greater
1337 amount calculated pursuant to subparagraph 2. or a percentage of
1338 the unweighted FTE funding amount for the 2018-2019 state fiscal
1339 year and thereafter as follows:

1340 a. Eighty-eight percent for a student enrolled in
1341 kindergarten through grade 5.

1342 b. Ninety-two percent for a student enrolled in grade 6
1343 through grade 8.

1344 c. Ninety-six percent for a student enrolled in grade 9
1345 through grade 12.



268914

1346 2. For students initially eligible in the 2019-2020 school
1347 year or thereafter, the calculated amount for a student to
1348 attend an eligible private school shall be calculated in
1349 accordance with s. 1002.394(12) (a) ~~based upon the grade level~~
1350 ~~and school district in which the student resides as 95 percent~~
1351 ~~of the funds per unweighted full-time equivalent in the Florida~~
1352 ~~Education Finance Program for a student in the basic program~~
1353 ~~established pursuant to s. 1011.62(1) (c)1., plus a per-full-time~~
1354 ~~equivalent share of funds for all categorical programs, except~~
1355 ~~for the Exceptional Student Education Guaranteed Allocation.~~

1356 3. The scholarship amount awarded to a student enrolled in
1357 a Florida public school in which a student is enrolled and that
1358 is different from the school to which the student was assigned
1359 or in a lab school as defined in s. 1002.32, is limited to \$750.

1360 Section 6. Paragraph (a) of subsection (11) of section
1361 1002.40, Florida Statutes, is amended to read:

1362 1002.40 The Hope Scholarship Program.—

1363 (11) FUNDING AND PAYMENT.—

1364 (a) For students initially eligible in the 2019-2020 school
1365 year or thereafter, the calculated amount for a student to
1366 attend an eligible private school shall be calculated in
1367 accordance with s. 1002.394(12) (a) ~~based upon the grade level~~
1368 ~~and school district in which the student was assigned as 95~~
1369 ~~percent of the funds per unweighted full-time equivalent in the~~
1370 ~~Florida Education Finance Program for a student in the basic~~
1371 ~~program established pursuant to s. 1011.62(1) (c)1., plus a per-~~
1372 ~~full-time equivalent share of funds for all categorical~~
1373 ~~programs, except for the Exceptional Student Education~~
1374 ~~Guaranteed Allocation.~~



268914

1375 Section 7. Paragraph (aa) of subsection (4) of section
1376 1009.971, Florida Statutes, is amended to read:
1377 1009.971 Florida Prepaid College Board.—
1378 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
1379 board shall have the powers and duties necessary or proper to
1380 carry out the provisions of ss. 1009.97–1009.988, including, but
1381 not limited to, the power and duty to:
1382 (aa) Adopt rules relating to the purchase and use of a
1383 prepaid college plan authorized under s. 1009.98 or a college
1384 savings plan authorized under s. 1009.981 for the Family
1385 Empowerment Gardiner Scholarship Program pursuant to s. 1002.394
1386 ~~s. 1002.385~~, which may include, but need not be limited to:
1387 1. The use of such funds for postsecondary education
1388 programs for students with disabilities;
1389 2. Effective procedures that allow program funds to be used
1390 in conjunction with other funds used by a parent in the purchase
1391 of a prepaid college plan or a college savings plan;
1392 3. The tracking and accounting of program funds separately
1393 from other funds contributed to a prepaid college plan or a
1394 college savings plan;
1395 4. The reversion of program funds, including, but not
1396 limited to, earnings from contributions to the Florida College
1397 Savings Plan;
1398 5. The use of program funds only after private payments
1399 have been used for prepaid college plan or college savings plan
1400 expenditures;
1401 6. Contracting with each eligible nonprofit scholarship-
1402 funding organization to establish mechanisms to implement s.
1403 1002.394 ~~s. 1002.385~~, including, but not limited to, identifying



268914

1404 the source of funds being deposited in the plans; and
1405 7. The development of a written agreement that defines the
1406 owner and beneficiary of an account and outlines
1407 responsibilities for the use of the advance payment contract
1408 funds or savings program funds.

1409 Section 8. Subsection (11) of section 1009.98, Florida
1410 Statutes, is amended to read:

1411 1009.98 Stanley G. Tate Florida Prepaid College Program.—

1412 (11) IMPLEMENTATION PROCEDURES.—

1413 (a) A prepaid college plan may be purchased, accounted for,
1414 used, and terminated as provided in s. 1002.394 ~~s. 1002.385~~.

1415 (b) A qualified beneficiary may apply the benefits of an
1416 advance payment contract toward the program fees of a program
1417 designed for students with disabilities conducted by a state
1418 postsecondary institution. A transfer authorized under this
1419 subsection may not exceed the redemption value of the advance
1420 payment contract at a state postsecondary institution or the
1421 number of semester credit hours contracted on behalf of a
1422 qualified beneficiary. A qualified beneficiary may not be
1423 changed while a prepaid college plan contains funds contributed
1424 under s. 1002.394 ~~s. 1002.385~~.

1425 Section 9. Subsection (10) of section 1009.981, Florida
1426 Statutes, is amended to read:

1427 1009.981 Florida College Savings Program.—

1428 (10) IMPLEMENTATION PROCEDURES.—

1429 (a) A college savings plan may be purchased, accounted for,
1430 used, and terminated as provided in s. 1002.394 ~~s. 1002.385~~.

