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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to educational scholarship programs;
amending s. 11.45, F.S.; requiring the Auditor General
to conduct certain audits at least every 3 years
instead of annually; conforming provisions to changes
made by the act; amending s. 211.0251, F.S.;
conforming provisions to changes made by the act;
deleting a provision limiting a certain tax credit to
no more than 50 percent of the tax due on the return
the credit is taken; amending s. 212.099, F.S.;
revising the definition of the term "eligible
contribution"; deleting the definition of the term
"eligible nonprofit scholarship-funding organization";
requiring a dealer to identify on the dealer's return
the amount of an eligible contribution; requiring the
Department of Revenue to ensure that certain receipts
are deposited into a specified fund; conforming
provisions to changes made by the act; amending s.
212.1831, F.S.; conforming provisions to changes made
by the act; amending s. 212.1832, F.S.; requiring
dealers claiming certain tax credits to file and pay
returns electronically; conforming provisions to
changes made by the act; amending s. 213.053, F.S.;
deleting authorization for the Department of Revenue
to provide specified information to certain entities;
deleting definitions; amending ss. 220.1105, 220.13,
220.186, 220.1875, 561.1211, 624.51055, and 1002.20,



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28 F.S.; conforming provisions to changes made by the
29 act; amending s. 1002.23, F.S.; correcting a reference
30 to the Florida Virtual School; conforming a provision
31 to changes made by the act; amending s. 1002.31, F.S.;
32 adding certain students to those whom district school
33 boards must provide preferential treatment in the
34 controlled open enrollment process; creating s.
35 1002.381, F.S.; establishing the McKay-Gardiner
36 Scholarship Program; providing the purpose of the
37 program; defining terms; specifying eligibility
38 requirements; providing criteria for authorized uses
39 of program funds; providing the terms of a program
40 scholarship; requiring certain scholarship accounts to
41 be closed and for specified funds to revert to the
42 state under specified circumstances; providing school
43 district obligations under the program; specifying
44 obligations for eligible private schools; providing
45 Department of Education obligations relating to the
46 program; specifying Commissioner of Education
47 authority and obligations; providing parent and
48 student responsibilities for program participation;
49 providing an application approval and renewal process
50 for charitable organizations seeking to participate or
51 remain in the program; establishing a procedure for
52 when an organization is disapproved; providing that an
53 organization is a renewing organization if it was
54 approved by the state board for a certain fiscal year
55 or after and maintains continuous approval and
56 participation in the program; requiring the state



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57 board to adopt specified rules; exempting specified
58 entities from the initial or renewal application
59 process; providing obligations for organizations
60 relating to establishing program scholarships;
61 providing eligibility and obligations for transition-
62 to-work programs; specifying requirements for
63 scholarship funding and payment; specifying the
64 initial maximum number of students; providing for the
65 annual increase of the maximum number of students;
66 requiring the department to transfer certain funds to
67 organizations in a specified manner; clarifying that
68 accrued interest in student accounts is in addition
69 to, and not part of, awarded funds; authorizing
70 organizations to develop systems for payment of
71 benefits by funds transfer; prohibiting organizations
72 that develop such systems from reducing scholarship
73 awards through certain fees; clarifying that
74 scholarship funds do not constitute taxable income to
75 the qualified student or to his or her parent;
76 requiring the Auditor General to conduct certain
77 audits at least once every 3 years; providing that the
78 state is not liable for the award or use of program
79 funds; requiring the State Board of Education to adopt
80 rules; repealing ss. 1002.385 and 1002.39, F.S.,
81 relating to the Gardiner Scholarship and the John M.
82 McKay Scholarships for Students with Disabilities
83 Program, respectively; amending s. 1002.394, F.S.;
84 revising the Family Empowerment Scholarship Program;
85 providing and revising definitions; specifying and



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86 revising eligibility requirements; revising the
87 priority order for awarding scholarships; providing
88 and revising terms for scholarship payments to
89 organizations; providing circumstances under which a
90 student's account must be closed and remaining funds
91 revert to the state; specifying the purposes for which
92 such funds may be used; providing and revising
93 department obligations relating to participating
94 students; requiring the department to verify eligible
95 expenditures before distributing funds; providing and
96 revising obligations for eligible private schools;
97 providing and revising parent and student obligations
98 for initial and continued participation in the
99 program; providing and revising nonprofit scholarship-
100 funding organization obligations relating to
101 participating in the program; expanding eligibility to
102 specified students who received certain scholarships
103 in a specified school year; clarifying that certain
104 scholarships do not count toward the maximum number of
105 eligible students; providing the manner in which funds
106 will be allocated; requiring the department to verify
107 that a student is not prohibited from receiving a
108 scholarship upon notification from an organization
109 that an application has been approved; requiring the
110 organization to provide the department with the
111 documentation necessary to verify the student's
112 participation; requiring the department to release the
113 student's scholarship funds to the organization to be
114 deposited into the student's account upon



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115 verification; clarifying that accrued interest is in
116 addition to, and not part of, awarded funds;
117 authorizing organizations to develop a system for
118 payment of benefits by funds transfer; prohibiting
119 scholarship awards from being reduced by certain fees;
120 clarifying that scholarship funds do not constitute
121 taxable income to the qualified student or to his or
122 her parent; requiring the Auditor General to conduct
123 certain audits at least once every 3 years; providing
124 an application approval and renewal process for
125 charitable organizations seeking to participate or
126 remain in the program; establishing a procedure for
127 when an organization is disapproved; providing that an
128 organization is a renewing organization if it was
129 approved by the state board for a certain fiscal year
130 or after and maintains continuous approval and
131 participation in the program; requiring the state
132 board to adopt rules; exempting specified entities
133 from the initial or renewal application process;
134 deleting an obsolete implementation schedule; amending
135 s. 1002.395, F.S.; repealing the Florida Tax Credit
136 Scholarship Program; revising and deleting terms;
137 deleting provisions made obsolete by the act;
138 retaining the tax credits available under the former
139 scholarship program; specifying the manner in which a
140 taxpayer may elect to make eligible contributions;
141 requiring all eligible contributions received by the
142 department and the division to be deposited into a
143 specified fund; amending s. 1002.40, F.S.; repealing



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144 the Hope Scholarship Program; deleting provisions made
145 obsolete by the act; revising and deleting terms;
146 retaining the tax credits available under the former
147 scholarship program; authorizing eligible
148 contributions to be used for K-12 education funding;
149 requiring the Department of Revenue to deposit all
150 receipts of eligible contributions into a specified
151 fund; requiring the Department of Revenue to adopt
152 rules; amending s. 1002.411, F.S.; conforming a
153 provision to changes made by the act; amending s.
154 1002.421, F.S.; providing that private virtual schools
155 meet the requirement to maintain a physical location
156 in this state if such virtual schools maintain at
157 least one administrative office in a specified manner;
158 requiring certain private schools to provide reports
159 from a specified public accountant; providing
160 requirements for such reports; amending ss. 1009.971,
161 1009.98, 1009.981, and 1011.61, F.S.; conforming
162 provisions to changes made by the act; amending s.
163 1011.62, F.S.; deleting a provision requiring that
164 certain funds not be included in the calculated amount
165 for certain scholarship awards; creating s. 1011.687,
166 F.S.; establishing an allocation within the Florida
167 Education Finance Program for certain scholarship
168 programs; providing requirements for certain unused
169 tax credits; clarifying that certain requirements
170 apply to taxpayers who received tax credits before a
171 certain date; providing an effective date.



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173 Be It Enacted by the Legislature of the State of Florida:

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175 Section 1. Paragraph (1) of subsection (2) and subsection
176 (8) of section 11.45, Florida Statutes, are amended to read:

177 11.45 Definitions; duties; authorities; reports; rules.—

178 (2) DUTIES.—The Auditor General shall:

179 (1) At least every 3 years, ~~Annually~~ conduct operational
180 audits of the accounts and records of eligible nonprofit
181 scholarship-funding organizations ~~receiving eligible~~
182 ~~contributions~~ under ss. 1002.381 and 1002.394 ~~s. 1002.395~~,
183 including any contracts for services with related entities, to
184 determine compliance with the provisions of those sections ~~that~~
185 ~~section~~. Such audits must ~~shall~~ include, but not be limited to,
186 a determination of the eligible nonprofit scholarship-funding
187 organization's compliance with ss. 1002.381(13)(f) and
188 1002.394(11)(k) ~~s. 1002.395(6)(j)~~. The Auditor General shall
189 provide its report on the results of the audits to the Governor,
190 the President of the Senate, the Speaker of the House of
191 Representatives, the Chief Financial Officer, and the
192 Legislative Auditing Committee, within 30 days of completion of
193 the audit.

194

195 The Auditor General shall perform his or her duties
196 independently but under the general policies established by the
197 Legislative Auditing Committee. This subsection does not limit
198 the Auditor General's discretionary authority to conduct other
199 audits or engagements of governmental entities as authorized in
200 subsection (3).

201 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in



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202 consultation with the Board of Accountancy, shall adopt rules
203 for the form and conduct of all financial audits performed by
204 independent certified public accountants pursuant to ss.
205 215.981, 218.39, 1001.453, 1002.381, 1002.394 ~~1002.395~~, 1004.28,
206 and 1004.70. The rules for audits of local governmental
207 entities, charter schools, charter technical career centers, and
208 district school boards must include, but are not limited to,
209 requirements for the reporting of information necessary to carry
210 out the purposes of the Local Governmental Entity, Charter
211 School, Charter Technical Career Center, and District School
212 Board Financial Emergencies Act as stated in s. 218.501.

213 Section 2. Section 211.0251, Florida Statutes, is amended
214 to read:

215 211.0251 Credit for contributions to K-12 education funding
216 ~~eligible nonprofit scholarship-funding organizations.~~ There is
217 allowed a credit of 100 percent of an eligible contribution
218 directed made to K-12 education funding an eligible nonprofit
219 ~~scholarship-funding organization~~ under s. 1002.395 for ~~against~~
220 any tax due under s. 211.02 or s. 211.025. ~~However, a credit~~
221 ~~allowed under this section may not exceed 50 percent of the tax~~
222 ~~due on the return the credit is taken.~~ For purposes of the
223 distributions of tax revenue under s. 211.06, the department
224 shall disregard any tax credits allowed under this section to
225 ensure that any reduction in tax revenue received which is
226 attributable to the tax credits results only in a reduction in
227 distributions to the General Revenue Fund. The provisions of s.
228 1002.395 apply to the credit authorized by this section.

229 Section 3. Section 212.099, Florida Statutes, is amended to
230 read:



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231 212.099 Credit for contributions to K-12 education funding
232 ~~eligible nonprofit scholarship funding organizations.~~

233 (1) As used in this section, the term:

234 (a) "Eligible business" means a tenant or person actually
235 occupying, using, or entitled to the use of any property from
236 which the rental or license fee is subject to taxation under s.
237 212.031.

238 (b) "Eligible contribution" or "contribution" means the
239 amount of tax, or portion thereof, paid by a monetary
240 contribution from an eligible business to a collecting dealer
241 and designated for K-12 education funding by the eligible
242 business an eligible nonprofit scholarship funding organization
243 ~~to be used pursuant to s. 1002.395. The eligible business making~~
244 ~~the contribution may not designate a specific student as the~~
245 ~~beneficiary of the contribution.~~

246 (c) ~~"Eligible nonprofit scholarship funding organization"~~
247 ~~or "organization" has the same meaning as provided in s.~~
248 ~~1002.395(2)(f).~~

249 (2) An eligible business shall be granted a credit ~~against~~
250 ~~the tax imposed under s. 212.031 and collected from the eligible~~
251 ~~business by a dealer. The credit shall be in an amount equal to~~
252 100 percent of an eligible contribution ~~made to an organization.~~

253 (3) A dealer shall take a credit ~~against the tax imposed~~
254 ~~under s. 212.031~~ in an amount equal to the credit taken by the
255 eligible business under subsection (2).

256 (4) ~~(a)~~ An eligible business must apply to the department
257 for an allocation of tax credits under this section. The
258 eligible business must specify in the application the state
259 fiscal year during which the contribution will be made, ~~the~~



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260 ~~organization that will receive the contribution,~~ the planned
261 amount of the contribution, the address of the property from
262 which the rental or license fee is subject to taxation under s.
263 212.031, and the federal employer identification number of the
264 dealer who collects the tax imposed under s. 212.031 from the
265 eligible business ~~and who will reduce collection of taxes from~~
266 ~~the eligible business pursuant to this section.~~ The department
267 shall approve allocations of tax credits on a first-come, first-
268 served basis and shall provide to the eligible business a
269 separate approval or denial letter for each dealer for which the
270 eligible business applied for an allocation of tax credits.
271 ~~Within 10 days after approving or denying an application, the~~
272 ~~department shall provide a copy of its approval or denial letter~~
273 ~~to the organization specified by the eligible business in the~~
274 ~~application.~~ An approval letter must include the name and
275 federal employer identification number of the dealer from whom a
276 credit under this section can be taken and the amount of tax
277 credits approved for use with that dealer.

278 ~~(b) Upon receipt of an eligible contribution, the~~
279 ~~organization shall provide the eligible business that made the~~
280 ~~contribution with a separate certificate of contribution for~~
281 ~~each dealer from whom a credit can be taken as approved under~~
282 ~~paragraph (a). A certificate of contribution must include the~~
283 ~~contributor's name and, if available, federal employer~~
284 ~~identification number, the amount contributed, the date of~~
285 ~~contribution, the name of the organization, and the name and~~
286 ~~federal employer identification number of the dealer.~~

287 (5) Each dealer that receives from an eligible business a
288 copy of the department's approval letter ~~and a certificate of~~



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289 ~~contribution, both of which identify the dealer as the dealer~~
290 ~~who collects the tax imposed under s. 212.031 from the eligible~~
291 ~~business and who will reduce collection of taxes from the~~
292 ~~eligible business pursuant to this section, shall identify on~~
293 ~~the dealer's return the amount of the eligible contribution by~~
294 ~~reduce the tax collected from the eligible business, which~~
295 ~~amount under s. 212.031 by the total amount of contributions~~
296 ~~indicated in the certificate of contribution. The reduction may~~
297 not exceed the amount of credit allocation approved by the
298 department and may not exceed the amount of tax that would
299 otherwise be collected from the eligible business by a dealer
300 when a payment is made under the rental or license fee
301 arrangement. ~~However, payments by an eligible business to a~~
302 ~~dealer may not be reduced before October 1, 2018.~~

303 (a) If the total amount of credits an eligible business may
304 take cannot be fully used within any period that a payment is
305 due under the rental or license fee arrangement because of an
306 insufficient amount of tax that the dealer would collect from
307 the eligible business during that period, the unused amount may
308 be carried forward for a period not to exceed 10 years.

309 (b) A tax credit may not be claimed on an amended return or
310 through a refund.

311 (c) A dealer that claims a tax credit must file returns and
312 pay taxes by electronic means under s. 213.755.

313 (d) An eligible business may not convey, assign, or
314 transfer an approved tax credit or a carryforward tax credit to
315 another entity unless all of the assets of the eligible business
316 are conveyed, assigned, or transferred in the same transaction
317 and the successor business continues the same lease with the



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318 dealer.

319 (e) Within any state fiscal year, an eligible business may
320 rescind all or part of a tax credit approved under this section.
321 The amount rescinded shall become available for that state
322 fiscal year to another eligible business as approved by the
323 department if the business receives notice from the department
324 that the rescindment has been accepted by the department. Any
325 amount rescinded under this subsection shall become available to
326 an eligible business on a first-come, first-served basis based
327 on tax credit applications received after the date the
328 rescindment is accepted by the department.

329 ~~(f) Within 10 days after the rescindment of a tax credit~~
330 ~~under paragraph (e) is accepted by the department, the~~
331 ~~department shall notify the eligible nonprofit scholarship-~~
332 ~~funding organization specified by the eligible business. The~~
333 ~~department shall also include the eligible nonprofit~~
334 ~~scholarship-funding organization specified by the eligible~~
335 ~~business on all letters or correspondence of acknowledgment for~~
336 ~~tax credits under this section.~~

337 ~~(6) An organization shall report to the department, on or~~
338 ~~before the 20th day of each month, the total amount of~~
339 ~~contributions received pursuant to subsection (4) in the~~
340 ~~preceding calendar month on a form provided by the department.~~
341 ~~Such report shall include the amount of contributions received~~
342 ~~during that reporting period and the federal employer~~
343 ~~identification number of each dealer associated with the~~
344 ~~contribution.~~

345 ~~(7)(a) Eligible contributions may be used to fund the~~
346 ~~purposes program established under s. 1002.395.~~



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347 ~~(b) The organization shall separately account for each~~
348 ~~scholarship funded pursuant to this section.~~

349 ~~(c) The organization may, subject to the limitations of s.~~
350 ~~1002.395(6)(j)1., use eligible contributions received during the~~
351 ~~state fiscal year in which such contributions are collected for~~
352 ~~administrative expenses.~~

353 ~~(7)(8)~~ The sum of tax credits that may be approved by the
354 department in any state fiscal year is \$57.5 million.

355 ~~(8)(9)~~ The department shall ensure that receipts designated
356 by a remitting dealer as eligible contributions under this
357 section and eligible contributions transferred to the state by
358 an organization are deposited into a designated student fund.
359 For purposes of the distributions of tax revenue under s.
360 212.20, the department shall disregard any tax credits allowed
361 under this section to ensure that any reduction in tax revenue
362 received that is attributable to the tax credits results only in
363 a reduction in distributions to the General Revenue Fund.

364 ~~(9)(10)~~ The department may adopt rules to administer this
365 section.

366 Section 4. Section 212.1831, Florida Statutes, is amended
367 to read:

368 212.1831 Credit for contributions to K-12 education funding
369 ~~eligible nonprofit scholarship funding organizations.~~—There is
370 allowed a credit of 100 percent of an eligible contribution made
371 ~~to an eligible nonprofit scholarship funding organization~~ under
372 s. 1002.395 ~~against any tax imposed by the state and due under~~
373 ~~this chapter~~ from a direct pay permit holder as a result of the
374 direct pay permit held pursuant to s. 212.183. For purposes of
375 the dealer's credit granted for keeping prescribed records,



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376 filing timely tax returns, and properly accounting and remitting
377 taxes under s. 212.12, the amount of tax due used to calculate
378 the credit shall include any eligible contribution ~~made to an~~
379 ~~eligible nonprofit scholarship funding organization~~ from a
380 direct pay permit holder. For purposes of the distributions of
381 tax revenue under s. 212.20, the department shall disregard any
382 tax credits allowed under this section to ensure that any
383 reduction in tax revenue received that is attributable to the
384 tax credits results only in a reduction in distributions to the
385 General Revenue Fund. The provisions of s. 1002.395 apply to the
386 credit authorized by this section.

387 Section 5. Section 212.1832, Florida Statutes, is amended
388 to read:

389 212.1832 Credit for contributions to K-12 education funding
390 ~~eligible nonprofit scholarship funding organizations.~~

391 (1) The purchaser of a motor vehicle shall be granted a
392 credit of 100 percent of an eligible contribution ~~made to an~~
393 ~~eligible nonprofit scholarship funding organization~~ under s.
394 1002.40 ~~against any tax imposed by the state under this chapter~~
395 ~~and collected from the purchaser by a dealer, designated agent,~~
396 ~~or private tag agent~~ as a result of the purchase or acquisition
397 of a motor vehicle, except that a credit may not exceed the tax
398 that would otherwise be collected from the purchaser by a
399 dealer, designated agent, or private tag agent. For purposes of
400 this subsection, the term "purchase" does not include the lease
401 or rental of a motor vehicle.

402 (2) A dealer shall take a credit against any tax imposed by
403 the state under this chapter on the purchase of a motor vehicle
404 in an amount equal to the credit granted to the purchaser under



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405 subsection (1). A dealer that claims a tax credit must file
406 returns and pay taxes by electronic means under s. 213.755.

407 (3) For purposes of the distributions of tax revenue under
408 s. 212.20, the department shall disregard any tax credits
409 allowed under this section to ensure that any reduction in tax
410 revenue received that is attributable to the tax credits results
411 only in a reduction in distributions to the General Revenue
412 Fund. The provisions of s. 1002.40 apply to the credit
413 authorized by this section.

414 Section 6. Paragraph (s) of subsection (8) and subsections
415 (21) and (22) of section 213.053, Florida Statutes, are amended
416 to read:

417 213.053 Confidentiality and information sharing.—

418 (8) Notwithstanding any other provision of this section,
419 the department may provide:

420 ~~(s) Information relative to ss. 211.0251, 212.1831,~~
421 ~~220.1875, 561.1211, 624.51055, and 1002.395 to the Department of~~
422 ~~Education and the Division of Alcoholic Beverages and Tobacco in~~
423 ~~the conduct of official business.~~

424
425 Disclosure of information under this subsection shall be
426 pursuant to a written agreement between the executive director
427 and the agency. Such agencies, governmental or nongovernmental,
428 shall be bound by the same requirements of confidentiality as
429 the Department of Revenue. Breach of confidentiality is a
430 misdemeanor of the first degree, punishable as provided by s.
431 775.082 or s. 775.083.

432 ~~(21) (a) For purposes of this subsection, the term:~~

433 ~~1. "Eligible nonprofit scholarship-funding organization"~~



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434 ~~means an eligible nonprofit scholarship funding organization as~~
435 ~~defined in s. 1002.395(2) that meets the criteria in s.~~
436 ~~1002.395(6) to use up to 3 percent of eligible contributions for~~
437 ~~administrative expenses.~~

438 ~~2. "Taxpayer" has the same meaning as in s. 220.03, unless~~
439 ~~disclosure of the taxpayer's name and address would violate any~~
440 ~~term of an information sharing agreement between the department~~
441 ~~and an agency of the Federal Government.~~

442 ~~(b) The department, upon request, shall provide to an~~
443 ~~eligible nonprofit scholarship funding organization that~~
444 ~~provides scholarships under s. 1002.395 a list of the 200~~
445 ~~taxpayers with the greatest total corporate income or franchise~~
446 ~~tax due as reported on the taxpayer's return filed pursuant to~~
447 ~~s. 220.22 during the previous calendar year. The list must be in~~
448 ~~alphabetical order based on the taxpayer's name and shall~~
449 ~~contain the taxpayer's address. The list may not disclose the~~
450 ~~amount of tax owed by any taxpayer.~~

451 ~~(c) An eligible nonprofit scholarship funding organization~~
452 ~~may request the list once each calendar year. The department~~
453 ~~shall provide the list within 45 days after the request is made.~~

454 ~~(d) Any taxpayer information contained in the list may be~~
455 ~~used by the eligible nonprofit scholarship funding organization~~
456 ~~only to notify the taxpayer of the opportunity to make an~~
457 ~~eligible contribution to the Florida Tax Credit Scholarship~~
458 ~~Program under s. 1002.395. Any information furnished to an~~
459 ~~eligible nonprofit scholarship funding organization under this~~
460 ~~subsection may not be further disclosed by the organization~~
461 ~~except as provided in this paragraph.~~

462 ~~(e) An eligible nonprofit scholarship funding organization,~~



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463 ~~its officers, and employees are subject to the same requirements~~
464 ~~of confidentiality and the same penalties for violating~~
465 ~~confidentiality as the department and its employees. Breach of~~
466 ~~confidentiality is a misdemeanor of the first degree, punishable~~
467 ~~as provided by s. 775.082 or s. 775.083.~~

468 ~~(22) (a) The department may provide to an eligible nonprofit~~
469 ~~scholarship funding organization, as defined in s. 1002.40, a~~
470 ~~dealer's name, address, federal employer identification number,~~
471 ~~and information related to differences between credits taken by~~
472 ~~the dealer pursuant to s. 212.1832(2) and amounts remitted to~~
473 ~~the eligible nonprofit scholarship funding organization under s.~~
474 ~~1002.40(13)(b)3. The eligible nonprofit scholarship funding~~
475 ~~organization may use the information for purposes of recovering~~
476 ~~eligible contributions designated for that organization that~~
477 ~~were collected by the dealer but never remitted to the~~
478 ~~organization.~~

479 ~~(b) Nothing in this subsection authorizes the disclosure of~~
480 ~~information if such disclosure is prohibited by federal law. An~~
481 ~~eligible nonprofit scholarship funding organization is bound by~~
482 ~~the same requirements of confidentiality and the same penalties~~
483 ~~for a violation of the requirements as the department.~~

484 Section 7. Paragraph (a) of subsection (4) of section
485 220.1105, Florida Statutes, is amended to read:

486 220.1105 Tax imposed; automatic refunds and downward
487 adjustments to tax rates.—

488 (4) For fiscal years 2018-2019 through 2020-2021, any
489 amount by which net collections for a fiscal year exceed
490 adjusted forecasted collections for that fiscal year shall only
491 be used to provide refunds to corporate income tax payers as



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492 follows:

493 (a) For purposes of this subsection, the term:

494 1. "Eligible taxpayer" means:

495 a. For fiscal year 2018-2019, a taxpayer whose taxable year
496 begins between April 1, 2017, and March 31, 2018, and whose
497 final tax liability for such taxable year is greater than zero;

498 b. For fiscal year 2019-2020, a taxpayer whose taxable year
499 begins between April 1, 2018, and March 31, 2019, and whose
500 final tax liability for such taxable year is greater than zero;

501 or

502 c. For fiscal year 2020-2021, a taxpayer whose taxable year
503 begins between April 1, 2019, and March 31, 2020, and whose
504 final tax liability for such taxable year is greater than zero.

505 2. "Excess collections" for a fiscal year means the amount
506 by which net collections for a fiscal year exceeds adjusted
507 forecasted collections for that fiscal year.

508 3. "Final tax liability" means the taxpayer's amount of tax
509 due under this chapter for a taxable year, reported on a return
510 filed with the department, ~~plus the amount of any credit taken~~
511 ~~on such return under s. 220.1875.~~

512 4. "Total eligible tax liability" for a fiscal year means
513 the sum of final tax liabilities of all eligible taxpayers for a
514 fiscal year as such liabilities are shown on the latest return
515 filed with the department as of February 1 immediately following
516 that fiscal year.

517 5. "Taxpayer refund share" for a fiscal year means an
518 eligible taxpayer's final tax liability as a percentage of the
519 total eligible tax liability for that fiscal year.

520 6. "Taxpayer refund" for a fiscal year means the taxpayer



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521 refund share for a fiscal year multiplied by the excess
522 collections for a fiscal year.

523 Section 8. Paragraph (a) of subsection (1) of section
524 220.13, Florida Statutes, is amended to read:

525 220.13 "Adjusted federal income" defined.—

526 (1) The term "adjusted federal income" means an amount
527 equal to the taxpayer's taxable income as defined in subsection
528 (2), or such taxable income of more than one taxpayer as
529 provided in s. 220.131, for the taxable year, adjusted as
530 follows:

531 (a) *Additions.*—There shall be added to such taxable income:

532 1.~~a.~~ The amount of any tax upon or measured by income,
533 excluding taxes based on gross receipts or revenues, paid or
534 accrued as a liability to the District of Columbia or any state
535 of the United States which is deductible from gross income in
536 the computation of taxable income for the taxable year.

537 ~~b. Notwithstanding sub-subparagraph a., if a credit taken~~
538 ~~under s. 220.1875 is added to taxable income in a previous~~
539 ~~taxable year under subparagraph 11. and is taken as a deduction~~
540 ~~for federal tax purposes in the current taxable year, the amount~~
541 ~~of the deduction allowed shall not be added to taxable income in~~
542 ~~the current year. The exception in this sub-subparagraph is~~
543 ~~intended to ensure that the credit under s. 220.1875 is added in~~
544 ~~the applicable taxable year and does not result in a duplicate~~
545 ~~addition in a subsequent year.~~

546 2. The amount of interest which is excluded from taxable
547 income under s. 103(a) of the Internal Revenue Code or any other
548 federal law, less the associated expenses disallowed in the
549 computation of taxable income under s. 265 of the Internal



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550 Revenue Code or any other law, excluding 60 percent of any
551 amounts included in alternative minimum taxable income, as
552 defined in s. 55(b)(2) of the Internal Revenue Code, if the
553 taxpayer pays tax under s. 220.11(3).

554 3. In the case of a regulated investment company or real
555 estate investment trust, an amount equal to the excess of the
556 net long-term capital gain for the taxable year over the amount
557 of the capital gain dividends attributable to the taxable year.

558 4. That portion of the wages or salaries paid or incurred
559 for the taxable year which is equal to the amount of the credit
560 allowable for the taxable year under s. 220.181. This
561 subparagraph shall expire on the date specified in s. 290.016
562 for the expiration of the Florida Enterprise Zone Act.

563 5. That portion of the ad valorem school taxes paid or
564 incurred for the taxable year which is equal to the amount of
565 the credit allowable for the taxable year under s. 220.182. This
566 subparagraph shall expire on the date specified in s. 290.016
567 for the expiration of the Florida Enterprise Zone Act.

568 6. The amount taken as a credit under s. 220.195 which is
569 deductible from gross income in the computation of taxable
570 income for the taxable year.

571 7. That portion of assessments to fund a guaranty
572 association incurred for the taxable year which is equal to the
573 amount of the credit allowable for the taxable year.

574 8. In the case of a nonprofit corporation which holds a
575 pari-mutuel permit and which is exempt from federal income tax
576 as a farmers' cooperative, an amount equal to the excess of the
577 gross income attributable to the pari-mutuel operations over the
578 attributable expenses for the taxable year.



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579 9. The amount taken as a credit for the taxable year under
580 s. 220.1895.

581 10. Up to nine percent of the eligible basis of any
582 designated project which is equal to the credit allowable for
583 the taxable year under s. 220.185.

584 ~~11. The amount taken as a credit for the taxable year under~~
585 ~~s. 220.1875. The addition in this subparagraph is intended to~~
586 ~~ensure that the same amount is not allowed for the tax purposes~~
587 ~~of this state as both a deduction from income and a credit~~
588 ~~against the tax. This addition is not intended to result in~~
589 ~~adding the same expense back to income more than once.~~

590 ~~12.~~ The amount taken as a credit for the taxable year under
591 s. 220.193.

592 ~~12.13.~~ Any portion of a qualified investment, as defined in
593 s. 288.9913, which is claimed as a deduction by the taxpayer and
594 taken as a credit against income tax pursuant to s. 288.9916.

595 ~~13.14.~~ The costs to acquire a tax credit pursuant to s.
596 288.1254(5) that are deducted from or otherwise reduce federal
597 taxable income for the taxable year.

598 ~~14.15.~~ The amount taken as a credit for the taxable year
599 pursuant to s. 220.194.

600 ~~15.16.~~ The amount taken as a credit for the taxable year
601 under s. 220.196. The addition in this subparagraph is intended
602 to ensure that the same amount is not allowed for the tax
603 purposes of this state as both a deduction from income and a
604 credit against the tax. The addition is not intended to result
605 in adding the same expense back to income more than once.

606 Section 9. Subsection (2) of section 220.186, Florida
607 Statutes, is amended to read:



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608 220.186 Credit for Florida alternative minimum tax.-

609 (2) The credit pursuant to this section shall be the amount
610 of the excess, if any, of the tax paid based upon taxable income
611 determined pursuant to s. 220.13(2)(k) over the amount of tax
612 which would have been due based upon taxable income without
613 application of s. 220.13(2)(k), before application of this
614 credit ~~without application of any credit under s. 220.1875.~~

615 Section 10. Section 220.1875, Florida Statutes, is amended
616 to read:

617 220.1875 Credit for contributions to K-12 education funding
618 ~~eligible nonprofit scholarship funding organizations.-~~

619 (1) There is allowed a credit of 100 percent of an eligible
620 contribution made ~~to an eligible nonprofit scholarship funding~~
621 ~~organization~~ under s. 1002.395 ~~against any tax due for a taxable~~
622 ~~year under this chapter after the application of any other~~
623 ~~allowable credits by the taxpayer.~~ An eligible contribution must
624 be made when the taxpayer makes an estimated payment to an
625 ~~eligible nonprofit scholarship funding organization on or before~~
626 ~~the date the taxpayer is required to file a return pursuant to~~
627 ~~s. 220.222.~~ The credit granted by this section shall be reduced
628 by the difference between the amount of federal corporate income
629 tax taking into account the credit granted by this section and
630 the amount of federal corporate income tax without application
631 of the credit granted by this section.

632 (2) A taxpayer who files a Florida consolidated return as a
633 member of an affiliated group pursuant to s. 220.131(1) may be
634 allowed the credit on a consolidated return basis; however, the
635 total credit taken by the affiliated group is subject to the
636 limitation established under subsection (1).



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637 (3) The provisions of s. 1002.395 apply to the credit
638 authorized by this section.

639 ~~(4) If a taxpayer applies and is approved for a credit~~
640 ~~under s. 1002.395 after timely requesting an extension to file~~
641 ~~under s. 220.222(2):~~

642 ~~(a) The credit does not reduce the amount of tax due for~~
643 ~~purposes of the department's determination as to whether the~~
644 ~~taxpayer was in compliance with the requirement to pay tentative~~
645 ~~taxes under ss. 220.222 and 220.32.~~

646 ~~(b) The taxpayer's noncompliance with the requirement to~~
647 ~~pay tentative taxes shall result in the revocation and~~
648 ~~rescindment of any such credit.~~

649 ~~(c) The taxpayer shall be assessed for any taxes,~~
650 ~~penalties, or interest due from the taxpayer's noncompliance~~
651 ~~with the requirement to pay tentative taxes.~~

652 Section 11. Section 561.1211, Florida Statutes, is amended
653 to read:

654 561.1211 Credit for contributions to K-12 education funding
655 ~~eligible nonprofit scholarship funding organizations.~~—There is
656 allowed a credit of 100 percent of an eligible contribution made
657 ~~to an eligible nonprofit scholarship funding organization~~ under
658 s. 1002.395 against any tax due under s. 563.05, s. 564.06, or
659 s. 565.12, except excise taxes imposed on wine produced by
660 manufacturers in this state from products grown in this state.
661 ~~However, a credit allowed under this section may not exceed 90~~
662 ~~percent of the tax due on the return the credit is taken.~~ For
663 purposes of the distributions of tax revenue under ss. 561.121
664 and 564.06(10), the division shall disregard any tax credits
665 allowed under this section to ensure that any reduction in tax



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666 revenue received that is attributable to the tax credits results
667 only in a reduction in distributions to the General Revenue
668 Fund. The provisions of s. 1002.395 apply to the credit
669 authorized by this section.

670 Section 12. Section 624.51055, Florida Statutes, is amended
671 to read:

672 624.51055 Credit for contributions to K-12 education
673 funding eligible nonprofit scholarship funding organizations.-

674 (1) There is allowed a credit of 100 percent of an eligible
675 contribution made ~~to an eligible nonprofit scholarship funding~~
676 ~~organization~~ under s. 1002.395 ~~against any tax due for a taxable~~
677 ~~year under s. 624.509(1) after deducting from such tax~~
678 ~~deductions for assessments made pursuant to s. 440.51; credits~~
679 ~~for taxes paid under ss. 175.101 and 185.08; credits for income~~
680 ~~taxes paid under chapter 220; and the credit allowed under s.~~
681 ~~624.509(5), as such credit is limited by s. 624.509(6). An~~
682 ~~eligible contribution must be made to an eligible nonprofit~~
683 ~~scholarship funding organization on or before the date the~~
684 ~~taxpayer is required to file a return pursuant to ss. 624.509~~
685 ~~and 624.5092. An insurer claiming a credit against premium tax~~
686 ~~liability under this section shall not be required to pay any~~
687 ~~additional retaliatory tax levied pursuant to s. 624.5091 as a~~
688 ~~result of claiming such credit. Section 624.5091 does not limit~~
689 ~~such credit in any manner.~~

690 (2) The provisions of s. 1002.395 apply to the credit
691 authorized by this section.

692 Section 13. Paragraph (a) of subsection (6) of section
693 1002.20, Florida Statutes, is amended to read:

694 1002.20 K-12 student and parent rights.-Parents of public



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695 school students must receive accurate and timely information
696 regarding their child's academic progress and must be informed
697 of ways they can help their child to succeed in school. K-12
698 students and their parents are afforded numerous statutory
699 rights including, but not limited to, the following:

700 (6) EDUCATIONAL CHOICE.—

701 (a) *Public educational school choices.*—Parents of public
702 school students may seek any public educational school choice
703 options that are applicable and available to students throughout
704 the state. These options may include controlled open enrollment,
705 single-gender programs, lab schools, virtual instruction
706 programs, charter schools, charter technical career centers,
707 magnet schools, alternative schools, special programs, auditory-
708 oral education programs, advanced placement, dual enrollment,
709 International Baccalaureate, International General Certificate
710 of Secondary Education (pre-AICE), CAPE digital tools, CAPE
711 industry certifications, collegiate high school programs,
712 Advanced International Certificate of Education, early
713 admissions, credit by examination or demonstration of
714 competency, the New World School of the Arts, the Florida School
715 for the Deaf and the Blind, and the Florida Virtual School.
716 These options may also include the public educational choice
717 options of the Opportunity Scholarship Program and the Family
718 Empowerment Scholarship ~~McKay Scholarships for Students with~~
719 ~~Disabilities~~ Program.

720 Section 14. Subsection (2) of section 1002.23, Florida
721 Statutes, is amended to read:

722 1002.23 Family and School Partnership for Student
723 Achievement Act.—



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724 (2) To facilitate meaningful parent and family involvement,
725 the Department of Education shall develop guidelines for a
726 parent guide to successful student achievement which describes
727 what parents need to know about their child's educational
728 progress and how they can help their child to succeed in school.
729 The guidelines shall include, but need not be limited to:

730 (a) Parental information regarding:

731 1. Requirements for their child to be promoted to the next
732 grade, as provided for in s. 1008.25;

733 2. Progress of their child toward achieving state and
734 district expectations for academic proficiency;

735 3. Assessment results, including report cards and progress
736 reports;

737 4. Qualifications of their child's teachers; and

738 5. School entry requirements, including required
739 immunizations and the recommended immunization schedule;

740 (b) Services available for parents and their children, such
741 as family literacy services; mentoring, tutorial, and other
742 academic reinforcement programs; college planning, academic
743 advisement, and student counseling services; and after-school
744 programs;

745 (c) Opportunities for parental participation, such as
746 parenting classes, adult education, school advisory councils,
747 and school volunteer programs;

748 (d) Opportunities for parents to learn about rigorous
749 academic programs that may be available for their child, such as
750 honors programs, dual enrollment, advanced placement,
751 International Baccalaureate, International General Certificate
752 of Secondary Education (pre-AICE), Advanced International



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753 Certificate of Education, Florida Virtual ~~High~~ School courses,
754 and accelerated access to postsecondary education;

755 (e) Educational choices, as provided for in s. 1002.20(6),
756 ~~and Florida tax credit scholarships, as provided for in s.~~
757 ~~1002.395;~~

758 (f) Classroom and test accommodations available for
759 students with disabilities;

760 (g) School board rules, policies, and procedures for
761 student promotion and retention, academic standards, student
762 assessment, courses of study, instructional materials, and
763 contact information for school and district offices; and

764 (h) Resources for information on student health and other
765 available resources for parents.

766 Section 15. Paragraph (c) of subsection (2) of section
767 1002.31, Florida Statutes, is amended to read:

768 1002.31 Controlled open enrollment; Public school parental
769 choice.-

770 (2)

771 (c) Each district school board must provide preferential
772 treatment in its controlled open enrollment process to all of
773 the following:

774 1. Dependent children of active duty military personnel
775 whose move resulted from military orders.

776 2. Children who have been relocated due to a foster care
777 placement in a different school zone.

778 3. Children who move due to a court-ordered change in
779 custody due to separation or divorce, or the serious illness or
780 death of a custodial parent.

781 4. Students with an individual education plan or a 504



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782 accommodation plan under s. 504 of the Rehabilitation Act of
783 1973 who are eligible for a McKay-Gardiner Scholarship pursuant
784 to s. 1002.381.

785 5. Students residing in the school district.

786 Section 16. Section 1002.381, Florida Statutes, is created
787 to read:

788 1002.381 The McKay-Gardiner Scholarship Program.—

789 (1) ESTABLISHMENT OF PROGRAM.—Beginning with the 2021-2022
790 school year, the McKay-Gardiner Scholarship Program is
791 established to provide the option for a parent to better meet
792 the individual educational needs of his or her eligible child.

793 All written explanatory materials, including state websites,
794 scholarship organization materials, letters to parents,
795 scholarship agreements, and any other written information
796 describing the program to the public, must refer to a
797 scholarship granted under this program as a "McKay-Gardiner
798 Scholarship."

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

800 (a) "Approved provider" means a provider approved by the
801 Agency for Persons with Disabilities, a health care practitioner
802 as defined in s. 456.001(4), or a provider approved by the
803 department pursuant to s. 1002.66.

804 (b) "Curriculum" has the same meaning as provided in s.
805 1002.394(2)(b).

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

807 (d) "Disability" means:

808 1. For a 3-year-old or 4-year-old child or for a student in
809 kindergarten through grade 12, that the child has been diagnosed
810 with any of the following: autism spectrum disorder; cerebral



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811 palsy; Down syndrome; an intellectual disability; Phelan-
812 McDermid syndrome; Prader-Willi syndrome; spina bifida; being a
813 high-risk child, as defined in s. 393.063(23)(a); muscular
814 dystrophy; Williams syndrome; rare diseases which affect patient
815 populations of fewer than 200,000 individuals in the United
816 States, as defined by the National Organization for Rare
817 Disorders; anaphylaxis; deaf; visually impaired; traumatic
818 brain-injured; hospital or homebound; or dual sensory impaired,
819 as defined by rules of the State Board of Education and
820 evidenced by reports from local school districts. As used in
821 this subparagraph, the term "hospital or homebound" includes a
822 student who has a medically diagnosed physical or psychiatric
823 condition or illness, as defined by state board rule, and who is
824 confined to the home or hospital for more than 6 months.

825 2. For a student in kindergarten through grade 12, that the
826 child has been diagnosed with any of the following: a speech
827 impairment; a language impairment; a hearing impairment; an
828 orthopedic impairment; an emotional or behavioral disability; a
829 specific learning disability, including, but not limited to,
830 dyslexia, dyscalculia, or developmental aphasia; or a
831 developmental delay.

832 (e) "Eligible nonprofit scholarship-funding organization"
833 or "organization" means a state university; or an independent
834 college or university that is eligible to participate in the
835 William L. Boyd, IV, Effective Access to Student Education Grant
836 Program located and chartered in this state which is not for
837 profit and is accredited by the Commission on Colleges of the
838 Southern Association of Colleges and Schools; or is a charitable
839 organization that:



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- 840 1. Is exempt from federal income tax pursuant to s.
841 501(c)(3) of the Internal Revenue Code;
- 842 2. Is a Florida entity formed under chapter 605, chapter
843 607, or chapter 617 and whose principal office is located in
844 this state; and
- 845 3. Complies with subsections (12) and (13).
- 846 (f) "Eligible postsecondary educational institution" has
847 the same meaning as s. 1002.394(2)(f).
- 848 (g) "Eligible private school" has the same meaning as s.
849 1002.394(2)(g).
- 850 (h) "IEP" means an individual education plan, regardless of
851 whether the plan has been reviewed or revised within the last 12
852 months.
- 853 (i) "Inactive" means that no eligible expenditures have
854 been made from a student scholarship account funded pursuant to
855 this section.
- 856 (j) "Job coach" means an individual employed to help people
857 with disabilities learn, accommodate, and perform their work
858 duties.
- 859 (k) "Parent" means a resident of this state who is a
860 parent, as defined in s. 1000.21(5).
- 861 (l) "Program" means the McKay-Gardiner Scholarship Program
862 established in this section.
- 863 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
864 disability may request and receive from the state a McKay-
865 Gardiner Scholarship for the purposes specified in subsection
866 (5) if:
- 867 (a) The student:
- 868 1. Is a resident of this state;



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

873 3. Meets at least one of the following criteria:

874 a. Has a diagnosis of a disability from a physician who is
875 licensed under chapter 458 or chapter 459, a psychologist who is
876 licensed under chapter 490, or a physician who holds an active
877 license issued by another state or territory of the United
878 States, the District of Columbia, or the Commonwealth of Puerto
879 Rico;

880 b. Has an individual education plan that has been written
881 in accordance with the rules of the State Board of Education; or

882 c. Has a 504 accommodation plan issued under s. 504 of the
883 Rehabilitation Act of 1973.