1431 (b) A designated beneficiary may apply the benefits of a
1432 participation agreement toward the program fees of a program



268914

1433 designed for students with disabilities conducted by a state
1434 postsecondary institution. A designated beneficiary may not be
1435 changed while a college savings plan contains funds contributed
1436 under s. 1002.394 ~~s. 1002.385~~.

1437 Section 10. Effective July 1, 2022, subsection (4) of
1438 section 1011.61, Florida Statutes, is amended to read:

1439 1011.61 Definitions.—Notwithstanding the provisions of s.
1440 1000.21, the following terms are defined as follows for the
1441 purposes of the Florida Education Finance Program:

1442 (4) The maximum value for funding a student in kindergarten
1443 through grade 12 or in a prekindergarten program for exceptional
1444 children as provided in s. 1003.21(1)(e) shall be the sum of the
1445 calculations in paragraphs (a), (b), and (c) as calculated by
1446 the department.

1447 (a) The sum of the student's full-time equivalent student
1448 membership value for the school year or the equivalent derived
1449 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
1450 subparagraphs (1)(c)2.b. and c., ~~subparagraph (1)(c)3.~~, and
1451 subsection (2). If the sum is greater than 1.0, the full-time
1452 equivalent student membership value for each program or course
1453 shall be reduced by an equal proportion so that the student's
1454 total full-time equivalent student membership value is equal to
1455 1.0.

1456 (b) If the result in paragraph (a) is less than 1.0 full-
1457 time equivalent student and the student has full-time equivalent
1458 student enrollment pursuant to sub-sub-subparagraph
1459 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
1460 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
1461 1.0 less the value in paragraph (a).



268914

1462 (c) The full-time equivalent student enrollment value in
1463 sub-subparagraph (1)(c)2.a.

1464

1465 ~~A scholarship award provided to a student enrolled in the John~~
1466 ~~M. McKay Scholarships for Students with Disabilities Program~~
1467 ~~pursuant to s. 1002.39 is not subject to the maximum value for~~
1468 ~~funding a student under this subsection.~~

1469 Section 11. Paragraph (f) of subsection (18) of section
1470 1011.62, Florida Statutes, is amended to read:

1471 1011.62 Funds for operation of schools.—If the annual
1472 allocation from the Florida Education Finance Program to each
1473 district for operation of schools is not determined in the
1474 annual appropriations act or the substantive bill implementing
1475 the annual appropriations act, it shall be determined as
1476 follows:

1477 (18) TEACHER SALARY INCREASE ALLOCATION.—The Legislature
1478 may annually provide in the Florida Education Finance Program a
1479 teacher salary increase allocation to assist school districts in
1480 their recruitment and retention of classroom teachers and other
1481 instructional personnel. The amount of the allocation shall be
1482 specified in the General Appropriations Act.

1483 ~~(f) Notwithstanding any other provision of law, funds~~
1484 ~~allocated under this subsection shall not be included in the~~
1485 ~~calculated amount for any scholarship awarded under chapter~~
1486 ~~1002.~~

1487 Section 12. Except as otherwise expressly provided in this
1488 act, this act shall take effect July 1, 2021.

1489

1490 ===== T I T L E A M E N D M E N T =====



268914

1491 And the title is amended as follows:

1492 Delete everything before the enacting clause
1493 and insert:

1494 A bill to be entitled

1495 An act relating to school choice; amending s. 11.45,
1496 F.S.; revising the frequency with which the Auditor
1497 General must conduct certain operational audits;
1498 repealing s. 1002.385, F.S., relating to the Gardiner
1499 Scholarship; amending s. 1002.39, F.S.; revising
1500 provisions relating to the calculation of the maximum
1501 amount of scholarship funds granted to an eligible
1502 student with a disability under the John M. McKay
1503 Scholarships for Students with Disabilities Program;
1504 providing for future repeal of the program; amending
1505 s. 1002.394, F.S.; defining terms; revising student
1506 eligibility requirements under the Family Empowerment
1507 Scholarship Program; providing requirements for the
1508 use of funds under the program; revising provisions
1509 relating to the term of scholarships under the
1510 program; providing that certain students are not
1511 eligible for a scholarship under the program under
1512 certain circumstances; providing exceptions; revising
1513 the obligations of school districts, the Department of
1514 Education, private schools, and eligible scholarship-
1515 funding organizations under the program; revising the
1516 responsibilities of parents and students relating to
1517 program participation; revising provisions relating to
1518 the funding and payment of scholarships awarded under
1519 the program; requiring specified state agencies to



268914

1520 work with an organization to provide access to lists
1521 of approved licensed service providers; providing that
1522 certain students with disabilities are eligible for
1523 enrollment in transition-to-work programs at certain
1524 participating private schools; providing requirements
1525 for such students, private schools, and businesses
1526 under transition-to-work programs; revising provisions
1527 relating to the State Board of Education's rulemaking
1528 authority; removing obsolete provisions; amending s.
1529 1002.395, F.S.; revising student eligibility criteria
1530 based on household income level for the Florida Tax
1531 Credit Scholarship Program; amending ss. 1002.40,
1532 1009.971, 1009.98, 1009.981, 1011.61, and 1011.62,
1533 F.S.; conforming provisions to changes made by the
1534 act; providing effective dates.