884
885 A student with a disability who meets the requirements of
886 subparagraph 1. and sub-subparagraph 3.a., but who turns 3 years
887 of age after September 1, may be determined to be eligible on or
888 after his or her third birthday and may be awarded a scholarship
889 if program funds are available.

890 (b) The parent has applied to an eligible nonprofit
891 scholarship-funding organization to participate in the program
892 by a date as set by the organization for any vacant slots. The
893 request must be communicated directly to the organization in a
894 manner that creates a written or electronic record of the
895 request and the date of receipt of the request.

896 (4) PROGRAM PROHIBITIONS.—A student is not eligible for the
897 program if he or she is:



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898 (a) Enrolled in a public school, including, but not limited
899 to, the Florida School for the Deaf and the Blind, the College-
900 Preparatory Boarding Academy, a developmental research school
901 authorized under s. 1002.32, or a charter school authorized
902 under this chapter. For purposes of this paragraph, a 3- or 4-
903 year-old child who receives services funded through the Florida
904 Education Finance Program is considered to be a student enrolled
905 in a public school.

906 (b) Enrolled in a school operating for the purpose of
907 providing educational services to youth in Department of
908 Juvenile Justice commitment programs.

909 (c) Issued a temporary 504 accommodation plan under s. 504
910 of the Rehabilitation Act of 1973 which is valid for 6 months or
911 less.

912 (d) Receiving any other educational scholarship pursuant to
913 this chapter.

914 (e) Not having regular and direct contact with his or her
915 private school teachers pursuant to s. 1002.421(1)(i), unless he
916 or she is enrolled in the private school's transition-to-work
917 program pursuant to subsection (14) or a home education program
918 pursuant to s. 1002.41.

919 (f) Participating in a virtual school, correspondence
920 school, or distance learning program that receives state funding
921 pursuant to the student's participation.

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

925 (a) Instructional materials, including school equipment and
926 supplies, and digital devices, digital periphery devices, and



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927 assistive technology devices that allow a student to access
928 instruction or instructional content; training on the use of
929 these devices and related maintenance agreements; and Internet
930 access to digital instructional materials.

931 (b) Curriculum.

932 (c) Specialized services by approved providers or by a
933 hospital in this state which are selected by the parent. These
934 specialized services may include, but are not limited to:

935 1. Applied behavior analysis services as provided in ss.
936 627.6686 and 641.31098.

937 2. Services provided by a speech-language pathologist as
938 defined in s. 468.1125(8).

939 3. Occupational therapy services as specified in s.
940 468.203.

941 4. Services provided by a physical therapist as defined in
942 s. 486.021(5).

943 5. Services provided by listening and spoken language
944 specialists and an appropriate acoustical environment for a
945 child who is deaf or hard of hearing and who has received an
946 implant or assistive hearing device.

947 (d) Tuition or fees associated with full-time or part-time
948 enrollment in any of the following:

949 1. A home education program, an eligible private school, an
950 eligible postsecondary educational institution, or a program
951 offered by the postsecondary institution;

952 2. A private tutoring program authorized under s. 1002.43,
953 a virtual program offered by a department-approved private
954 online provider that meets the provider qualifications specified
955 in s. 1002.45(2)(a), or a program offered by the Florida Virtual



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956 School to a private paying student; or

957 3. An approved online course offered pursuant to s.
958 1003.499 or s. 1004.0961 or a private virtual school that meets
959 the requirements of s. 1002.421.

960 (e) Fees for nationally standardized, norm-referenced
961 achievement tests, Advanced Placement examinations, industry
962 certification examinations, assessments related to postsecondary
963 education, or other such assessments.

964 (f) Contributions to the Stanley G. Tate Florida Prepaid
965 College Program pursuant to s. 1009.98 or the Florida College
966 Savings Program pursuant to s. 1009.981, for the benefit of the
967 eligible student.

968 (g) Contracted services provided by a public school or a
969 school district, including classes. A student who receives
970 services under this paragraph is not considered enrolled in a
971 public school for the purpose of eligibility as provided in
972 subsection (4).

973 (h) Tuition and fees for part-time tutoring services
974 provided by a person who holds a valid Florida educator's
975 certificate issued pursuant to s. 1012.56; a person who holds an
976 adjunct teaching certificate issued pursuant to s. 1012.57; a
977 person who has a bachelor's degree or a graduate degree in the
978 subject area in which instruction is given; or a person who has
979 demonstrated a mastery of subject area knowledge as provided in
980 s. 1012.56(5) or approved by the department. Any part-time
981 tutoring undertaken pursuant to this paragraph does not qualify
982 as regular school attendance as defined in s. 1003.01(13)(e).

983 (i) Fees for summer education programs.

984 (j) Fees for after-school education programs.



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985 (k) Transition services, including a coordinated set of
986 activities focused on improving the academic and functional
987 achievement of the student to facilitate his or her movement
988 from school to post-school activities and based on the
989 individual student's needs. Transition services may be provided
990 by job coaches or pursuant to subsection (14).

991 (l) Fees for an annual evaluation of educational progress
992 by a state-certified teacher under s. 1002.41(1)(f), if this
993 option is chosen for a home education student.

994 (m) Tuition and fees associated with programs offered by
995 Voluntary Prekindergarten Education Program providers approved
996 pursuant to s. 1002.55 and school readiness providers approved
997 pursuant to s. 1002.88.

998 (n) Fees for services provided at a center that is a member
999 of the Professional Association of Therapeutic Horsemanship
1000 International.

1001 (o) Fees for services provided by a therapist who is
1002 certified by the Certification Board for Music Therapists or
1003 credentialed by the Art Therapy Credentials Board, Inc.

1004 (p) Tuition and fees associated with enrollment in a
1005 nationally or internationally recognized research-based training
1006 program, for a child with a neurological disorder or brain
1007 damage.

1008 (q) Tuition and fees associated with a student's
1009 participation in classes or lessons relating to art, music, or
1010 theater. The instructor of the classes or lessons must:

1011 1. Hold a valid or expired Florida educator's certificate
1012 issued under s. 1012.56 in art, music, or drama;

1013 2. Have 3 years of employment experience in art, music, or



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1014 theater, as demonstrated by employment records;

1015 3. Hold a baccalaureate degree or higher from a
1016 postsecondary educational institution with a major in music,
1017 art, theater, or drama or related field; or

1018 4. Hold a certification or national accreditation in music,
1019 art, theater, or drama.

1020 (r) Transportation expenses that may not exceed \$750
1021 annually necessary to meet the student's educational needs under
1022 this section.

1023
1024 A service provider who receives payments pursuant to this
1025 subsection may not share or refund any moneys from the McKay-
1026 Gardiner Scholarship with the parent or participating student
1027 and may not issue rebates to such persons. A parent, student, or
1028 service provider may not bill an insurance company, Medicaid, or
1029 any other agency for the same services that are paid for with
1030 McKay-Gardiner Scholarship funds. Funding provided pursuant to
1031 this subsection for a child eligible for enrollment in the
1032 Voluntary Prekindergarten Education Program constitutes funding
1033 for the child under part V of this chapter, and no additional
1034 funding may be provided for the child under part V.

1035 (6) TERMS OF THE PROGRAM.—For purposes of continuity of
1036 educational choice and program integrity:

1037 (a)1. Program payments made by the state to an organization
1038 for a McKay-Gardiner Scholarship under this section must
1039 continue until:

1040 a. A student's parent does not renew program eligibility;
1041 b. The organization determines that a student is not
1042 eligible for program renewal;



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1043 c. The Commissioner of Education suspends or revokes
1044 program participation or use of funds pursuant to subparagraph
1045 (b) (1);

1046 d. A student's parent has forfeited participation in the
1047 program for failure to comply with subsection (11);

1048 e. A student enrolls in a public school; or

1049 f. A student graduates from high school or attains 22 years
1050 of age, whichever occurs first.

1051 2. Reimbursements for program expenditures may continue
1052 until the account balance is expended or the account is closed
1053 pursuant to paragraph (b).

1054 (b)1. The commissioner must close a student's scholarship
1055 account, and any remaining funds, including, but not limited to,
1056 contributions made to the Stanley G. Tate Florida Prepaid
1057 College Program or earnings from or contributions made to the
1058 Florida College Savings Program using program funds pursuant to
1059 paragraph (5) (f), revert to the state after:

1060 a. Denial or revocation of program eligibility by the
1061 commissioner for fraud or abuse, including, but not limited to,
1062 the student or student's parent accepting any payment, refund,
1063 or rebate from a provider of services received pursuant to
1064 subsection (5); however, a private school may discount tuition
1065 if the private school deems it necessary;

1066 b. Any period of 3 consecutive years after high school
1067 completion or graduation during which the student has not been
1068 enrolled in an eligible postsecondary educational institution or
1069 a program offered by such an institution; or

1070 c. Two consecutive fiscal years in which an account has
1071 been inactive.



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1072 2. The commissioner must notify the parent and the
1073 organization when a McKay-Gardiner Scholarship account is closed
1074 and program funds revert to the state.

1075 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

1076 (a) By each April 1 and within 10 days after an individual
1077 education plan meeting or a 504 accommodation plan is issued
1078 under s. 504 of the Rehabilitation Act of 1973, a school
1079 district shall notify the parent of the student of all options
1080 available pursuant to this section, and shall inform the parent
1081 of the availability of the department's website for additional
1082 information on McKay-Gardiner Scholarships.

1083 (b)1. The parent of a student with a disability who does
1084 not have an IEP or who seeks a reevaluation of an existing IEP
1085 may request an IEP meeting and evaluation from the school
1086 district in order to obtain or revise a matrix of services. The
1087 district must accept the diagnosis, and consider the service
1088 plan of the licensed professional providing the diagnosis
1089 pursuant to sub-subparagraph (3) (a)3.a., during the development
1090 of the IEP or provide in writing reasons for any changes or
1091 disagreement with the licensed professional's diagnosis and
1092 service plan. The school district shall notify a parent who has
1093 made a request for an IEP that the district is required to
1094 complete the IEP and matrix of services within 30 days after
1095 receiving notice of the parent's request. The school district
1096 shall conduct a meeting and develop an IEP and matrix of
1097 services within 30 days after receipt of the parent's request in
1098 accordance with State Board of Education rule.

1099 2.a. The school district must provide the student's parent
1100 and the department with the student's matrix level within 10



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1101 calendar days after its completion.

1102 b. A school district may change a matrix of services only
1103 if the change is a result of an IEP reevaluation or to correct a
1104 technical, typographical, or calculation error.

1105 (c) For each student participating in the program who
1106 chooses to participate in statewide, standardized assessments
1107 under s. 1008.22 or the Florida Alternate Assessment, the school
1108 district in which the student resides must notify the student
1109 and his or her parent about the locations and times of all
1110 statewide, standardized assessments.

1111 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
1112 private school may be sectarian or nonsectarian and shall:

1113 (a) Comply with all requirements for private schools
1114 participating in state school choice scholarship programs
1115 pursuant to s. 1002.421.

1116 (b)1. Annually administer or make provision for students
1117 participating in the program in grades 3 through 10 to take one
1118 of the nationally norm-referenced tests identified by the
1119 Department of Education or the statewide assessments
1120 administered pursuant to s. 1008.22. This subparagraph does not
1121 apply to students with disabilities for whom standardized
1122 testing is not appropriate. A participating private school shall
1123 report a student's scores to the parent.

1124 2. Administer the statewide assessments pursuant to s.
1125 1008.22 if a private school chooses to offer the statewide
1126 assessments. A participating private school may choose to offer
1127 and administer the statewide assessments to all students who
1128 attend the private school in grades 3 through 10 and must submit
1129 a request in writing to the Department of Education by March 1



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1130 of each year in order to administer the statewide assessments in
1131 the subsequent school year.

1132
1133 If a private school fails to meet the requirements of this
1134 subsection or s. 1002.421, the commissioner may determine that
1135 the private school is ineligible to participate in the
1136 scholarship program.

1137 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
1138 shall:

1139 (a) Comply with s. 1002.394(8)(a)-(g).

1140 (b) Maintain on its website a list of approved providers as
1141 required by s. 1002.66, eligible postsecondary educational
1142 institutions, eligible private schools, and eligible
1143 organizations and may identify or provide links to lists of
1144 other approved providers.

1145 (c) Require each organization to verify eligible
1146 expenditures before the distribution of funds for any
1147 expenditures made pursuant to paragraphs (5)(a) and (b). Review
1148 of expenditures made for services specified in paragraphs
1149 (5)(c)-(r) may be completed after the purchase is made.

1150 (d) Investigate any written complaint of a violation of
1151 this section by a parent, a student, a private school, a public
1152 school, a school district, an organization, a provider, or
1153 another appropriate party in accordance with the process
1154 established under s. 1002.421.

1155 (e) Require quarterly reports by an organization, which
1156 must include, at a minimum, the number of students participating
1157 in the program; the demographics of program participants; the
1158 disability category of program participants; the matrix level of



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1159 services, if known; the program award amount per student; the
1160 total expenditures for the purposes specified in subsection (5);
1161 the types of providers of services to students; and any other
1162 information deemed necessary by the department.

1163 (f) Compare the list of students participating in the
1164 program with the public school student enrollment lists,
1165 Voluntary Prekindergarten Education Program enrollment lists,
1166 and the list of students participating in school choice
1167 scholarship programs established pursuant to this chapter before
1168 each scholarship award is provided to the organization, and
1169 subsequently throughout the school year, to avoid duplicate
1170 payments and confirm program eligibility.

1171 (g) Distribute each student's scholarship funds on a
1172 quarterly basis to the eligible nonprofit scholarship-funding
1173 organization, to be deposited into the student's account.

1174 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

1175 (a) The Commissioner of Education:

1176 1. May suspend or revoke program participation or use of
1177 program funds by the student or participation or eligibility of
1178 an organization, eligible postsecondary educational institution,
1179 approved provider, or other party for a violation of this
1180 section.

1181 2. May determine the length of, and conditions for lifting,
1182 a suspension or revocation specified in this subsection.

1183 3. May recover unexpended program funds or withhold payment
1184 of an equal amount of program funds to recover program funds
1185 that were not authorized for use.

1186 4. Shall deny or terminate program participation upon a
1187 parent's forfeiture of a McKay-Gardiner Scholarship pursuant to



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1188 subsection (11).

1189 (b) In determining whether to suspend or revoke
1190 participation or lift a suspension or revocation in accordance
1191 with this subsection, the commissioner may consider factors that
1192 include, but are not limited to, acts or omissions that led to a
1193 previous suspension or revocation of participation in a state or
1194 federal program or an education scholarship program; failure to
1195 reimburse the organization for funds improperly received or
1196 retained; failure to reimburse government funds improperly
1197 received or retained; imposition of a prior criminal sanction
1198 related to the person or entity or its officers or employees;
1199 imposition of a civil fine or administrative fine, license
1200 revocation or suspension, or program eligibility suspension,
1201 termination, or revocation related to a person's or entity's
1202 management or operation; or other types of criminal proceedings
1203 in which the person or entity or its officers or employees were
1204 found guilty of, regardless of adjudication, or entered a plea
1205 of nolo contendere or guilty to, any offense involving fraud,
1206 deceit, dishonesty, or moral turpitude.

1207 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1208 PARTICIPATION.—A parent who applies for program participation
1209 under this section is exercising his or her parental option to
1210 determine the appropriate placement or services that best meet
1211 the needs of his or her child.

1212 (a) To satisfy or maintain program eligibility, including
1213 eligibility to receive and spend program payments, the parent
1214 must sign an agreement with the organization and annually submit
1215 a sworn compliance statement to the organization to:

1216 1. Affirm that the student is enrolled in a program that



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1217 meets regular school attendance requirements as provided in s.
1218 1003.01(13)(b), (c), or (d).

1219 2. Affirm that the program funds are used only for
1220 authorized purposes serving the student's educational needs, as
1221 described in subsection (5).

1222 3. Affirm that the parent is responsible for the education
1223 of his or her student by, as applicable:

1224 a. Requiring the student to take an assessment in
1225 accordance with paragraph (8)(b);

1226 b. Providing an annual evaluation in accordance with s.
1227 1002.41(1)(f); or

1228 c. Requiring the child to take any preassessments and
1229 postassessments selected by the provider if the child is 4 years
1230 of age and is enrolled in a program provided by an eligible
1231 Voluntary Prekindergarten Education Program provider. This sub-
1232 subparagraph does not apply to a student with disabilities for
1233 whom a preassessment and postassessment are not appropriate. A
1234 participating provider shall report a student's scores to the
1235 parent.

1236 4. Affirm that the student remains in good standing with
1237 the provider or school if one of those options is selected by
1238 the parent.

1239 (b) The parent must file an application for initial program
1240 participation with an organization by a date established by the
1241 organization.

1242 (c) The parent must enroll his or her child in a program
1243 from a Voluntary Prekindergarten Education Program provider
1244 authorized under s. 1002.55, a school readiness provider
1245 authorized under s. 1002.88, or an eligible private school if



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1246 either option is selected by the parent.

1247 (d) The parent must annually renew participation in the
1248 program by a date set and format determined by the nonprofit
1249 scholarship-funding organization in order for a student to be
1250 eligible to receive funding. A student whose participation in
1251 the program is not renewed may continue to spend scholarship
1252 funds that are in his or her account from prior years unless the
1253 account is closed pursuant to paragraph (6) (b). Notwithstanding
1254 any changes to the student's IEP, a student who was previously
1255 eligible for participation in the program remains eligible to
1256 apply for renewal. However, for a high-risk child to continue to
1257 participate in the program in the school year after he or she
1258 reaches 6 years of age, the child's application for renewal of
1259 program participation must contain documentation that the child
1260 has a disability, other than high-risk status.

1261 (e) The parent is responsible for procuring the services
1262 necessary to educate the student. If a parent does not procure
1263 the necessary educational services for the student and the
1264 student's account has been inactive for 2 consecutive fiscal
1265 years, the student's account must be closed pursuant to
1266 paragraph (6) (b). When the student receives a McKay-Gardiner
1267 Scholarship, the district school board is not obligated to
1268 provide the student with a free, appropriate public education.
1269 For purposes of s. 1003.57 and the Individuals with Disabilities
1270 in Education Act, a participating student has only those rights
1271 that apply to all other unilaterally, parentally placed
1272 students, except that, when requested by the parent, school
1273 district personnel must develop an individual education plan or
1274 matrix level of services.



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1275 (f) The parent is responsible for all eligible expenses in
1276 excess of the amount of the McKay-Gardiner Scholarship.

1277 (g) The parent may not transfer any prepaid college plan or
1278 college savings plan funds contributed pursuant to paragraph
1279 (5) (f) to another beneficiary while the plan contains funds
1280 contributed pursuant to this section.

1281 (h) The parent may not receive a payment, refund, or rebate
1282 from an approved provider of any services under this program.

1283
1284 A participant who fails to comply with this subsection forfeits
1285 the McKay-Gardiner Scholarship.

1286 (12) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
1287 APPLICATION.—In order to participate in the scholarship program
1288 created under this section, a charitable organization that seeks
1289 to be a nonprofit scholarship-funding organization must submit
1290 an application for initial approval or renewal to the Office of
1291 Independent Education and Parental Choice no later than
1292 September 1 of each year before the school year for which the
1293 organization intends to offer scholarships.

1294 (a) An application for initial approval must include:

1295 1. A copy of the organization's incorporation documents and
1296 registration with the Division of Corporations of the Department
1297 of State.

1298 2. A copy of the organization's Internal Revenue Service
1299 determination letter as a s. 501(c)(3) not-for-profit
1300 organization.

1301 3. A description of the organization's financial plan which
1302 demonstrates sufficient funds to operate throughout the school
1303 year.



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1304 4. A description of the geographic region that the
1305 organization intends to serve and an analysis of the demand and
1306 unmet need for eligible students in that area.

1307 5. The organization's organizational chart.

1308 6. A description of the criteria and methodology that the
1309 organization will use to evaluate scholarship eligibility.

1310 7. A description of the application process, including
1311 deadlines and any associated fees.

1312 8. A description of the deadlines for attendance
1313 verification and scholarship payments.

1314 9. A copy of the organization's policies on conflict of
1315 interest and whistleblowers.

1316 10. A copy of a surety bond or letter of credit to secure
1317 the faithful performance of the obligations of the eligible
1318 nonprofit scholarship-funding organization in accordance with
1319 this section in an amount equal to 25 percent of the scholarship
1320 funds anticipated for each school year or \$100,000, whichever is
1321 greater. The surety bond or letter of credit must specify that
1322 any claim against the bond or letter of credit may be made only
1323 by an eligible nonprofit scholarship-funding organization to
1324 provide scholarships to and on behalf of students who would have
1325 had scholarships funded if it were not for the diversion of
1326 funds giving rise to the claim against the bond or letter of
1327 credit.

1328 (b) In addition to the information required under paragraph
1329 (a), an application for renewal must include:

1330 1. A single surety bond or letter of credit to secure the
1331 faithful performance of the obligations of the eligible
1332 nonprofit scholarship-funding organization in accordance with



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1333 this chapter equal to the amount of undisbursed funds held by
1334 the organization based on the annual report submitted pursuant
1335 to paragraph (13) (1). The amount of the surety bond or letter of
1336 credit must be at least \$100,000, but not more than \$25 million.
1337 The surety bond or letter of credit must specify that any claim
1338 against the bond or letter of credit may be made only by an
1339 eligible nonprofit scholarship-funding organization to provide
1340 scholarships to and on behalf of students who would have had
1341 scholarships funded if it were not for the diversion of funds
1342 giving rise to the claim against the bond or letter of credit.

1343 2. The organization's completed Internal Revenue Service
1344 Form 990 submitted no later than November 30 of the year before
1345 the school year for which the organization intends to offer the
1346 scholarships, notwithstanding the September 1 application
1347 deadline.

1348 3. A copy of any statutorily required audit which the
1349 organization must provide to the Department of Education and
1350 Auditor General.

1351 4. An annual report that includes:

1352 a. The number of students who completed applications, by
1353 county and by grade.

1354 b. The number of students who were approved for
1355 scholarships, by county and by grade.

1356 c. The number of students who received funding for
1357 scholarships within each funding category, by county and by
1358 grade.

1359 d. The amount of funds received, the amount of funds
1360 distributed in scholarships, and an accounting of remaining
1361 funds and the obligation of those funds.



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1362 e. A detailed accounting of how the organization spent the
1363 administrative funds allowable under paragraph (13)(f).

1364 (c) In consultation with the Department of Revenue and the
1365 Chief Financial Officer, the Office of Independent Education and
1366 Parental Choice shall review the application. The Department of
1367 Education shall notify the organization in writing of any
1368 deficiencies within 30 days after receipt of the application and
1369 allow the organization 30 days to correct any deficiencies.

1370 (d) Within 30 days after receipt of the finalized
1371 application by the Office of Independent Education and Parental
1372 Choice, the Commissioner of Education shall recommend approval
1373 or disapproval of the application to the State Board of
1374 Education. The State Board of Education shall consider the
1375 application and recommendation at the next scheduled meeting,
1376 adhering to appropriate meeting notice requirements. If the
1377 State Board of Education disapproves the organization's
1378 application, it must provide the organization with a written
1379 explanation of that determination. The State Board of
1380 Education's action is not subject to chapter 120.

1381 (e) If the State Board of Education disapproves the renewal
1382 of a nonprofit scholarship-funding organization, the
1383 organization must notify the affected eligible students and
1384 parents of the decision within 15 days after disapproval. An
1385 eligible student affected by the disapproval of an
1386 organization's participation remains eligible under this section
1387 until the end of the school year in which the organization was
1388 disapproved. The student must apply and be accepted by another
1389 eligible nonprofit scholarship-funding organization for the
1390 upcoming school year. The student must be given priority under



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1391 paragraph (13) (e).

1392 (f) All remaining student accounts with funds held by a
1393 nonprofit scholarship-funding organization that is disapproved
1394 for participation must be transferred to the student's account
1395 established with the eligible nonprofit scholarship-funding
1396 organization that accepts the student. All transferred funds
1397 must be deposited by the eligible nonprofit scholarship-funding
1398 organization receiving such funds into the student's scholarship
1399 account. All other remaining funds must be transferred to the
1400 department. All transferred amounts received by any eligible
1401 nonprofit scholarship-funding organization must be separately
1402 disclosed in the annual financial audit required under
1403 subsection (13).

1404 (g) A nonprofit scholarship-funding organization is a
1405 renewing organization if it was approved by the State Board of
1406 Education for the 2021-2022 fiscal year or after and maintains
1407 continuous approval and participation in the program. An
1408 organization that chooses not to participate for 1 year or more
1409 or is disapproved to participate for 1 year or more must submit
1410 an application for initial approval in order to participate in
1411 the program again.

1412 (h) The State Board of Education shall adopt rules
1413 providing guidelines for receiving, reviewing, and approving
1414 applications for new and renewing nonprofit scholarship-funding
1415 organizations. The rules must include a process for compiling
1416 input and recommendations from the Chief Financial Officer, the
1417 Department of Revenue, and the Department of Education. The
1418 rules also must require that the nonprofit scholarship-funding
1419 organization make a brief presentation to assist the State Board



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1420 of Education in its decision.

1421 (i) A state university; or an independent nonprofit college
1422 chartered in this state or independent nonprofit university
1423 chartered in this state that are eligible to participate in the
1424 William L. Boyd, IV, Effective Access to Student Education Grant
1425 Program and are accredited by the Commission on Colleges of the
1426 Southern Association of Colleges and Schools is exempt from the
1427 initial or renewal application process, but must file a
1428 registration notice with the Department of Education to be an
1429 eligible nonprofit scholarship-funding organization. The State
1430 Board of Education shall adopt rules that identify the procedure
1431 for filing the registration notice with the department. The
1432 rules must identify appropriate reporting requirements for
1433 fiscal, programmatic, and performance accountability purposes
1434 consistent with this section, but may not exceed the
1435 requirements for eligible nonprofit scholarship-funding
1436 organizations for charitable organizations.

1437 (13) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
1438 ORGANIZATIONS.—An organization may establish McKay-Gardiner
1439 Scholarships for eligible students by:

1440 (a) Complying with the requirements of s. 1002.394(11)(a)-
1441 (h).

1442 (b) Receiving applications and determining student
1443 eligibility in accordance with the requirements of this section.
1444 When an application is approved, the organization must provide
1445 the department with information on the student to enable the
1446 department to determine student funding in accordance with
1447 subsection (15).

1448 (c) Providing scholarships on a first-come, first-served



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1449 basis, based upon the funds provided, and notifying parents of
1450 their respective student's receipt of a scholarship.

1451 (d) Establishing a date by which a parent must confirm
1452 initial or continuing participation in the program.

1453 (e) Reviewing applications and awarding scholarship funds
1454 to approved applicants using the following order of priority:

1455 1.a. For the 2021-2022 school year, a student who received
1456 a John M. McKay Scholarship for Students with Disabilities or a
1457 Gardiner Scholarship in the 2020-2021 school year and meets the
1458 eligibility requirements in subsection (3) is eligible for a
1459 McKay-Gardiner Scholarship in the 2021-2022 school year.

1460 b. For the 2022-2023 school year and thereafter, renewing
1461 students from the previous school year under this section.

1462 2. Students retained on the previous school year's wait
1463 list.

1464 3. An eligible student who meets the criteria for an
1465 initial award pursuant to subsection (3).

1466
1467 An approved student who does not receive a scholarship must be
1468 placed on the wait list in the order in which his or her
1469 application is approved. An eligible student who does not
1470 receive a scholarship within the fiscal year shall be retained
1471 on the wait list for the subsequent year.

1472 (f) Using an amount not to exceed 2.5 percent of the total
1473 calculated amount of all scholarships awarded under this section
1474 for administrative expenses associated with performing functions
1475 authorized under this section.

1476 (g) Verifying qualifying educational expenditures pursuant
1477 to paragraph (9) (c) and requesting the return of any funds used



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1478 for unauthorized purposes.

1479 (h) Returning any remaining program funds to the department
1480 pursuant to paragraph (6) (b).

1481 (i) Notifying the parent about the availability of, and the
1482 requirements associated with requesting, an initial IEP or IEP
1483 reevaluation every 3 years for each student participating in the
1484 program.

1485 (j) Documenting each student's eligibility for a fiscal
1486 year before granting a scholarship for that fiscal year pursuant
1487 to paragraph (3) (b). A student is ineligible for a scholarship
1488 if the student's account has been inactive for 2 consecutive
1489 fiscal years and the student's account has been closed pursuant
1490 to paragraph (6) (b).

1491 (k) Submitting in a timely fashion any information
1492 requested by the department relating to the program.

1493 (l) Preparing and submitting quarterly reports to the
1494 department pursuant to paragraph (9) (e).

1495 (m) Notifying the department of any violation of this
1496 section.

1497 (14) TRANSITION-TO-WORK PROGRAM.—A student participating in
1498 the McKay-Gardiner Scholarship Program who is at least 17 years
1499 of age, but not older than 22 years of age, and who has not
1500 received a high school diploma or certificate of completion is
1501 eligible for enrollment in a transition-to-work program provided
1502 by a private school or job coach. A transition-to-work program
1503 must consist of academic instruction, work skills training, and
1504 a volunteer or paid work experience.

1505 (a) To offer a transition-to-work program, a participating
1506 private school or job coach must:



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- 1507 1. Develop a transition-to-work program plan, which must
1508 include a written description of the academic instruction and
1509 work skills training students will receive and the goals for
1510 students in the program.
- 1511 2. Submit the transition-to-work program plan to the Office
1512 of Independent Education and Parental Choice.
- 1513 3. Develop a personalized transition-to-work program plan
1514 for each student enrolled in the program. The student's parent,
1515 the student, and the school principal or job coach must sign the
1516 personalized plan. The personalized plan must be submitted to
1517 the Office of Independent Education and Parental Choice upon
1518 request by the office.
- 1519 4. Provide a release of liability form that must be signed
1520 by the student's parent, the student, and a representative of
1521 the business offering the volunteer or paid work experience.
- 1522 5. Assign a case manager or job coach to visit the
1523 student's job site on a weekly basis to observe the student and,
1524 if necessary, provide support and guidance to the student.
- 1525 6. Provide to the parent and student a quarterly report
1526 that documents and explains the student's progress and
1527 performance in the program.
- 1528 7. Maintain accurate attendance and performance records for
1529 the student.
- 1530 (b) A student enrolled in a transition-to-work program
1531 must, at a minimum:
- 1532 1. Receive 15 instructional hours that must include
1533 academic instruction and work skills training.
- 1534 2. Participate in 10 hours of work at the student's
1535 volunteer or paid work experience.



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1536 (c) To participate in a transition-to-work program, a
1537 business must:

1538 1. Maintain an accurate record of the student's performance
1539 and hours worked and provide the information to the private
1540 school.

1541 2. Comply with all state and federal child labor laws.

1542 (15) FUNDING AND PAYMENT.—For the purposes of this
1543 subsection, the term "student FTE" refers to how participating
1544 students are calculated for the purposes of the scholarship
1545 program allocation, which is equal to four quarterly scholarship
1546 payments.

1547 (a) The McKay-Gardiner scholarship is established for up to
1548 50,000 student FTE for the 2021-2022 school year. For the 2022-
1549 2023 school year, and each year thereafter, the maximum number
1550 of student FTE shall increase by 1.0 percent of the state's
1551 total public school exceptional student education student
1552 enrollment, not including gifted students.

1553 1. For a student who has a Level I to Level III matrix of
1554 services or a doctor's diagnosis, the calculated scholarship
1555 amount for a student participating in the program must be based
1556 upon the grade level and school district in which the student
1557 would have been enrolled as 97.5 percent of the funds per
1558 unweighted full-time equivalent in the Florida Education Finance
1559 Program for a student in the basic exceptional student education
1560 program pursuant to s. 1011.62(1)(c)1. and (e)1.c., plus a per-
1561 full-time equivalent share of funds for all categorical
1562 programs, as funded in the General Appropriations Act, except
1563 that for the exceptional student education guaranteed allocation
1564 as provided in s. 1011.62(1)(e)1.c. and 2., the funds must be



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1565 allocated based on the school district's average exceptional
1566 student education guaranteed allocation funds per exceptional
1567 student education full-time equivalent student.

1568 2. For a student with a Level IV or Level V matrix of
1569 services, the calculated scholarship amount must be based upon
1570 the school district to which the student would have been
1571 assigned as 97.5 percent of the funds per full-time equivalent
1572 for the Level IV or Level V Exceptional Student Education
1573 program pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full-
1574 time equivalent share of funds for all categorical programs, as
1575 funded in the General Appropriations Act.

1576 3. For a student with a 504 plan, the calculated
1577 scholarship amount must be based upon the grade level and school
1578 district to which the student would have been assigned as 97.5
1579 percent of the funds per unweighted full-time equivalent in the
1580 Florida Education Finance Program for a student in the basic
1581 education program established pursuant to s. 1011.62(1)(c)1.,
1582 plus a per-full-time equivalent share of funds for all
1583 categorical programs, as funded in the General Appropriations
1584 Act.

1585 (b) At the time of each Florida Education Finance Program
1586 student membership survey, the scholarship funding organization
1587 shall report to the department student enrollment, student FTE,
1588 and total award amounts by county, delineated by FEFP program,
1589 and grade and matrix level for all students who are
1590 participating in the McKay-Gardiner Scholarship Program.

1591 Students with a 504 plan must be separately identified.

1592 (c) Upon notification from an organization on July 1,
1593 September 1, December 1, and February 1 that an application has



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1594 been approved for the program, the department shall verify that
1595 the student is not prohibited from receiving a scholarship
1596 pursuant to subsection (4). The organization must provide the
1597 department with the documentation necessary to verify the
1598 student's participation.

1599 (d) Upon verification, the department shall release the
1600 student's scholarship funds to the organization, to be deposited
1601 into the student's account in four equal amounts no later than
1602 September 1, November 1, February 1, and April 1 of each school
1603 year in which the scholarship is in force.

1604 (e) Accrued interest in the student's account is in
1605 addition to, and not part of, the awarded funds. Program funds
1606 include both the awarded funds and accrued interest.

1607 (f) The organization may develop a system for payment of
1608 benefits by funds transfer, including, but not limited to, debit
1609 cards, electronic payment cards, or any other means of payment
1610 which the department deems to be commercially viable or cost-
1611 effective. A student's scholarship award may not be reduced for
1612 debit card or electronic payment fees. Commodities or services
1613 related to the development of such a system must be procured by
1614 competitive solicitation unless they are purchased from a state
1615 term contract pursuant to s. 287.056.

1616 (g) Moneys received pursuant to this section do not
1617 constitute taxable income to the qualified student or the parent
1618 of the qualified student.

1619 (16) OBLIGATIONS OF THE AUDITOR GENERAL.—

1620 (a) The Auditor General shall review all audit reports
1621 submitted pursuant to subsection (13). The Auditor General shall
1622 request any significant items that were omitted in violation of



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1623 a rule adopted by the Auditor General. The organization shall
1624 provide such items within 45 days after the date of the request.
1625 If the scholarship-funding organization does not comply with the
1626 Auditor General's request, the Auditor General must notify the
1627 Legislative Auditing Committee.

1628 (b) At least once every 3 years, the Auditor General shall
1629 conduct an operational audit of accounts and records of each
1630 organization that participates in the program. As part of this
1631 audit, the Auditor General, at a minimum, shall verify the total
1632 number of students served and the eligibility of reimbursements
1633 made by the organization and transmit that information to the
1634 department. The Auditor General shall provide the commissioner
1635 with a copy of each annual operational audit performed pursuant
1636 to this subsection within 10 days after the audit is finalized.

1637 (c) The Auditor General shall notify the department of any
1638 organization that fails to comply with a request for
1639 information.

1640 (17) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
1641 Department of Health, the Agency for Persons with Disabilities,
1642 and the Department of Education shall coordinate with an
1643 organization to provide easy or automated access to lists of
1644 licensed providers of services specified in paragraph (5)(c) to
1645 ensure efficient administration of the program.

1646 (18) LIABILITY.—The state is not liable for the awarding of
1647 funds or for any use of funds awarded under this section.

1648 (19) SCOPE OF AUTHORITY.—This section does not expand the
1649 authority of the state, its officers, or any school district to
1650 impose additional regulation on participating private schools,
1651 independent postsecondary educational institutions, and private



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1652 providers beyond that reasonably necessary to enforce
1653 requirements expressly set forth in this section.

1654 (20) RULES.—The State Board of Education shall adopt rules
1655 pursuant to ss. 120.536(1) and 120.54 to administer this
1656 section.

1657 Section 17. Section 1002.385, Florida Statutes, is
1658 repealed.

1659 Section 18. Section 1002.39, Florida Statutes, is repealed.

1660 Section 19. Section 1002.394, Florida Statutes, is amended
1661 to read:

1662 1002.394 The Family Empowerment Scholarship Program.—

1663 (1) PURPOSE.—The Family Empowerment Scholarship Program is
1664 established to provide children of families in this state,
1665 including those with ~~which have~~ limited financial resources,
1666 with educational options to achieve success in their education.

1667 (2) DEFINITIONS.—As used in this section, the term:

1668 (a) "Approved provider" means a provider approved by the
1669 department ~~"Department" means the Department of Education.~~

1670 (b) "Curriculum" means a complete course of study for a
1671 particular content area or grade level, including any required
1672 supplemental materials, teachers' manuals, and associated online
1673 instruction.

1674 (c) "Department" means the Department of Education.

1675 (d) "Direct certification list" means the certified list of
1676 children who qualify for the food assistance program, the
1677 Temporary Assistance for Needy Families Program, or the Food
1678 Distribution Program on Indian Reservations provided to the
1679 Department of Education by the Department of Children and
1680 Families.



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1681 (e) "Eligible nonprofit scholarship-funding organization"
1682 or "organization" means a state university, an independent
1683 college or university that is eligible to participate in the
1684 William L. Boyd, IV, Effective Access to Student Education Grant
1685 Program located and chartered in this state which is not for
1686 profit and is accredited by the Commission on Colleges of the
1687 Southern Association of Colleges and Schools, or is a charitable
1688 organization that: ~~has the same meaning as provided in s.~~
1689 ~~1002.395(2)(f).~~

1690 1. Is exempt from federal income tax pursuant to s.
1691 501(c)(3) of the Internal Revenue Code;

1692 2. Is a Florida entity formed under chapter 605, chapter
1693 607, or chapter 617 and whose principal office is located in
1694 this state; and

1695 3. Complies with subsections (11) and (14).

1696 (f) "Eligible postsecondary educational institution" means
1697 a Florida College System institution; a state university; a
1698 school district technical center; a school district adult
1699 general education center; an independent college or university
1700 that is eligible to participate in the William L. Boyd, IV,
1701 Effective Access to Student Education Grant Program under s.
1702 1009.89; or an accredited independent postsecondary educational
1703 institution, as defined in s. 1005.02, which is licensed to
1704 operate in this state under part III of chapter 1005.

1705 (g)~~(e)~~ "Eligible private school" means a private school as
1706 defined in s. 1002.01 located in this state which offers an
1707 education to students in any grade from Kindergarten through
1708 grade 12 and:

1709 1. Meets the requirements of ss. 1002.42 and 1002.421; and



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1710 2. Meets the applicable requirements imposed under this
1711 chapter, if the private school participates in a scholarship
1712 program under this chapter ~~has the same meaning as provided in~~
1713 ~~s. 1002.395(2)(g).~~

1714 (h) "Household income" has the same meaning as the term
1715 "income" as defined in the Income Eligibility Guidelines for
1716 free and reduced price meals under the National School Lunch
1717 Program in 7 C.F.R. part 210 as published in the Federal
1718 Register by the United States Department of Agriculture.

1719 (i) "Inactive" means that no eligible expenditures have
1720 been made from a student scholarship account funded pursuant to
1721 this section.

1722 (j) "Incident" means battery; harassment; hazing; bullying;
1723 kidnapping; physical attack; robbery; sexual offenses,
1724 harassment, assault, or battery; threat or intimidation; or
1725 fighting at school, as defined by the department in accordance
1726 with s. 1006.147(4).

1727 (k) "Owner or operator" includes:

1728 1. An owner, president, officer, or director of an eligible
1729 nonprofit scholarship-funding organization or a person with
1730 equivalent decisionmaking authority over an eligible nonprofit
1731 scholarship-funding organization.

1732 2. An owner, operator, superintendent, or principal of an
1733 eligible private school or a person with equivalent
1734 decisionmaking authority over an eligible private school.

1735 (l) ~~(d)~~ "Parent" means a resident of this state who is a
1736 parent, as defined in s. 1000.21.

1737 (m) ~~(e)~~ "Program" means the Family Empowerment Scholarship
1738 Program.



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1739 (n) "School" means any educational program or activity
1740 conducted by a public K-12 educational institution, any school-
1741 related or school-sponsored program or activity, and riding on a
1742 school bus as defined in s. 1006.25(1), including waiting at a
1743 school bus stop.

1744 (3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible
1745 for a Family Empowerment Scholarship under this section if the
1746 student meets the following criteria:

1747 (a)1. The student is on the direct certification list
1748 ~~pursuant to s. 1002.395(2)(e)~~ or the student's household income
1749 level does not exceed 300 ~~185~~ percent of the federal poverty
1750 level or an adjusted maximum percent of the federal poverty
1751 level established pursuant to paragraph (e); or

1752 2. The student is:

1753 a. Currently placed, or during the previous state fiscal
1754 year was placed, in foster care or in out-of-home care as
1755 defined in s. 39.01;

1756 b. A sibling of a student who is participating in the
1757 scholarship program under this subsection, if the student
1758 resides in the same household as the sibling;

1759 c. A sibling of a student who is participating in the
1760 scholarship program under s. 1002.381, if the student resides in
1761 the same household as the sibling and attends the same school;

1762 or

1763 d. Enrolled in a Florida public school in kindergarten
1764 through grade 12 and reported an incident in accordance with
1765 paragraph (7) (b)

1766 ~~3. The student's household income level does not exceed 300~~
1767 ~~percent of the federal poverty level or an adjusted maximum~~



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1768 ~~percent of the federal poverty level as established pursuant to~~
1769 ~~paragraph (c).~~

1770
1771 A student who initially receives a scholarship based on
1772 eligibility under this paragraph ~~subparagraph 2.~~ remains
1773 eligible to participate until the student graduates from high
1774 school or attains the age of 21 years, whichever occurs first,
1775 regardless of the student's household income level. ~~A sibling of~~
1776 ~~a student who is participating in the scholarship program under~~
1777 ~~this subsection is eligible for a scholarship if the student~~
1778 ~~resides in the same household as the sibling.~~

1779 (b) ~~1.~~ The student is eligible to enroll in kindergarten
1780 through grade 12 in a public school in this state;

1781 ~~2. The student has spent the prior school year in~~
1782 ~~attendance at a Florida public school; or~~

1783 ~~3. Beginning with the 2020-2021 school year, the student~~
1784 ~~received a scholarship pursuant to s. 1002.395 during the~~
1785 ~~previous school year but did not receive a renewal scholarship~~
1786 ~~based solely on the eligible nonprofit scholarship funding~~
1787 ~~organization's lack of available funds after the organization~~
1788 ~~fully exhausts its efforts to use funds available for awards~~
1789 ~~under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit~~
1790 ~~scholarship funding organizations with students who meet the~~
1791 ~~eligibility criterion of this subparagraph must annually notify~~
1792 ~~the department in a format and by a date established by the~~
1793 ~~department.~~

1794
1795 ~~For purposes of this paragraph, the term "prior school year in~~
1796 ~~attendance" means that the student was enrolled full time and~~



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1797 ~~reported by a school district for funding during the preceding~~
1798 ~~October and February Florida Education Finance Program surveys~~
1799 ~~in kindergarten through grade 12, which includes time spent in a~~
1800 ~~Department of Juvenile Justice commitment program if funded~~
1801 ~~under the Florida Education Finance Program. However, a~~
1802 ~~dependent child of a member of the United States Armed Forces~~
1803 ~~who transfers to a school in this state from out of state or~~
1804 ~~from a foreign country due to a parent's permanent change of~~
1805 ~~station orders or a foster child is exempt from the prior public~~
1806 ~~school attendance requirement under this paragraph, but must~~
1807 ~~meet the other eligibility requirements specified under this~~
1808 ~~section to participate in the program.~~

1809 (c) The parent has applied to an eligible nonprofit
1810 scholarship-funding organization to participate in the program
1811 by a date set by the organization ~~obtained acceptance for~~
1812 ~~admission of the student to a private school that is eligible~~
1813 ~~for the program under subsection (8), and the parent has~~
1814 ~~requested a scholarship from the Department of Education by a~~
1815 ~~date established by the department pursuant to paragraph (7)(c),~~
1816 ~~but no later than at least 60 days before the date of the first~~
1817 ~~scholarship payment. The application request must be~~
1818 ~~communicated directly to the organization ~~department~~ in a manner~~
1819 ~~that creates a written or electronic record of the application~~
1820 ~~request and the date of receipt of the application request. The~~
1821 ~~department must notify the school district of the parent's~~
1822 ~~intent upon receipt of the parent's request.~~

1823 (d) The student is awarded a scholarship in accordance with
1824 the following priority order:

- 1825 1. An eligible student who received a Family Empowerment



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1826 Scholarship during the previous school year, or a Florida Tax
1827 Credit Scholarship or Hope Scholarship during the 2020-2021
1828 school year, and requested a renewal scholarship award.

1829 2. An eligible student who meets the criteria for an
1830 initial award under both paragraphs paragraph (a) and (b) and
1831 was retained on the previous school year's wait list
1832 subparagraph (b)3.

1833 3. An eligible student who meets the criteria for an
1834 initial award under sub-subparagraph (a)2.a., sub-subparagraph
1835 (a)2.b., sub-subparagraph (a)2.d., or paragraph (b) subparagraph
1836 (b)2. and either subparagraph (a)1. or subparagraph (a)2.

1837 4. An eligible student who meets the criteria for an
1838 initial award under subparagraph (a)1. (b)1. and paragraph (b),
1839 and the student's household income level does not exceed 185
1840 percent of the federal poverty level either subparagraph (a)1.
1841 or subparagraph (a)2.

1842 5. An eligible student who meets the criteria for an
1843 initial award under subparagraph (a)1. (a)3. and, paragraph (b)
1844 in priority order, either subparagraph (b)2. or subparagraph
1845 (b)1.

1846 6. An eligible student who meets the criteria for an
1847 initial award under sub-subparagraph (a)2.c. and paragraph (b).

1848
1849 An approved student who does not receive a scholarship must be
1850 placed on the wait list in the order in which his or her
1851 application is approved. An eligible student who does not
1852 receive a scholarship within the fiscal year must be retained on
1853 the wait list for the subsequent year.

1854 (e) The student's household income level does not exceed an



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1855 adjusted maximum percent of the federal poverty level that is
1856 increased by 25 percent in the fiscal year following any fiscal
1857 year in which more than 5 percent of the available scholarships
1858 authorized under subsection (12)~~(11)~~ have not been awarded.

1859 (4) TERM OF SCHOLARSHIP.—For purposes of continuity of
1860 educational choice and program integrity:

1861 (a) 1. Program payments made by the state to an organization
1862 for a Family Empowerment Scholarship under this section must
1863 continue until:

1864 a. The parent does not renew program eligibility;

1865 b. The organization determines that the student is not
1866 eligible for program renewal;

1867 c. The Commissioner of Education suspends or revokes
1868 program participation or use of funds pursuant to subparagraph
1869 (b) (1);

1870 d. The student's parent has forfeited participation in the
1871 program for failure to comply with subsection (10);

1872 e. The student enrolls in a public school; or

1873 f. The student graduates from high school or attains 21
1874 years of age, whichever occurs first. However, if a student
1875 enters a Department of Juvenile Justice detention center for a
1876 period of no more than 21 days, the student is not considered to
1877 have returned to a public school for that purpose.

1878 2. Reimbursements for program expenditures may continue
1879 until the account balance is expended or the account is closed
1880 pursuant to paragraph (b) ~~For purposes of continuity of~~
1881 educational choice, a Family Empowerment Scholarship shall
1882 remain in force until the student returns to a public school,
1883 graduates from high school, or reaches the age of 21, whichever



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1884 ~~occurs first. A scholarship student who enrolls in a public~~
1885 ~~school or public school program is considered to have returned~~
1886 ~~to a public school for the purpose of determining the end of the~~
1887 ~~scholarship's term. However, if a student enters a Department of~~
1888 ~~Juvenile Justice detention center for a period of no more than~~
1889 ~~21 days, the student is not considered to have returned to a~~
1890 ~~public school for that purpose.~~

1891 (b)1. The commissioner shall close a student's scholarship
1892 account, and any remaining funds, including, but not limited to,
1893 contributions made to the Stanley G. Tate Florida Prepaid
1894 College Program or earnings from or contributions made to the
1895 Florida College Savings Program using program funds pursuant to
1896 paragraph (6) (e), revert to the state after:

1897 a. Denial or revocation of program eligibility by the
1898 commissioner for fraud or abuse, including, but not limited to,
1899 the student or the student's parent accepting any payment,
1900 refund, or rebate in any manner from a provider of any services
1901 received pursuant to subsection (6); however, a private school
1902 may discount tuition if the private school deems it necessary;

1903 b. Any period of 2 consecutive years after high school
1904 completion or graduation during which the student has not been
1905 enrolled in an eligible postsecondary educational institution or
1906 a program offered by the institution; or

1907 c. The account has been inactive for 2 consecutive fiscal
1908 years prior to high school completion or graduation ~~Upon~~
1909 ~~reasonable notice to the department and the school district, the~~
1910 ~~student's parent may remove the student from the private school~~
1911 ~~and place the student in a public school in accordance with this~~
1912 ~~section.~~



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1913 2. The commissioner must notify the parent and the
1914 organization when a Family Empowerment Scholarship account is
1915 closed and program funds revert to the state

1916 ~~(c) Upon reasonable notice to the department, the student's~~
1917 ~~parent may move the student from one participating private~~
1918 ~~school to another participating private school.~~

1919 (5) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
1920 a Family Empowerment Scholarship while he or she is:

1921 (a) Enrolled in a public school, including, but not limited
1922 to, the Florida School for the Deaf and the Blind, the College-
1923 Preparatory Boarding Academy, a developmental research school
1924 authorized under s. 1002.32, or a charter school authorized
1925 under this chapter;

1926 (b) Enrolled in a school operating for the purpose of
1927 providing educational services to youth in a Department of
1928 Juvenile Justice commitment program;

1929 (c) Receiving any other educational scholarship pursuant to
1930 this chapter; or

1931 ~~(d) Participating in a home education program as defined in~~
1932 ~~s. 1002.01(1);~~

1933 ~~(e) Participating in a private tutoring program pursuant to~~
1934 ~~s. 1002.43; or~~

1935 ~~(f) Participating in a virtual school, correspondence~~
1936 ~~school, or distance learning program that receives state funding~~
1937 ~~pursuant to the student's participation.~~

1938 (6) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
1939 used to meet the individual educational needs of an eligible
1940 student and may be spent for the following purposes:

1941 (a) Instructional materials, including school equipment and



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1942 supplies, and digital devices and Internet access to access
1943 digital instructional materials.

1944 (b) Curriculum.

1945 (c) Tuition or fees associated with full-time or part-time
1946 enrollment in any of the following:

1947 1. A home education program, an eligible private school, an
1948 eligible postsecondary educational institution, or a program
1949 offered by the postsecondary institution;

1950 2. A private tutoring program authorized under s. 1002.43,
1951 a virtual program offered by a department-approved private
1952 online provider that meets the provider qualifications specified
1953 in s. 1002.45(2)(a), or a program offered by the Florida Virtual
1954 School to a private paying student; or

1955 3. An approved online course offered pursuant to s.
1956 1003.499 or s. 1004.0961 or a private virtual school that meets
1957 the requirements of s. 1002.421.

1958 (d) Fees for nationally standardized, norm-referenced
1959 achievement tests, Advanced Placement examinations, industry
1960 certification examinations, assessments related to postsecondary
1961 education, or other assessments.

1962 (e) Contributions to the Stanley G. Tate Florida Prepaid
1963 College Program pursuant to s. 1009.98 or the Florida College
1964 Savings Program pursuant to s. 1009.981, for the benefit of the
1965 eligible student.

1966 (f) Contracted services provided by a public school or
1967 school district, including classes. A student who receives
1968 services under a contract under this paragraph is not considered
1969 enrolled in a public school for eligibility purposes as
1970 specified in subsection (5).



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1971 (g) Tuition and fees for part-time tutoring services
1972 provided by a person who holds a valid Florida educator's
1973 certificate pursuant to s. 1012.56; a person who holds an
1974 adjunct teaching certificate pursuant to s. 1012.57; a person
1975 who has a bachelor's degree or a graduate degree in the subject
1976 area in which instruction is given; or a person who has
1977 demonstrated a mastery of subject area knowledge pursuant to s.
1978 1012.56(5) or as approved by the department. As used in this
1979 paragraph, the term "part-time tutoring services" does not
1980 qualify as regular school attendance as defined in s.
1981 1003.01(13)(e).

1982 (h) Fees for summer education programs.

1983 (i) Fees for after-school education programs.

1984 (j) Fees for an annual evaluation of educational progress
1985 by a state-certified teacher under s. 1002.41(1)(f), if this
1986 option is chosen for a home education student.

1987 (k) Transportation expenses that may not exceed \$750
1988 annually necessary to meet the student's educational needs under
1989 this section.

1990
1991 A provider of any services receiving payments pursuant to this
1992 subsection may not share, refund, or rebate any moneys from the
1993 Family Empowerment Scholarship with the parent or participating
1994 student in any manner.

1995 (7)-(6) SCHOOL DISTRICT OBLIGATIONS.-

1996 (a) By July 15, 2019, and by April 1 of each year
1997 thereafter, a school district shall inform all households within
1998 the district receiving free or reduced-priced meals under the
1999 National School Lunch Act of their eligibility to apply ~~to the~~



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2000 ~~department~~ for a Family Empowerment Scholarship. The form of
2001 such notice shall be provided by the department, and the school
2002 district shall include the provided form in any normal
2003 correspondence with eligible households. Such notice is limited
2004 to once a year.

2005 (b) Upon receipt of a report of an incident, the school
2006 principal, or his or her designee, shall provide a copy of the
2007 report to the parent and investigate the incident to determine
2008 if the incident must be reported as required by s. 1006.147(4).
2009 Within 24 hours after receipt of the report, the principal or
2010 his or her designee shall provide a copy of the report to the
2011 parent of the alleged offender and to the superintendent. Upon
2012 conclusion of the investigation or within 15 days after the
2013 incident was reported, whichever occurs first, the school
2014 district shall notify the parent of the program and offer the
2015 parent an opportunity to request and receive a Family
2016 Empowerment Scholarship.

2017 (c) The school district in which a participating student
2018 resides must notify the student and his or her parent about the
2019 locations and times to take all statewide assessments under s.
2020 1008.22 if the student chooses to participate in such
2021 assessments. Upon the request of the department, a school
2022 district shall coordinate with the department to provide to a
2023 participating private school the statewide assessments
2024 administered under s. 1008.22 and any related materials for
2025 administering the assessments. For a student who participates in
2026 the Family Empowerment Scholarship Program whose parent requests
2027 that the student take the statewide assessments under s.
2028 1008.22, the district in which the student attends a private



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2029 school shall provide locations and times to take all statewide
2030 assessments. A school district is responsible for implementing
2031 test administrations at a participating private school,
2032 including the:

2033 1. Provision of training for private school staff on test
2034 security and assessment administration procedures;

2035 2. Distribution of testing materials to a private school;

2036 3. Retrieval of testing materials from a private school;

2037 4. Provision of the required format for a private school to
2038 submit information to the district for test administration and
2039 enrollment purposes; and

2040 5. Provision of any required assistance, monitoring, or
2041 investigation at a private school.

2042 (d) ~~(e)~~ Each school district must publish information about
2043 the Family Empowerment Scholarship Program on the district's
2044 website homepage, which, ~~at a minimum, the published~~
2045 ~~information~~ must include a website link to the Family
2046 Empowerment Scholarship Program published on the Department of
2047 Education website ~~as well as a telephone number and e-mail that~~
2048 ~~students and parents may use to contact relevant personnel in~~
2049 ~~the school district to obtain information about the scholarship.~~

2050 (8) ~~(7)~~ DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
2051 shall:

2052 (a) Annually verify the eligibility of nonprofit
2053 scholarship-funding organizations that meet the requirements of
2054 paragraph (2) (e).

2055 (b) ~~(a)~~ Publish and update, as necessary, information on the
2056 department website about the scholarship programs under this
2057 chapter ~~Family Empowerment Scholarship Program~~, including, but



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2058 not limited to, student eligibility criteria, parental
2059 responsibilities, and relevant data.

2060 (c) ~~(b)~~ Cross-check prior to each distribution of funds the
2061 list of participating scholarship students with the public
2062 school enrollment lists before each scholarship payment to avoid
2063 duplication.

2064 (d) ~~(e)~~ Maintain and publish a list of nationally norm-
2065 referenced tests identified for purposes of satisfying the
2066 testing requirement in subparagraph (9) (c)1. ~~(8) (e)1.~~ The tests
2067 must meet industry standards of quality in accordance with state
2068 board rule.

2069 (e) ~~(d)~~ Notify eligible nonprofit scholarship-funding
2070 organizations of the deadlines for submitting the verified list
2071 of students determined to be eligible for an initial or renewal
2072 scholarship.

2073 (f) ~~(e)~~ Distribute each student's scholarship funds on a
2074 quarterly basis to the eligible nonprofit scholarship-funding
2075 organization, to be deposited into the student's account
2076 ~~Establish deadlines for the receipt of initial applications and~~
2077 ~~renewal notifications in order to implement the priority order~~
2078 ~~for scholarship awards pursuant to paragraph (3) (d).~~

2079 (g) Notify an eligible nonprofit scholarship-funding
2080 organization of any of the organization's or other eligible
2081 nonprofit scholarship-funding organization's identified students
2082 who are receiving educational scholarships under this chapter.

2083 (h) Issue a project grant award to a state university, to
2084 which participating private schools must report the scores of
2085 participating students on the nationally norm-referenced tests
2086 or the statewide assessments administered by the private school



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2087 in grades 3 through 10. The project term is 2 years, and the
2088 amount of the project is up to \$250,000 per year. The project
2089 grant award must be reissued in 2-year intervals in accordance
2090 with this paragraph.

2091 1. The state university must annually report to the
2092 Department of Education on the student performance of
2093 participating students:

2094 a. On a statewide basis. The report shall also include, to
2095 the extent possible, a comparison of scholarship students'
2096 performance to the statewide student performance of public
2097 school students with socioeconomic backgrounds similar to those
2098 of students participating in the scholarship program. To
2099 minimize costs and reduce time required for the state
2100 university's analysis and evaluation, the Department of
2101 Education shall coordinate with the state university to provide
2102 data in order to conduct analyses of matched students from
2103 public school assessment data and calculate control group
2104 student performance using an agreed-upon methodology; and

2105 b. On an individual school basis. For the 2020-2021 school
2106 year, the annual report must include student performance for
2107 each participating private school in which at least 51 percent
2108 of the total enrolled students in the private school
2109 participated in the Florida Tax Credit Scholarship Program or
2110 the Family Empowerment Scholarship Program. Beginning with the
2111 2021-2022 school year, the annual report must include student
2112 performance for each participating private school in which at
2113 least 51 percent of the total enrolled students in the private
2114 school participated in the Family Empowerment Scholarship
2115 Program. The report shall be according to each participating



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2116 private school, and for participating students, in which there
2117 are at least 30 participating students who have scores for tests
2118 administered. If the state university determines that the 30-
2119 participating-student cell size may be reduced without
2120 disclosing personally identifiable information, as described in
2121 34 C.F.R. s. 99.12, of a participating student, the state
2122 university may reduce the participating-student cell size, but
2123 the cell size may not be reduced to less than 10 participating
2124 students. The department shall provide each private school's
2125 prior school year student enrollment information to the state
2126 university no later than June 15 of each year, or as requested
2127 by the state university.

2128 2. The sharing and reporting of student performance data
2129 under this paragraph must be in accordance with the requirements
2130 of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
2131 Educational Rights and Privacy Act, and the applicable rules and
2132 regulations issued pursuant thereto, and must be for the sole
2133 purpose of creating the annual report required by subparagraph
2134 1. All parties must preserve the confidentiality of such
2135 information as required by law. The annual report may not
2136 disaggregate data to a level that will identify individual
2137 participating schools, except as required under sub-subparagraph
2138 1.b., or disclose the academic level of individual students.

2139 3. The annual report required by subparagraph 1. must be
2140 published by the Department of Education on its website.

2141 (i) Maintain on its website a list of approved providers,
2142 including eligible postsecondary educational institutions,
2143 eligible private schools, and organizations. The department may
2144 identify or provide links to lists of other approved providers.



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2145 (j) Require each organization to verify eligible
2146 expenditures before the distribution of funds for any
2147 expenditures made pursuant to paragraphs (6) (a) and (b). Review
2148 of expenditures made for services specified in paragraphs
2149 (6) (c)-(k) may be completed after the purchase is made.

2150 (k) Require quarterly reports by an eligible nonprofit
2151 scholarship-funding organization regarding the overall number of
2152 students participating in the scholarship program, the number of
2153 home education students participating in the scholarship
2154 program, the number of students attending a private school
2155 participating in the scholarship program, the private schools at
2156 which the students are enrolled, and other information the
2157 department deems necessary.

2158 (l) Provide a process to match the direct certification
2159 list with the scholarship application data submitted by any
2160 nonprofit scholarship-funding organization eligible to receive
2161 the 2.5 percent administrative allowance under paragraph
2162 (11) (k).

2163 (m) Contract with an independent entity to provide an
2164 annual evaluation of the program by:

2165 1. Reviewing the school bullying prevention education
2166 program, school climate, and code of student conduct of each
2167 public school from which 10 or more students transferred to
2168 another public school or private school using the Hope
2169 Scholarship or Family Empowerment Scholarship to determine areas
2170 in the school or school district procedures involving reporting,
2171 investigating, and communicating a parent's and student's rights
2172 which are in need of improvement. At a minimum, the review must
2173 include:



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2174 a. An assessment of the investigation time and quality of
2175 the response of the school and the school district.

2176 b. An assessment of the effectiveness of communication
2177 procedures with the students involved in an incident, the
2178 students' parents, and the school and school district personnel.

2179 c. An analysis of school incident and discipline data.

2180 d. The challenges and obstacles relating to implementing
2181 recommendations from the review.

2182 2. Reviewing the school bullying prevention education
2183 program, school climate, and code of student conduct of each
2184 public school to which a student transferred if the student was
2185 from a school identified in subparagraph 1. in order to identify
2186 best practices and make recommendations to the public school at
2187 which the incidents occurred.

2188 3. Surveying the parents of participating students to
2189 determine academic, safety, and school climate satisfaction and
2190 to identify any challenges to or obstacles in addressing an
2191 incident or relating to the use of the scholarship.

2192 (n) Investigate any written complaint of a violation of
2193 this section by a parent, a student, a private school, a public
2194 school, a school district, an organization, a provider, or
2195 another appropriate party in accordance with the process
2196 established under s. 1002.421.

2197 (9)-(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
2198 eligible to participate in the Family Empowerment Scholarship
2199 Program, a private school may be sectarian or nonsectarian and
2200 must:

2201 (a) Comply with all requirements for private schools
2202 participating in state school choice scholarship programs



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2203 pursuant to s. 1002.421.

2204 (b) Provide to the organization ~~department~~ all
2205 documentation required for a student's participation, including
2206 the private school's and student's fee schedules, at least 30
2207 days before any quarterly scholarship payment is made for the
2208 student pursuant to paragraph (12) (f) ~~(11) (f)~~. ~~A student is not~~
2209 ~~eligible to receive a quarterly scholarship payment if the~~
2210 ~~private school fails to meet this deadline.~~

2211 (c)1. Annually administer or make provision for students
2212 participating in the program in grades 3 through 10 to take one
2213 of the nationally norm-referenced tests that are identified by
2214 the department pursuant to paragraph (8) (d) ~~(7) (e)~~ or to take
2215 the statewide assessments pursuant to s. 1008.22. Students with
2216 disabilities for whom standardized testing is not appropriate
2217 are exempt from this requirement. A participating private school
2218 shall report a student's scores to his or her parent. By August
2219 15 of each year, a participating private school must report the
2220 scores of all participating students to a state university as
2221 described in paragraph (8) (h) ~~s. 1002.395(9) (f)~~.

2222 2. Administer the statewide assessments pursuant to s.
2223 1008.22 if the private school chooses to offer the statewide
2224 assessments. A participating private school may choose to offer
2225 and administer the statewide assessments to all students who
2226 attend the private school in grades 3 through 10 and must submit
2227 a request in writing to the department by March 1 of each year
2228 in order to administer the statewide assessments in the
2229 subsequent school year.

2230
2231 If a private school fails to meet the requirements of this



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2232 subsection or s. 1002.421, the commissioner may determine that
2233 the private school is ineligible to participate in the
2234 scholarship program.

2235 ~~(10)-(9)~~ PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
2236 PARTICIPATION.—A parent who applies for a Family Empowerment
2237 Scholarship is exercising his or her parental option to
2238 determine the appropriate placement or the services that best
2239 meets the needs of his or her child ~~place his or her child in a~~
2240 ~~private school.~~

2241 (a) To satisfy or maintain program eligibility, including
2242 eligibility to receive and spend program payments, the parent
2243 must sign an agreement with the organization and annually submit
2244 a sworn compliance statement to the organization to:

2245 1. Affirm that the student is enrolled in a program that
2246 meets regular school attendance requirements as provided in s.
2247 1003.01(13)(b)-(e).

2248 2. Affirm that the program funds are used only for
2249 authorized purposes serving the student's educational needs, as
2250 described in subsection (6).

2251 3. Affirm that the parent is responsible for the education
2252 of his or her student by, as applicable:

2253 a. Requiring the student to take an assessment in
2254 accordance with paragraph (9)(c); or

2255 b. Providing an annual evaluation in accordance with s.
2256 1002.41(1)(f).

2257 4. Affirm that the student remains in good standing with
2258 the provider or school if those options are selected by the
2259 parent ~~The parent must select the private school and apply for~~
2260 ~~the admission of his or her student.~~



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2261 ~~(b) The parent must request the scholarship at least 60~~
2262 ~~days before the date of the first scholarship payment.~~

2263 ~~(c) The parent must inform the applicable school district~~
2264 ~~when the parent withdraws his or her student from a public~~
2265 ~~school to attend an eligible private school.~~

2266 ~~(d) Any student participating in the program must remain in~~
2267 ~~attendance throughout the school year unless excused by the~~
2268 ~~school for illness or other good cause.~~

2269 ~~(c)(e) If Before~~ enrolling in a private school, a student
2270 and his or her parent or guardian must meet with the private
2271 school's principal or the principal's designee to review the
2272 school's academic programs and policies, customized educational
2273 programs, code of student conduct, and attendance policies.

2274 ~~(d)(f)~~ The parent shall ensure that a the student
2275 participating in the scholarship program and enrolled in a
2276 private school takes the norm-referenced assessment offered by
2277 the private school. The parent may also choose to have the
2278 student participate in the statewide assessments pursuant to
2279 paragraph (9)(c) ~~(6)(b)~~.

2280 ~~(e)(g)~~ If the parent requests that the student
2281 participating in the program take all statewide assessments
2282 required pursuant to s. 1008.22, the parent is responsible for
2283 transporting the student to the assessment site designated by
2284 the school district.

2285 ~~(h) Upon receipt of a scholarship warrant, the parent to~~
2286 ~~whom the warrant is issued must restrictively endorse the~~
2287 ~~warrant to the private school for deposit into the private~~
2288 ~~school's account. The parent may not designate any entity or~~
2289 ~~individual associated with the participating private school as~~



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2290 ~~the parent's attorney in fact to endorse a scholarship warrant.~~
2291 ~~A participant who fails to comply with this paragraph forfeits~~
2292 ~~the scholarship.~~

2293 (f)(i) The parent must annually renew participation in the
2294 program by the date established and in a format determined by
2295 the organization department pursuant to paragraph (7)(e). A
2296 student whose participation in the program is not renewed may
2297 continue to spend scholarship funds that are in his or her
2298 account from prior years unless the account must be closed
2299 pursuant to paragraph (4)(b).

2300 (g) The parent is responsible for procuring the services
2301 necessary to educate the student. If a parent does not procure
2302 the necessary educational services for the student and the
2303 student's account has been inactive for 2 consecutive fiscal
2304 years, the student is ineligible and the student's account must
2305 be closed pursuant to paragraph (4)(b).

2306 (h) The parent is responsible for all eligible expenses in
2307 excess of the Family Empowerment Scholarship.

2308 (i) The parent may not transfer any prepaid college plan or
2309 college savings plan funds contributed pursuant to paragraph
2310 (6)(e) to another beneficiary while the plan contains funds
2311 contributed pursuant to this section.

2312 (j) The parent may not receive a payment, refund, or rebate
2313 from an approved provider of any services under this program.

2314
2315 A participant who fails to comply with this subsection forfeits
2316 the Family Empowerment Scholarship.

2317 (11)(10) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
2318 ORGANIZATIONS.—An eligible nonprofit scholarship-funding



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2319 organization:

2320 (a) Must comply with the antidiscrimination provisions of
2321 42 U.S.C. s. 2000d.

2322 (b) Must comply with the following background check
2323 requirements:

2324 1. All owners and operators as defined in subparagraph
2325 (2) (k)1., before employment or engagement to provide services,
2326 are subject to a level 2 background screening as provided under
2327 chapter 435. The fingerprints for the background screening must
2328 be electronically submitted to the Department of Law Enforcement
2329 and can be taken by an authorized law enforcement agency or by
2330 an employee of the eligible nonprofit scholarship-funding
2331 organization or a private company who is trained to take
2332 fingerprints. However, the complete set of fingerprints of an
2333 owner or operator may not be taken by the owner or operator. The
2334 results of the state and national criminal history check must be
2335 provided to the Department of Education for screening under
2336 chapter 435. The cost of the background screening may be borne
2337 by the eligible nonprofit scholarship-funding organization or
2338 the owner or operator.

2339 2. Every 5 years following employment or engagement to
2340 provide services or association with an eligible nonprofit
2341 scholarship-funding organization, each owner or operator must
2342 meet level 2 screening standards as described in s. 435.04, at
2343 which time the nonprofit scholarship-funding organization shall
2344 request the Department of Law Enforcement to forward the
2345 fingerprints to the Federal Bureau of Investigation for level 2
2346 screening. If the fingerprints of an owner or operator are not
2347 retained by the Department of Law Enforcement under subparagraph



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2348 3., the owner or operator must electronically file a complete
2349 set of fingerprints with the Department of Law Enforcement. Upon
2350 submission of fingerprints for this purpose, the eligible
2351 nonprofit scholarship-funding organization shall request that
2352 the Department of Law Enforcement forward the fingerprints to
2353 the Federal Bureau of Investigation for level 2 screening, and
2354 the fingerprints must be retained by the Department of Law
2355 Enforcement under subparagraph 3.

2356 3. Fingerprints submitted to the Department of Law
2357 Enforcement as required by this paragraph must be retained by
2358 the Department of Law Enforcement in a manner approved by rule
2359 and entered in the statewide automated biometric identification
2360 system authorized by s. 943.05(2)(b). The fingerprints must
2361 continue to be available for all purposes and uses authorized
2362 for arrest fingerprints entered in the statewide automated
2363 biometric identification system pursuant to s. 943.051.

2364 4. The Department of Law Enforcement shall search all
2365 arrest fingerprints received under s. 943.051 against the
2366 fingerprints retained in the statewide automated biometric
2367 identification system under subparagraph 3. Any arrest record
2368 that is identified with an owner's or operator's fingerprints
2369 must be reported to the Department of Education. The Department
2370 of Education shall participate in this search process by paying
2371 an annual fee to the Department of Law Enforcement and by
2372 informing the Department of Law Enforcement of any change in the
2373 employment, engagement, or association status of the owners or
2374 operators whose fingerprints are retained under subparagraph 3.
2375 The Department of Law Enforcement shall adopt a rule setting the
2376 amount of the annual fee to be imposed upon the Department of



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2377 Education for performing these services and establishing the
2378 procedures for the retention of owner or operator fingerprints
2379 and the dissemination of search results. The fee may be borne by
2380 the owner or operator of the nonprofit scholarship-funding
2381 organization.

2382 5. A nonprofit scholarship-funding organization whose owner
2383 or operator fails the level 2 background screening is not
2384 eligible to provide scholarships under this section.

2385 6. A nonprofit scholarship-funding organization whose owner
2386 or operator in the last 7 years has filed for personal
2387 bankruptcy or corporate bankruptcy in a corporation of which he
2388 or she owned more than 20 percent is not eligible to provide
2389 scholarships under this section.

2390 7. In addition to the offenses listed in s. 435.04, a
2391 person required to undergo background screening pursuant to this
2392 part or authorizing statutes may not have an arrest awaiting
2393 final disposition for, must not have been found guilty of, or
2394 entered a plea of nolo contendere to, regardless of
2395 adjudication, and must not have been adjudicated delinquent, and
2396 the record must not have been sealed or expunged for, any of the
2397 following offenses or any similar offense of another
2398 jurisdiction:

2399 a. Any authorizing statutes, if the offense was a felony.

2400 b. This chapter, if the offense was a felony.

2401 c. Section 409.920, relating to Medicaid provider fraud.

2402 d. Section 409.9201, relating to Medicaid fraud.

2403 e. Section 741.28, relating to domestic violence.

2404 f. Section 817.034, relating to fraudulent acts through
2405 mail, wire, radio, electromagnetic, photoelectronic, or



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- 2406 photooptical systems.
- 2407 g. Section 817.234, relating to false and fraudulent
- 2408 insurance claims.
- 2409 h. Section 817.505, relating to patient brokering.
- 2410 i. Section 817.568, relating to criminal use of personal
- 2411 identification information.
- 2412 j. Section 817.60, relating to obtaining a credit card
- 2413 through fraudulent means.
- 2414 k. Section 817.61, relating to fraudulent use of credit
- 2415 cards, if the offense was a felony.
- 2416 l. Section 831.01, relating to forgery.
- 2417 m. Section 831.02, relating to uttering forged instruments.
- 2418 n. Section 831.07, relating to forging bank bills, checks,
- 2419 drafts, or promissory notes.
- 2420 o. Section 831.09, relating to uttering forged bank bills,
- 2421 checks, drafts, or promissory notes.
- 2422 p. Section 831.30, relating to fraud in obtaining medicinal
- 2423 drugs.
- 2424 q. Section 831.31, relating to the sale, manufacture,
- 2425 delivery, or possession with the intent to sell, manufacture, or
- 2426 deliver any counterfeit controlled substance, if the offense was
- 2427 a felony.
- 2428 (c) May not have an owner or operator who owns or operates
- 2429 an eligible private school that is participating in the
- 2430 scholarship program.
- 2431 (d) Shall establish and maintain separate accounts for each
- 2432 eligible student. For each account, the organization must
- 2433 maintain a record of accrued interest that is retained in the
- 2434 student's account and available only for authorized program



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2435 expenditures.

2436 (e) May not restrict or reserve scholarships for use at a
2437 particular private school.

2438 (f) Must provide to the Auditor General and the Department
2439 of Education a report on the results of an annual financial
2440 audit of its accounts and records conducted by an independent
2441 certified public accountant in accordance with auditing
2442 standards generally accepted in the United States, government
2443 auditing standards, and rules promulgated by the Auditor
2444 General. The audit report must include a report on financial
2445 statements presented in accordance with generally accepted
2446 accounting principles. Audit reports must be provided to the
2447 Auditor General and the Department of Education within 180 days
2448 after completion of the eligible nonprofit scholarship-funding
2449 organization's fiscal year. The Auditor General shall review all
2450 audit reports submitted pursuant to this paragraph. The Auditor
2451 General shall request any significant items that were omitted in
2452 violation of a rule adopted by the Auditor General. The items
2453 must be provided within 45 days after the date of the request.
2454 If the scholarship-funding organization does not comply with the
2455 Auditor General's request, the Auditor General shall notify the
2456 Legislative Auditing Committee.

2457 (g)1.a. Must use agreed-upon procedures that uniformly
2458 apply to all private schools and determine, at a minimum,
2459 whether the private school has been verified as eligible by the
2460 Department of Education under s. 1002.421; has an adequate
2461 accounting system, system of financial controls, and process for
2462 deposit and classification of scholarship funds; and has
2463 properly expended scholarship funds for education-related



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2464 expenses.

2465 b. Must participate in a joint review of the agreed-upon
2466 procedures and guidelines under sub-subparagraph a., by February
2467 of each biennium, if the scholarship-funding organization
2468 provided more than \$250,000 in scholarship funds to an eligible
2469 private school under this chapter during the state fiscal year
2470 preceding the biennial review. If the procedures and guidelines
2471 are revised, the revisions must be provided to private schools
2472 and the Commissioner of Education by March 15 of the year in
2473 which the revisions were completed. The revised agreed-upon
2474 procedures take effect the subsequent school year.

2475 c. Must monitor the compliance of a private school with s.
2476 1002.421(1)(q) if the scholarship-funding organization provided
2477 the majority of the scholarship funding to the school. For each
2478 private school subject to s. 1002.421(1)(q), the appropriate
2479 scholarship-funding organization shall annually notify the
2480 Commissioner of Education by October 30 of:

2481 (I) A private school's failure to submit a report required
2482 under s. 1002.421(1)(q); or

2483 (II) Any material exceptions set forth in the report
2484 required under s. 1002.421(1)(q).

2485 2. Must seek input from the accrediting associations that
2486 are members of the Florida Association of Academic Nonpublic
2487 Schools and the Department of Education when conducting a joint
2488 review of the procedures and guidelines under sub-subparagraph
2489 1.b.

2490 (h) Must establish a date by which the parent of a
2491 participating student must confirm continuing participation in
2492 the program.



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2493 (i)~~(a)~~ Shall verify the household income level of students
2494 pursuant to subparagraph (3) (a)1. and submit the verified list
2495 of students and related documentation to the department.

2496 (j)~~(b)~~ Shall award initial and renewal scholarships to
2497 eligible students in priority order pursuant to subsection (3)
2498 and notify parents of their receipt of a scholarship ~~paragraph~~
2499 ~~(3) (d)~~. The eligible nonprofit scholarship-funding organization
2500 shall implement the deadlines established by the department
2501 ~~pursuant to paragraphs (7) (d) and (e)~~.

2502 (k)~~(c)~~ May, ~~from eligible contributions received pursuant~~
2503 ~~to s. 1002.395(6) (j)1.,~~ use an amount not to exceed 2.5 ±
2504 percent of the total amount of all scholarships awarded under
2505 this section for administrative expenses associated with
2506 performing functions under this section, if the organization has
2507 operated as an eligible nonprofit scholarship-funding
2508 organization for at least the preceding 3 fiscal years and did
2509 not have any findings of material weakness or material
2510 noncompliance in its most recent audit performed pursuant to
2511 paragraph (f). ~~Such administrative expense amount is considered~~
2512 ~~within the 3 percent limit on the total amount an organization~~
2513 ~~may use to administer scholarships under this chapter.~~

2514 (l) Must verify qualifying educational expenditures
2515 pursuant to the requirement of paragraph (8) (j) and must request
2516 the return of any funds used for unauthorized purposes.

2517 (m) Must return any remaining program funds to the
2518 department pursuant to paragraph (4) (b).

2519 (n) Must document each scholarship student's eligibility
2520 pursuant to subsection (3) for a fiscal year before granting a
2521 scholarship for that fiscal year. A student is ineligible for a



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2522 scholarship if the student's account has been inactive for 2
2523 fiscal years and the student's account has been closed pursuant
2524 to paragraph (4) (b).

2525 (o) Must allow a student who meets the requirements of
2526 subparagraph (3) (a)2. or a dependent child of a parent who is a
2527 member of the United States Armed Forces to apply for a
2528 scholarship at any time.

2529 (p) ~~(d)~~ Must, in a timely manner, submit any information
2530 requested by the department relating to the scholarship under
2531 this section.

2532 (q) Must establish a date by which the parent of a
2533 participating student must confirm continuing participation in
2534 the program.

2535 (r) Must prepare and submit quarterly reports to the
2536 department pursuant to paragraph (8) (k).

2537 (s) ~~(e)~~ Must notify the department about any violation of
2538 this section by a parent or a private school.

2539 (12) ~~(11)~~ SCHOLARSHIP FUNDING AND PAYMENT.—For the purposes
2540 of this subsection, the term "student FTE" refers to how
2541 participating students are calculated for the purposes of the
2542 scholarship program allocation, which is equal to four quarterly
2543 scholarship payments.

2544 (a) The scholarship is established for up to 175,000 ~~18,000~~
2545 student FTE for students annually beginning in the 2021-2022
2546 ~~2019-2020~~ school year. A student who received a Florida Tax
2547 Credit Scholarship or a Hope Scholarship in the 2020-2021 school
2548 year and who meets the eligibility requirements in subsection
2549 (3) for the 2021-2022 school year is eligible for a Family
2550 Empowerment Scholarship in the 2021-2022 school year. Beginning



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2551 in the 2022-2023 ~~2020-2021~~ school year, and each year
2552 thereafter, the maximum number of student FTE ~~students~~
2553 ~~participating~~ in the scholarship program under this section
2554 shall annually increase by 1.0 percent of the state's total
2555 public school student enrollment.

2556 (b) ~~The scholarship amount provided to a student for any~~
2557 ~~single school year shall be for tuition and fees for an eligible~~
2558 ~~private school, not to exceed annual limits, which shall be~~
2559 ~~determined in accordance with this paragraph.~~ The calculated
2560 scholarship amount for a student participating in the program
2561 must to attend an eligible private school shall be based upon
2562 the grade level and school district in which the student was
2563 assigned as 97.5 ~~95~~ percent of the funds per unweighted full-
2564 time equivalent in the Florida Education Finance Program for a
2565 student in the basic program established pursuant to s.
2566 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
2567 for all categorical programs, as provided in the General
2568 Appropriations Act ~~except for the Exceptional Student Education~~
2569 ~~Guaranteed Allocation.~~

2570 (c) As an alternative, a student who is eligible for a
2571 Family Empowerment Scholarship is eligible for a transportation
2572 award limited to \$750 annually necessary to meet the student's
2573 educational needs under this section, if the student enrolls in
2574 a Florida public school that is outside the school district in
2575 which the student resides or is enrolled in a lab school as
2576 defined in s. 1002.32. These students do not count against the
2577 175,000 student FTE cap established in paragraph (a) ~~The amount~~
2578 ~~of the Family Empowerment Scholarship shall be the calculated~~
2579 ~~amount or the amount of the private school's tuition and fees,~~



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2580 ~~whichever is less. The amount of any assessment fee required by~~
2581 ~~the participating private school may be paid from the total~~
2582 ~~amount of the scholarship.~~

2583 (d) At the time of each Florida Education Finance Program
2584 student membership survey, the scholarship-funding organization
2585 shall report to the department student enrollment, student FTE,
2586 and total award amounts by county, delineated by the FEFP
2587 program, and grade for ~~The school district shall report all~~
2588 ~~students who are participating in attending a private school~~
2589 ~~under this program. The students attending private schools on~~
2590 ~~Family Empowerment Scholarships shall be reported separately~~
2591 ~~from other students reported for purposes of the Florida~~
2592 ~~Education Finance Program.~~

2593 (e) Upon following notification from the organization on
2594 July 1, September 1, December 1, and ~~or~~ February 1 that an
2595 application has been approved for the program ~~of the number of~~
2596 ~~program participants, the department shall verify that the~~
2597 student is not prohibited from receiving a scholarship pursuant
2598 to subsection (5). The organization must provide the department
2599 with the documentation necessary to verify the student's
2600 participation ~~transfer, from general revenue funds only, the~~
2601 ~~amount calculated pursuant to paragraph (b) to a separate~~
2602 ~~account for the scholarship program for quarterly disbursement~~
2603 ~~to parents of participating students. For a student exiting a~~
2604 ~~Department of Juvenile Justice commitment program who chooses to~~
2605 ~~participate in the scholarship program, the amount of the Family~~
2606 ~~Empowerment Scholarship calculated pursuant to paragraph (b)~~
2607 ~~must be transferred from the school district in which the~~
2608 ~~student last attended a public school before commitment to the~~



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2609 ~~Department of Juvenile Justice.~~ When a student enters the
2610 scholarship program, the department must receive all
2611 documentation required for the student's participation,
2612 including the private school's and the student's fee schedules,
2613 at least 30 days before the first quarterly scholarship payment
2614 is made for the student.

2615 (f) Upon verification, the department shall release the
2616 student's scholarship funds to the organization, to be deposited
2617 into the student's account ~~notification by the department that~~
2618 ~~it has received the documentation required under paragraph (c),~~
2619 ~~the Chief Financial Officer shall make scholarship payments in~~
2620 ~~four equal amounts no later than September 1, November 1,~~
2621 ~~February 1, and April 1 of each school year in which the~~
2622 ~~scholarship is in force. The initial payment shall be made after~~
2623 ~~department verification of admission acceptance, and subsequent~~
2624 ~~payments shall be made upon verification of continued enrollment~~
2625 ~~and attendance at the private school. Payment must be by~~
2626 ~~individual warrant made payable to the student's parent and~~
2627 ~~mailed by the department to the private school of the parent's~~
2628 ~~choice, and the parent shall restrictively endorse the warrant~~
2629 ~~to the private school for deposit into the account of the~~
2630 ~~private school.~~

2631 (g) Accrued interest in the student's account is in
2632 addition to, and not part of, the awarded funds. Program funds
2633 include both the awarded funds and accrued interest ~~Subsequent~~
2634 ~~to each scholarship payment, the department shall request from~~
2635 ~~the Department of Financial Services a sample of endorsed~~
2636 ~~warrants to review and confirm compliance with endorsement~~
2637 ~~requirements.~~



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2638 (h) The organization may develop a system for payment of
2639 benefits by funds transfer, including, but not limited to, debit
2640 cards, electronic payment cards, or any other means of payment
2641 that the department deems to be commercially viable or cost-
2642 effective. A student's scholarship award may not be reduced for
2643 debit card or electronic payment fees. Commodities or services
2644 related to the development of such a system must be procured by
2645 competitive solicitation unless they are purchased from a state
2646 term contract pursuant to s. 287.056.

2647 (i) Moneys received pursuant to this section do not
2648 constitute taxable income to the qualified student or parent of
2649 the qualified student.

2650 (13) OBLIGATIONS OF THE AUDITOR GENERAL.—

2651 (a) At least once every 3 years, the Auditor General shall
2652 conduct an operational audit of accounts and records of each
2653 organization that participates in the program. As part of this
2654 audit, the Auditor General shall verify, at a minimum, the total
2655 number of students served and the eligibility of reimbursements
2656 made by the organization and transmit that information to the
2657 department. The Auditor General shall provide the commissioner
2658 with a copy of each annual operational audit performed pursuant
2659 to this subsection within 10 days after the audit is finalized.

2660 (b) The Auditor General shall notify the department of any
2661 organization that fails to comply with a request for
2662 information.

2663 (14) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
2664 APPLICATION.—In order to participate in the scholarship program
2665 created under this section, a charitable organization that seeks
2666 to be a nonprofit scholarship-funding organization shall submit



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2667 an application for initial approval or renewal to the Office of
2668 Independent Education and Parental Choice no later than
2669 September 1 of each year before the school year for which the
2670 organization intends to offer scholarships.

2671 (a) An application for initial approval must include:

2672 1. A copy of the organization's incorporation documents and
2673 registration with the Division of Corporations of the Department
2674 of State.

2675 2. A copy of the organization's Internal Revenue Service
2676 determination letter as an s. 501(c)(3) not-for-profit
2677 organization.

2678 3. A description of the organization's financial plan that
2679 demonstrates sufficient funds to operate throughout the school
2680 year.

2681 4. A description of the geographic region that the
2682 organization intends to serve and an analysis of the demand and
2683 unmet need for eligible students in that area.

2684 5. The organization's organizational chart.

2685 6. A description of the criteria and methodology that the
2686 organization will use to evaluate scholarship eligibility.

2687 7. A description of the application process, including
2688 deadlines and any associated fees.

2689 8. A description of the deadlines for attendance
2690 verification and scholarship payments.

2691 9. A copy of the organization's policies on conflict of
2692 interest and whistleblowers.

2693 10. A copy of a surety bond or letter of credit to secure
2694 the faithful performance of the obligations of the eligible
2695 nonprofit scholarship-funding organization in accordance with



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2696 this section in an amount equal to 25 percent of the scholarship
2697 funds anticipated for each school year or \$100,000, whichever is
2698 greater. The surety bond or letter of credit must specify that
2699 any claim against the bond or letter of credit may be made only
2700 by an eligible nonprofit scholarship-funding organization to
2701 provide scholarships to and on behalf of students who would have
2702 had scholarships funded if it were not for the diversion of
2703 funds giving rise to the claim against the bond or letter of
2704 credit.

2705 (b) In addition to the information required by
2706 subparagraphs (a)1.-10., an application for renewal must
2707 include:

2708 1. A single surety bond or letter of credit to secure the
2709 faithful performance of the obligations of the eligible
2710 nonprofit scholarship-funding organization in accordance with
2711 this chapter equal to the amount of undisbursed funds held by
2712 the organization based on the annual report submitted pursuant
2713 to paragraph (11)(r). The amount of the surety bond or letter of
2714 credit must be at least \$100,000, but not more than \$25 million.
2715 The surety bond or letter of credit must specify that any claim
2716 against the bond or letter of credit may be made only by an
2717 eligible nonprofit scholarship-funding organization to provide
2718 scholarships to and on behalf of students who would have had
2719 scholarships funded if it were not for the diversion of funds
2720 giving rise to the claim against the bond or letter of credit.

2721 2. The organization's completed Internal Revenue Service
2722 Form 990 submitted no later than November 30 of the year before
2723 the school year that the organization intends to offer the
2724 scholarships, notwithstanding the September 1 application



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2725 deadline.

2726 3. A copy of the statutorily required audit to the
2727 Department of Education and Auditor General.

2728 4. An annual report that includes:

2729 a. The number of students who completed applications, by
2730 county and by grade.

2731 b. The number of students who were approved for
2732 scholarships, by county and by grade.

2733 c. The number of students who received funding for
2734 scholarships within each funding category, by county and by
2735 grade.

2736 d. The amount of funds received, the amount of funds
2737 distributed in scholarships, and an accounting of remaining
2738 funds and the obligation of those funds.

2739 e. A detailed accounting of how the organization spent the
2740 administrative funds allowable under paragraph (11)(k).

2741 (c) In consultation with the Department of Revenue and the
2742 Chief Financial Officer, the Office of Independent Education and
2743 Parental Choice shall review the application. The Department of
2744 Education shall notify the organization in writing of any
2745 deficiencies within 30 days after receipt of the application and
2746 allow the organization 30 days to correct any deficiencies.

2747 (d) Within 30 days after receipt of the finalized
2748 application by the Office of Independent Education and Parental
2749 Choice, the Commissioner of Education shall recommend approval
2750 or disapproval of the application to the State Board of
2751 Education. The State Board of Education shall consider the
2752 application and recommendation at the next scheduled meeting,
2753 adhering to appropriate meeting notice requirements. If the



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2754 State Board of Education disapproves the organization's
2755 application, it shall provide the organization with a written
2756 explanation of that determination. The State Board of
2757 Education's action is not subject to chapter 120.

2758 (e) If the State Board of Education disapproves the renewal
2759 of a nonprofit scholarship-funding organization, the
2760 organization must notify the affected eligible students and
2761 parents of the decision within 15 days after disapproval. An
2762 eligible student affected by the disapproval of an
2763 organization's participation remains eligible under this section
2764 until the end of the school year in which the organization was
2765 disapproved. The student must apply and be accepted by another
2766 eligible nonprofit scholarship-funding organization for the
2767 upcoming school year. The student must be given priority in
2768 accordance with paragraph (3) (d).

2769 (f) All remaining eligible student accounts with funds held
2770 by a nonprofit scholarship-funding organization that is
2771 disapproved for participation must be transferred to the
2772 student's account established at the eligible nonprofit
2773 scholarship-funding organization accepting the student. All
2774 transferred funds must be deposited by each eligible nonprofit
2775 scholarship-funding organization receiving such funds into the
2776 student's scholarship account. All other remaining funds must be
2777 transferred to the department. All transferred amounts received
2778 by any eligible nonprofit scholarship-funding organization must
2779 be separately disclosed in the annual financial audit required
2780 under subsection (11).

2781 (g) A nonprofit scholarship-funding organization is a
2782 renewing organization if it was approved by the State Board of



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2783 Education for the 2021-2022 fiscal year or after and maintains
2784 continuous approval and participation in the program. An
2785 organization that chooses not to participate for 1 year or more
2786 or is disapproved to participate for 1 year or more must submit
2787 an application for initial approval in order to participate in
2788 the program again.

2789 (h) The State Board of Education shall adopt rules
2790 providing guidelines for receiving, reviewing, and approving
2791 applications for new and renewing nonprofit scholarship-funding
2792 organizations. The rules must include a process for compiling
2793 input and recommendations from the Chief Financial Officer, the
2794 Department of Revenue, and the Department of Education. The
2795 rules must also require that the nonprofit scholarship-funding
2796 organization make a brief presentation to assist the State Board
2797 of Education in its decision.

2798 (i) A state university or an independent college or
2799 university that is eligible to participate in the William L.
2800 Boyd, IV, Effective Access to Student Education Grant Program,
2801 is located and chartered in this state, is not for profit, and
2802 is accredited by the Commission on Colleges of the Southern
2803 Association of Colleges and Schools is exempt from the initial
2804 or renewal application process, but must file a registration
2805 notice with the Department of Education to be an eligible
2806 nonprofit scholarship-funding organization. The State Board of
2807 Education shall adopt rules that identify the procedure for
2808 filing the registration notice with the department. The rules
2809 must identify appropriate reporting requirements for fiscal,
2810 programmatic, and performance accountability purposes consistent
2811 with this section, but may not exceed the requirements for



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2812 eligible nonprofit scholarship-funding organizations for
2813 charitable organizations.

2814 ~~(15)(12)~~ LIABILITY.—No liability shall arise on the part of
2815 the state based on the award or use of a Family Empowerment
2816 Scholarship.

2817 ~~(16)(13)~~ SCOPE OF AUTHORITY.—The inclusion of eligible
2818 private schools and private providers within the options
2819 available to Florida public school students does not expand the
2820 regulatory authority of the state, its officers, or any school
2821 district to impose any additional regulation of private schools
2822 beyond those reasonably necessary to enforce requirements
2823 expressly set forth in this section.

2824 ~~(17)(14)~~ RULES.—The State Board of Education shall adopt
2825 rules pursuant to ss. 120.536(1) and 120.54 to administer this
2826 section. The state board rules must include a requirement that
2827 the department work collaboratively with an approved
2828 scholarship-funding organization to expedite the process for the
2829 verification and reporting obligations specified under
2830 subsection ~~(11)~~ ~~(10)~~.

2831 ~~(15) IMPLEMENTATION SCHEDULE FOR THE 2019-2020 SCHOOL~~
2832 ~~YEAR. Notwithstanding the provisions of this section related to~~
2833 ~~notification requirements and eligibility timelines, for the~~
2834 ~~2019-2020 school year:~~

2835 ~~(a) A student is eligible for a Family Empowerment~~
2836 ~~Scholarship under this section if the student's parent has~~
2837 ~~obtained acceptance of the student's admission to a private~~
2838 ~~school that is eligible for the program under subsection (8),~~
2839 ~~and the parent has requested a scholarship from the Department~~
2840 ~~of Education no later than August 15, 2019. The request must be~~



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2841 ~~communicated directly to the department in a manner that creates~~
2842 ~~a written or electronic record of the request and the date of~~
2843 ~~receipt of the request.~~

2844 ~~(b) The department shall expedite the publication of~~
2845 ~~information relevant to the Family Empowerment Scholarship~~
2846 ~~Program on the department's website, including, but not limited~~
2847 ~~to, the eligibility criteria for students to qualify for the~~
2848 ~~scholarship under this section and how parents may request the~~
2849 ~~scholarship. The department must immediately notify the school~~
2850 ~~district of the parent's intent upon receipt of the parent's~~
2851 ~~request.~~

2852 ~~(c) Upon notification by the department that it has~~
2853 ~~received the documentation required under paragraph (10) (a), the~~
2854 ~~Chief Financial Officer shall make the first quarter payment of~~
2855 ~~scholarships no later than October 1, 2019.~~

2856
2857 ~~This subsection shall expire June 30, 2020.~~

2858 Section 20. Section 1002.395, Florida Statutes, is amended
2859 to read:

2860 1002.395 Florida K-12 Education Funding Tax Credit
2861 Scholarship Program.—

2862 (1) FINDINGS AND PURPOSE.—

2863 (a) The Legislature finds that:

2864 1. It has the inherent power to determine subjects of
2865 taxation for general or particular public purposes.

2866 2. Expanding educational opportunities and improving the
2867 quality of educational services within the state are valid
2868 public purposes that the Legislature may promote using its
2869 sovereign power to determine subjects of taxation and exemptions



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2870 from taxation.

2871 3. Ensuring that all parents, regardless of means, may
2872 exercise and enjoy their basic right to educate their children
2873 as they see fit is a valid public purpose that the Legislature
2874 may promote using its sovereign power to determine subjects of
2875 taxation and exemptions from taxation.

2876 4. Expanding educational opportunities and the healthy
2877 competition they promote are critical to improving the quality
2878 of education in the state and to ensuring that all children
2879 receive the high-quality education to which they are entitled.

2880 (b) The purpose of this section is to:

2881 1. Enable taxpayers to designate portions of certain tax
2882 payments as ~~make private, voluntary~~ contributions to K-12
2883 education funding to nonprofit scholarship-funding organizations
2884 in order to promote the general welfare.

2885 2. ~~Provide taxpayers who wish to help parents with limited~~
2886 ~~resources exercise their basic right to educate their children~~
2887 ~~as they see fit with a means to do so.~~

2888 3. ~~Promote the general welfare by expanding educational~~
2889 ~~opportunities for children of families that have limited~~
2890 ~~financial resources.~~

2891 4. Enable children in this state to achieve a greater level
2892 of excellence in their education.

2893 3.5. Improve the quality of education in this state, both
2894 by expanding educational opportunities for children and by
2895 creating incentives for schools to achieve excellence.

2896 (c) ~~The purpose of this section is not to prescribe the~~
2897 ~~standards or curriculum for private schools. A private school~~
2898 ~~retains the authority to determine its own standards and~~



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2899 ~~curriculum.~~

2900 (2) DEFINITIONS.—As used in this section, the term:

2901 (a) ~~“Annual tax credit amount” means, for any state fiscal~~
2902 ~~year, the sum of the amount of tax credits approved under~~
2903 ~~paragraph (5)(b), including tax credits to be taken under s.~~
2904 ~~220.1875 or s. 624.51055, which are approved for a taxpayer~~
2905 ~~whose taxable year begins on or after January 1 of the calendar~~
2906 ~~year preceding the start of the applicable state fiscal year.~~

2907 ~~(b) “Department” means the Department of Revenue.~~

2908 ~~(c) “Direct certification list” means the certified list of~~
2909 ~~children who qualify for the food assistance program, the~~
2910 ~~Temporary Assistance to Needy Families Program, or the Food~~
2911 ~~Distribution Program on Indian Reservations provided to the~~
2912 ~~Department of Education by the Department of Children and~~
2913 ~~Families.~~

2914 ~~(b)(d) “Division” means the Division of Alcoholic Beverages~~
2915 ~~and Tobacco of the Department of Business and Professional~~
2916 ~~Regulation.~~

2917 ~~(c)(e) “Eligible contribution” means the taxes, or a~~
2918 ~~portion thereof, remitted by the taxpayer to the department or~~
2919 ~~the division which the taxpayer elects to designate for K-12~~
2920 ~~education funding a monetary contribution from a taxpayer,~~
2921 ~~subject to the restrictions provided in this section, ~~to an~~~~
2922 ~~eligible nonprofit scholarship funding organization. The~~
2923 ~~taxpayer making the contribution may not designate a specific~~
2924 ~~child as the beneficiary of the contribution.~~

2925 ~~(f) “Eligible nonprofit scholarship funding organization”~~
2926 ~~means a state university; or an independent college or~~
2927 ~~university that is eligible to participate in the William L.~~



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2928 ~~Boyd, IV, Effective Access to Student Education Grant Program,~~
2929 ~~located and chartered in this state, is not for profit, and is~~
2930 ~~accredited by the Commission on Colleges of the Southern~~
2931 ~~Association of Colleges and Schools; or is a charitable~~
2932 ~~organization that:~~

2933 ~~1. Is exempt from federal income tax pursuant to s.~~
2934 ~~501(c) (3) of the Internal Revenue Code;~~

2935 ~~2. Is a Florida entity formed under chapter 605, chapter~~
2936 ~~607, or chapter 617 and whose principal office is located in the~~
2937 ~~state; and~~

2938 ~~3. Complies with subsections (6) and (15).~~

2939 ~~(g) "Eligible private school" means a private school, as~~
2940 ~~defined in s. 1002.01(2), located in Florida which offers an~~
2941 ~~education to students in any grades K-12 and that meets the~~
2942 ~~requirements in subsection (8).~~

2943 ~~(h) "Household income" has the same meaning as the term~~
2944 ~~"income" as defined in the Income Eligibility Guidelines for~~
2945 ~~free and reduced price meals under the National School Lunch~~
2946 ~~Program in 7 C.F.R. part 210 as published in the Federal~~
2947 ~~Register by the United States Department of Agriculture.~~

2948 ~~(i) "Owner or operator" includes:~~

2949 ~~1. An owner, president, officer, or director of an eligible~~
2950 ~~nonprofit scholarship-funding organization or a person with~~
2951 ~~equivalent decisionmaking authority over an eligible nonprofit~~
2952 ~~scholarship-funding organization.~~

2953 ~~2. An owner, operator, superintendent, or principal of an~~
2954 ~~eligible private school or a person with equivalent~~
2955 ~~decisionmaking authority over an eligible private school.~~

2956 ~~(j) "Tax credit cap amount" means the maximum annual tax~~



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2957 ~~credit amount that the department may approve for a state fiscal~~
2958 ~~year.~~

2959 ~~(k) "Unweighted FTE funding amount" means the statewide~~
2960 ~~average total funds per unweighted full-time equivalent funding~~
2961 ~~amount that is incorporated by reference in the General~~
2962 ~~Appropriations Act, or any subsequent special appropriations~~
2963 ~~act, for the applicable state fiscal year.~~

2964 ~~(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—~~

2965 ~~(a) The Florida Tax Credit Scholarship Program is~~
2966 ~~established.~~

2967 ~~(b) A student is eligible for a Florida tax credit~~
2968 ~~scholarship under this section if the student meets one or more~~
2969 ~~of the following criteria:~~

2970 ~~1. The student is on the direct certification list or the~~
2971 ~~student's household income level does not exceed 260 percent of~~
2972 ~~the federal poverty level; or~~

2973 ~~2. The student is currently placed, or during the previous~~
2974 ~~state fiscal year was placed, in foster care or in out-of-home~~
2975 ~~care as defined in s. 39.01.~~

2976
2977 ~~Priority must be given to a student whose household income level~~
2978 ~~does not exceed 185 percent of the federal poverty level or who~~
2979 ~~is in foster care or out-of-home care. A student who initially~~
2980 ~~receives a scholarship based on eligibility under this paragraph~~
2981 ~~remains eligible to participate until he or she graduates from~~
2982 ~~high school or attains the age of 21 years, whichever occurs~~
2983 ~~first, regardless of the student's household income level. A~~
2984 ~~sibling of a student who is participating in the scholarship~~
2985 ~~program under this subsection is eligible for a scholarship if~~



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2986 ~~the student resides in the same household as the sibling.~~
2987 ~~(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for~~
2988 ~~a scholarship while he or she is:~~
2989 ~~(a) Enrolled in a school operating for the purpose of~~
2990 ~~providing educational services to youth in Department of~~
2991 ~~Juvenile Justice commitment programs;~~
2992 ~~(b) Receiving a scholarship from another eligible nonprofit~~
2993 ~~scholarship-funding organization under this section;~~
2994 ~~(c) Receiving an educational scholarship pursuant to~~
2995 ~~chapter 1002;~~
2996 ~~(d) Participating in a home education program as defined in~~
2997 ~~s. 1002.01(1);~~
2998 ~~(e) Participating in a private tutoring program pursuant to~~
2999 ~~s. 1002.43;~~
3000 ~~(f) Participating in a virtual school, correspondence~~
3001 ~~school, or distance learning program that receives state funding~~
3002 ~~pursuant to the student's participation unless the participation~~
3003 ~~is limited to no more than two courses per school year; or~~
3004 ~~(g) Enrolled in the Florida School for the Deaf and the~~
3005 ~~Blind.~~
3006 ~~(5) K-12 EDUCATION SCHOLARSHIP FUNDING TAX CREDITS;~~
3007 ~~LIMITATIONS.—~~
3008 ~~(a)1. The tax credit cap amount is \$229 million in the~~
3009 ~~2012-2013 state fiscal year.~~
3010 ~~2. In the 2013-2014 state fiscal year and each state fiscal~~
3011 ~~year thereafter, the tax credit cap amount is the tax credit cap~~
3012 ~~amount in the prior state fiscal year. However, in any state~~
3013 ~~fiscal year when the annual tax credit amount for the prior~~
3014 ~~state fiscal year is equal to or greater than 90 percent of the~~



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3015 ~~tax credit cap amount applicable to that state fiscal year, the~~
3016 ~~tax credit cap amount shall increase by 25 percent. The~~
3017 ~~Department of Education and Department of Revenue shall publish~~
3018 ~~on their websites information identifying the tax credit cap~~
3019 ~~amount when it is increased pursuant to this subparagraph.~~

3020 (a) ~~(b)~~ A taxpayer may elect to make eligible contributions
3021 submit an application to the department or the division for a
3022 tax credit or credits under one or more of s. 211.0251, s.
3023 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055. For
3024 elections related to taxes imposed under chapter 211, chapter
3025 212, or chapter 561, the taxpayer shall make the election on a
3026 return filed with the department or the division. For elections
3027 related to taxes imposed under chapter 220 or chapter 624, the
3028 taxpayer shall make the election when making the estimated
3029 payment.

3030 (b) The taxpayer shall specify the amount of the eligible
3031 contribution, which amount may not exceed:

3032 1. For elections under s. 211.0251, 50 percent of the tax
3033 due on the return on which the election is made.

3034 2. For elections under s. 212.1831, 100 percent of the tax
3035 due on the return on which the election is made.

3036 3. For elections under s. 220.1875, 25 percent of the final
3037 tax liability shown on the taxpayer's Florida Corporate Income
3038 Tax Return for the prior taxable year.

3039 4. For elections under s. 561.1211, 90 percent of the tax
3040 due on the return on which the election is made.

3041 5. For elections under s. 624.51055, 33 percent of the tax
3042 due for the prior taxable year under s. 624.509(1) after
3043 deducting from such tax the prior year's deductions for



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3044 assessments made pursuant to s. 440.51; credits for taxes paid
3045 under ss. 175.101 and 185.08; credits for income taxes paid
3046 under chapter 220; and the credit allowed under s. 624.509(5),
3047 as such credit is limited by s. 624.509(6).

3048 ~~1. The taxpayer shall specify in the application each tax~~
3049 ~~for which the taxpayer requests a credit and the applicable~~
3050 ~~taxable year for a credit under s. 220.1875 or s. 624.51055 or~~
3051 ~~the applicable state fiscal year for a credit under s. 211.0251,~~
3052 ~~s. 212.1831, or s. 561.1211. For purposes of s. 220.1875, a~~
3053 ~~taxpayer may apply for a credit to be used for a prior taxable~~
3054 ~~year before the date the taxpayer is required to file a return~~
3055 ~~for that year pursuant to s. 220.222. For purposes of s.~~
3056 ~~624.51055, a taxpayer may apply for a credit to be used for a~~
3057 ~~prior taxable year before the date the taxpayer is required to~~
3058 ~~file a return for that prior taxable year pursuant to ss.~~
3059 ~~624.509 and 624.5092. The department shall approve tax credits~~
3060 ~~on a first-come, first-served basis and must obtain the~~
3061 ~~division's approval before approving a tax credit under s.~~
3062 ~~561.1211.~~

3063 ~~2. Within 10 days after approving or denying an~~
3064 ~~application, the department shall provide a copy of its approval~~
3065 ~~or denial letter to the eligible nonprofit scholarship funding~~
3066 ~~organization specified by the taxpayer in the application.~~

3067 ~~(c) If a tax credit approved under paragraph (b) is not~~
3068 ~~fully used within the specified state fiscal year for credits~~
3069 ~~under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes~~
3070 ~~due for the specified taxable year for credits under s. 220.1875~~
3071 ~~or s. 624.51055 because of insufficient tax liability on the~~
3072 ~~part of the taxpayer, the unused amount shall be carried forward~~



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3073 ~~for a period not to exceed 10 years. For purposes of s.~~
3074 ~~220.1875, a credit carried forward may be used in a subsequent~~
3075 ~~year after applying the other credits and unused carryovers in~~
3076 ~~the order provided in s. 220.02(8).~~

3077 ~~(d) A taxpayer may not convey, assign, or transfer an~~
3078 ~~approved tax credit or a carryforward tax credit to another~~
3079 ~~entity unless all of the assets of the taxpayer are conveyed,~~
3080 ~~assigned, or transferred in the same transaction. However, a tax~~
3081 ~~credit under s. 211.0251, s. 212.1831, s. 220.1875, s. 561.1211,~~
3082 ~~or s. 624.51055 may be conveyed, transferred, or assigned~~
3083 ~~between members of an affiliated group of corporations if the~~
3084 ~~type of tax credit under s. 211.0251, s. 212.1831, s. 220.1875,~~
3085 ~~s. 561.1211, or s. 624.51055 remains the same. A taxpayer shall~~
3086 ~~notify the department of its intent to convey, transfer, or~~
3087 ~~assign a tax credit to another member within an affiliated group~~
3088 ~~of corporations. The amount conveyed, transferred, or assigned~~
3089 ~~is available to another member of the affiliated group of~~
3090 ~~corporations upon approval by the department. The department~~
3091 ~~shall obtain the division's approval before approving a~~
3092 ~~conveyance, transfer, or assignment of a tax credit under s.~~
3093 ~~561.1211.~~

3094 ~~(e) Within any state fiscal year, a taxpayer may rescind~~
3095 ~~all or part of a tax credit approved under paragraph (b). The~~
3096 ~~amount rescinded shall become available for that state fiscal~~
3097 ~~year to another eligible taxpayer as approved by the department~~
3098 ~~if the taxpayer receives notice from the department that the~~
3099 ~~rescindment has been accepted by the department. The department~~
3100 ~~must obtain the division's approval prior to accepting the~~
3101 ~~rescindment of a tax credit under s. 561.1211. Any amount~~



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3102 ~~rescinded under this paragraph shall become available to an~~
3103 ~~eligible taxpayer on a first-come, first-served basis based on~~
3104 ~~tax credit applications received after the date the rescindment~~
3105 ~~is accepted by the department.~~

3106 ~~(f) Within 10 days after approving or denying the~~
3107 ~~conveyance, transfer, or assignment of a tax credit under~~
3108 ~~paragraph (d), or the rescindment of a tax credit under~~
3109 ~~paragraph (c), the department shall provide a copy of its~~
3110 ~~approval or denial letter to the eligible nonprofit scholarship-~~
3111 ~~funding organization specified by the taxpayer. The department~~
3112 ~~shall also include the eligible nonprofit scholarship-funding~~
3113 ~~organization specified by the taxpayer on all letters or~~
3114 ~~correspondence of acknowledgment for tax credits under s.~~
3115 ~~212.1831.~~

3116 ~~(g) For purposes of calculating the underpayment of~~
3117 ~~estimated corporate income taxes pursuant to s. 220.34 and tax~~
3118 ~~installment payments for taxes on insurance premiums or~~
3119 ~~assessments under s. 624.5092, the final amount due is the~~
3120 ~~amount after credits earned under s. 220.1875 or s. 624.51055~~
3121 ~~for contributions to eligible nonprofit scholarship-funding~~
3122 ~~organizations are deducted.~~

3123 ~~1. For purposes of determining if a penalty or interest~~
3124 ~~shall be imposed for underpayment of estimated corporate income~~
3125 ~~tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning~~
3126 ~~a credit under s. 220.1875, reduce any estimated payment in that~~
3127 ~~taxable year by the amount of the credit. This subparagraph~~
3128 ~~applies to contributions made on or after July 1, 2014.~~

3129 ~~2. For purposes of determining if a penalty under s.~~
3130 ~~624.5092 shall be imposed, an insurer, after earning a credit~~



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3131 ~~under s. 624.51055 for a taxable year, may reduce any~~
3132 ~~installment payment for such taxable year of 27 percent of the~~
3133 ~~amount of the net tax due as reported on the return for the~~
3134 ~~preceding year under s. 624.5092(2) (b) by the amount of the~~
3135 ~~credit. This subparagraph applies to contributions made on or~~
3136 ~~after July 1, 2014.~~

3137 ~~(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP FUNDING~~
3138 ~~ORGANIZATIONS. An eligible nonprofit scholarship funding~~
3139 ~~organization:~~

3140 ~~(a) Must comply with the antidiscrimination provisions of~~
3141 ~~42 U.S.C. s. 2000d.~~

3142 ~~(b) Must comply with the following background check~~
3143 ~~requirements:~~

3144 ~~1. All owners and operators as defined in subparagraph~~
3145 ~~(2)(i)1. are, before employment or engagement to provide~~
3146 ~~services, subject to level 2 background screening as provided~~
3147 ~~under chapter 435. The fingerprints for the background screening~~
3148 ~~must be electronically submitted to the Department of Law~~
3149 ~~Enforcement and can be taken by an authorized law enforcement~~
3150 ~~agency or by an employee of the eligible nonprofit scholarship-~~
3151 ~~funding organization or a private company who is trained to take~~
3152 ~~fingerprints. However, the complete set of fingerprints of an~~
3153 ~~owner or operator may not be taken by the owner or operator. The~~
3154 ~~results of the state and national criminal history check shall~~
3155 ~~be provided to the Department of Education for screening under~~
3156 ~~chapter 435. The cost of the background screening may be borne~~
3157 ~~by the eligible nonprofit scholarship-funding organization or~~
3158 ~~the owner or operator.~~

3159 ~~2. Every 5 years following employment or engagement to~~



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3160 ~~provide services or association with an eligible nonprofit~~
3161 ~~scholarship-funding organization, each owner or operator must~~
3162 ~~meet level 2 screening standards as described in s. 435.04, at~~
3163 ~~which time the nonprofit scholarship-funding organization shall~~
3164 ~~request the Department of Law Enforcement to forward the~~
3165 ~~fingerprints to the Federal Bureau of Investigation for level 2~~
3166 ~~screening. If the fingerprints of an owner or operator are not~~
3167 ~~retained by the Department of Law Enforcement under subparagraph~~
3168 ~~3., the owner or operator must electronically file a complete~~
3169 ~~set of fingerprints with the Department of Law Enforcement. Upon~~
3170 ~~submission of fingerprints for this purpose, the eligible~~
3171 ~~nonprofit scholarship-funding organization shall request that~~
3172 ~~the Department of Law Enforcement forward the fingerprints to~~
3173 ~~the Federal Bureau of Investigation for level 2 screening, and~~
3174 ~~the fingerprints shall be retained by the Department of Law~~
3175 ~~Enforcement under subparagraph 3.~~

3176 ~~3. Fingerprints submitted to the Department of Law~~
3177 ~~Enforcement as required by this paragraph must be retained by~~
3178 ~~the Department of Law Enforcement in a manner approved by rule~~
3179 ~~and entered in the statewide automated biometric identification~~
3180 ~~system authorized by s. 943.05(2)(b). The fingerprints must~~
3181 ~~thereafter be available for all purposes and uses authorized for~~
3182 ~~arrest fingerprints entered in the statewide automated biometric~~
3183 ~~identification system pursuant to s. 943.051.~~

3184 ~~4. The Department of Law Enforcement shall search all~~
3185 ~~arrest fingerprints received under s. 943.051 against the~~
3186 ~~fingerprints retained in the statewide automated biometric~~
3187 ~~identification system under subparagraph 3. Any arrest record~~
3188 ~~that is identified with an owner's or operator's fingerprints~~



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3189 ~~must be reported to the Department of Education. The Department~~
3190 ~~of Education shall participate in this search process by paying~~
3191 ~~an annual fee to the Department of Law Enforcement and by~~
3192 ~~informing the Department of Law Enforcement of any change in the~~
3193 ~~employment, engagement, or association status of the owners or~~
3194 ~~operators whose fingerprints are retained under subparagraph 3.~~
3195 ~~The Department of Law Enforcement shall adopt a rule setting the~~
3196 ~~amount of the annual fee to be imposed upon the Department of~~
3197 ~~Education for performing these services and establishing the~~
3198 ~~procedures for the retention of owner and operator fingerprints~~
3199 ~~and the dissemination of search results. The fee may be borne by~~
3200 ~~the owner or operator of the nonprofit scholarship funding~~
3201 ~~organization.~~

3202 ~~5. A nonprofit scholarship funding organization whose owner~~
3203 ~~or operator fails the level 2 background screening is not~~
3204 ~~eligible to provide scholarships under this section.~~

3205 ~~6. A nonprofit scholarship funding organization whose owner~~
3206 ~~or operator in the last 7 years has filed for personal~~
3207 ~~bankruptcy or corporate bankruptcy in a corporation of which he~~
3208 ~~or she owned more than 20 percent shall not be eligible to~~
3209 ~~provide scholarships under this section.~~

3210 ~~7. In addition to the offenses listed in s. 435.04, a~~
3211 ~~person required to undergo background screening pursuant to this~~
3212 ~~part or authorizing statutes must not have an arrest awaiting~~
3213 ~~final disposition for, must not have been found guilty of, or~~
3214 ~~entered a plea of nolo contendere to, regardless of~~
3215 ~~adjudication, and must not have been adjudicated delinquent, and~~
3216 ~~the record must not have been sealed or expunged for, any of the~~
3217 ~~following offenses or any similar offense of another~~



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- 3218 ~~jurisdiction:~~
- 3219 ~~a. Any authorizing statutes, if the offense was a felony.~~
- 3220 ~~b. This chapter, if the offense was a felony.~~
- 3221 ~~e. Section 409.920, relating to Medicaid provider fraud.~~
- 3222 ~~d. Section 409.9201, relating to Medicaid fraud.~~
- 3223 ~~e. Section 741.28, relating to domestic violence.~~
- 3224 ~~f. Section 817.034, relating to fraudulent acts through~~
- 3225 ~~mail, wire, radio, electromagnetic, photoelectronic, or~~
- 3226 ~~photooptical systems.~~
- 3227 ~~g. Section 817.234, relating to false and fraudulent~~
- 3228 ~~insurance claims.~~
- 3229 ~~h. Section 817.505, relating to patient brokering.~~
- 3230 ~~i. Section 817.568, relating to criminal use of personal~~
- 3231 ~~identification information.~~
- 3232 ~~j. Section 817.60, relating to obtaining a credit card~~
- 3233 ~~through fraudulent means.~~
- 3234 ~~k. Section 817.61, relating to fraudulent use of credit~~
- 3235 ~~cards, if the offense was a felony.~~
- 3236 ~~l. Section 831.01, relating to forgery.~~
- 3237 ~~m. Section 831.02, relating to uttering forged instruments.~~
- 3238 ~~n. Section 831.07, relating to forging bank bills, checks,~~
- 3239 ~~drafts, or promissory notes.~~
- 3240 ~~o. Section 831.09, relating to uttering forged bank bills,~~
- 3241 ~~checks, drafts, or promissory notes.~~
- 3242 ~~p. Section 831.30, relating to fraud in obtaining medicinal~~
- 3243 ~~drugs.~~
- 3244 ~~q. Section 831.31, relating to the sale, manufacture,~~
- 3245 ~~delivery, or possession with the intent to sell, manufacture, or~~
- 3246 ~~deliver any counterfeit controlled substance, if the offense was~~



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3247 ~~a felony.~~
3248 ~~(c) Must not have an owner or operator who owns or operates~~
3249 ~~an eligible private school that is participating in the~~
3250 ~~scholarship program.~~
3251 ~~(d) Must provide scholarships, from eligible contributions,~~
3252 ~~to eligible students for the cost of:~~
3253 ~~1. Tuition and fees for an eligible private school; or~~
3254 ~~2. Transportation to a Florida public school in which a~~
3255 ~~student is enrolled and that is different from the school to~~
3256 ~~which the student was assigned or to a lab school as defined in~~
3257 ~~s. 1002.32.~~
3258 ~~(e) Must give first priority to eligible renewal students~~
3259 ~~who received a scholarship from an eligible nonprofit~~
3260 ~~scholarship-funding organization or from the State of Florida~~
3261 ~~during the previous school year. The eligible nonprofit~~
3262 ~~scholarship-funding organization must fully apply and exhaust~~
3263 ~~all funds available under this section and s. 1002.40(11)(i) for~~
3264 ~~renewal scholarship awards before awarding any initial~~
3265 ~~scholarships.~~
3266 ~~(f) Must provide a renewal or initial scholarship to an~~
3267 ~~eligible student on a first-come, first-served basis unless the~~
3268 ~~student qualifies for priority pursuant to paragraph (e). Each~~
3269 ~~eligible nonprofit scholarship-funding organization must refer~~
3270 ~~any student eligible for a scholarship pursuant to this section~~
3271 ~~who did not receive a renewal or initial scholarship based~~
3272 ~~solely on the lack of available funds under this section and s.~~
3273 ~~1002.40(11)(i) to another eligible nonprofit scholarship-funding~~
3274 ~~organization that may have funds available.~~
3275 ~~(g) May not restrict or reserve scholarships for use at a~~



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3276 ~~particular private school or provide scholarships to a child of~~
3277 ~~an owner or operator.~~

3278 ~~(h) Must allow a student in foster care or out of home care~~
3279 ~~or a dependent child of a parent who is a member of the United~~
3280 ~~States Armed Forces to apply for a scholarship at any time.~~

3281 ~~(i) Must allow an eligible student to attend any eligible~~
3282 ~~private school and must allow a parent to transfer a scholarship~~
3283 ~~during a school year to any other eligible private school of the~~
3284 ~~parent's choice.~~

3285 ~~(j)1. May use eligible contributions received pursuant to~~
3286 ~~this section and ss. 212.099, 212.1832, and 1002.40 during the~~
3287 ~~state fiscal year in which such contributions are collected for~~
3288 ~~administrative expenses if the organization has operated as an~~
3289 ~~eligible nonprofit scholarship-funding organization for at least~~
3290 ~~the preceding 3 fiscal years and did not have any findings of~~
3291 ~~material weakness or material noncompliance in its most recent~~
3292 ~~audit under paragraph (m). Administrative expenses from eligible~~
3293 ~~contributions may not exceed 3 percent of the total amount of~~
3294 ~~all scholarships awarded by an eligible scholarship-funding~~
3295 ~~organization under this chapter. Such administrative expenses~~
3296 ~~must be reasonable and necessary for the organization's~~
3297 ~~management and distribution of scholarships awarded under this~~
3298 ~~chapter. No funds authorized under this subparagraph shall be~~
3299 ~~used for lobbying or political activity or expenses related to~~
3300 ~~lobbying or political activity. Up to one-third of the funds~~
3301 ~~authorized for administrative expenses under this subparagraph~~
3302 ~~may be used for expenses related to the recruitment of~~
3303 ~~contributions from taxpayers. An eligible nonprofit scholarship-~~
3304 ~~funding organization may not charge an application fee.~~



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3305 ~~2. Must expend for annual or partial-year scholarships an~~
3306 ~~amount equal to or greater than 75 percent of the net eligible~~
3307 ~~contributions remaining after administrative expenses during the~~
3308 ~~state fiscal year in which such contributions are collected. No~~
3309 ~~more than 25 percent of such net eligible contributions may be~~
3310 ~~carried forward to the following state fiscal year. All amounts~~
3311 ~~carried forward, for audit purposes, must be specifically~~
3312 ~~identified for particular students, by student name and the name~~
3313 ~~of the school to which the student is admitted, subject to the~~
3314 ~~requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,~~
3315 ~~and the applicable rules and regulations issued pursuant~~
3316 ~~thereto. Any amounts carried forward shall be expended for~~
3317 ~~annual or partial-year scholarships in the following state~~
3318 ~~fiscal year. No later than September 30 of each year, net~~
3319 ~~eligible contributions remaining on June 30 of each year that~~
3320 ~~are in excess of the 25 percent that may be carried forward~~
3321 ~~shall be used to provide scholarships to eligible students or~~
3322 ~~transferred to other eligible nonprofit scholarship-funding~~
3323 ~~organizations to provide scholarships for eligible students. All~~
3324 ~~transferred funds must be deposited by each eligible nonprofit~~
3325 ~~scholarship-funding organization receiving such funds into its~~
3326 ~~scholarship account. All transferred amounts received by any~~
3327 ~~eligible nonprofit scholarship-funding organization must be~~
3328 ~~separately disclosed in the annual financial audit required~~
3329 ~~under paragraph (m).~~

3330 ~~3. Must, before granting a scholarship for an academic~~
3331 ~~year, document each scholarship student's eligibility for that~~
3332 ~~academic year. A scholarship-funding organization may not grant~~
3333 ~~multiyear scholarships in one approval process.~~



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3334 ~~(k) Must maintain separate accounts for scholarship funds~~
3335 ~~and operating funds.~~

3336 ~~(l) With the prior approval of the Department of Education,~~
3337 ~~may transfer funds to another eligible nonprofit scholarship-~~
3338 ~~funding organization if additional funds are required to meet~~
3339 ~~scholarship demand at the receiving nonprofit scholarship-~~
3340 ~~funding organization. A transfer is limited to the greater of~~
3341 ~~\$500,000 or 20 percent of the total contributions received by~~
3342 ~~the nonprofit scholarship-funding organization making the~~
3343 ~~transfer. All transferred funds must be deposited by the~~
3344 ~~receiving nonprofit scholarship-funding organization into its~~
3345 ~~scholarship accounts. All transferred amounts received by any~~
3346 ~~nonprofit scholarship-funding organization must be separately~~
3347 ~~disclosed in the annual financial and compliance audit required~~
3348 ~~in this section.~~

3349 ~~(m) Must provide to the Auditor General and the Department~~
3350 ~~of Education a report on the results of an annual financial~~
3351 ~~audit of its accounts and records conducted by an independent~~
3352 ~~certified public accountant in accordance with auditing~~
3353 ~~standards generally accepted in the United States, government~~
3354 ~~auditing standards, and rules promulgated by the Auditor~~
3355 ~~General. The audit report must include a report on financial~~
3356 ~~statements presented in accordance with generally accepted~~
3357 ~~accounting principles. Audit reports must be provided to the~~
3358 ~~Auditor General and the Department of Education within 180 days~~
3359 ~~after completion of the eligible nonprofit scholarship-funding~~
3360 ~~organization's fiscal year. The Auditor General shall review all~~
3361 ~~audit reports submitted pursuant to this paragraph. The Auditor~~
3362 ~~General shall request any significant items that were omitted in~~



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3363 ~~violation of a rule adopted by the Auditor General. The items~~
3364 ~~must be provided within 45 days after the date of the request.~~
3365 ~~If the scholarship funding organization does not comply with the~~
3366 ~~Auditor General's request, the Auditor General shall notify the~~
3367 ~~Legislative Auditing Committee.~~

3368 ~~(n) Must prepare and submit quarterly reports to the~~
3369 ~~Department of Education pursuant to paragraph (9) (i). In~~
3370 ~~addition, an eligible nonprofit scholarship funding organization~~
3371 ~~must submit in a timely manner any information requested by the~~
3372 ~~Department of Education relating to the scholarship program.~~

3373 ~~(o)1.a. Must participate in the joint development of~~
3374 ~~agreed-upon procedures during the 2009-2010 state fiscal year.~~
3375 ~~The agreed-upon procedures must uniformly apply to all private~~
3376 ~~schools and must determine, at a minimum, whether the private~~
3377 ~~school has been verified as eligible by the Department of~~
3378 ~~Education under s. 1002.421; has an adequate accounting system,~~
3379 ~~system of financial controls, and process for deposit and~~
3380 ~~classification of scholarship funds; and has properly expended~~
3381 ~~scholarship funds for education-related expenses. During the~~
3382 ~~development of the procedures, the participating scholarship-~~
3383 ~~funding organizations shall specify guidelines governing the~~
3384 ~~materiality of exceptions that may be found during the~~
3385 ~~accountant's performance of the procedures. The procedures and~~
3386 ~~guidelines shall be provided to private schools and the~~
3387 ~~Commissioner of Education by March 15, 2011.~~

3388 ~~b. Must participate in a joint review of the agreed-upon~~
3389 ~~procedures and guidelines developed under sub-subparagraph a.,~~
3390 ~~by February of each biennium, if the scholarship funding~~
3391 ~~organization provided more than \$250,000 in scholarship funds to~~



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3392 ~~an eligible private school under this chapter during the state~~
3393 ~~fiscal year preceding the biennial review. If the procedures and~~
3394 ~~guidelines are revised, the revisions must be provided to~~
3395 ~~private schools and the Commissioner of Education by March 15 of~~
3396 ~~the year in which the revisions were completed. The revised~~
3397 ~~agreed-upon procedures shall take effect the subsequent school~~
3398 ~~year. For the 2018-2019 school year only, the joint review of~~
3399 ~~the agreed-upon procedures must be completed and the revisions~~
3400 ~~submitted to the commissioner no later than September 15, 2018.~~
3401 ~~The revised procedures are applicable to the 2018-2019 school~~
3402 ~~year.~~

3403 ~~e. Must monitor the compliance of a private school with s.~~
3404 ~~1002.421(1)(q) if the scholarship funding organization provided~~
3405 ~~the majority of the scholarship funding to the school. For each~~
3406 ~~private school subject to s. 1002.421(1)(q), the appropriate~~
3407 ~~scholarship funding organization shall annually notify the~~
3408 ~~Commissioner of Education by October 30 of:~~

3409 ~~(I) A private school's failure to submit a report required~~
3410 ~~under s. 1002.421(1)(q); or~~

3411 ~~(II) Any material exceptions set forth in the report~~
3412 ~~required under s. 1002.421(1)(q).~~

3413 ~~2. Must seek input from the accrediting associations that~~
3414 ~~are members of the Florida Association of Academic Nonpublic~~
3415 ~~Schools and the Department of Education when jointly developing~~
3416 ~~the agreed-upon procedures and guidelines under sub-subparagraph~~
3417 ~~1.a. and conducting a review of those procedures and guidelines~~
3418 ~~under sub-subparagraph 1.b.~~

3419 ~~(p) Must maintain the surety bond or letter of credit~~
3420 ~~required by subsection (15). The amount of the surety bond or~~



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3421 ~~letter of credit may be adjusted quarterly to equal the actual~~
3422 ~~amount of undisbursed funds based upon submission by the~~
3423 ~~organization of a statement from a certified public accountant~~
3424 ~~verifying the amount of undisbursed funds. The requirements of~~
3425 ~~this paragraph are waived if the cost of acquiring a surety bond~~
3426 ~~or letter of credit exceeds the average 10-year cost of~~
3427 ~~acquiring a surety bond or letter of credit by 200 percent. The~~
3428 ~~requirements of this paragraph are waived for a state~~
3429 ~~university; or an independent college or university which is~~
3430 ~~eligible to participate in the William L. Boyd, IV, Effective~~
3431 ~~Access to Student Education Grant Program, located and chartered~~
3432 ~~in this state, is not for profit, and is accredited by the~~
3433 ~~Commission on Colleges of the Southern Association of Colleges~~
3434 ~~and Schools.~~

3435 ~~(g) Must provide to the Auditor General any information or~~
3436 ~~documentation requested in connection with an operational audit~~
3437 ~~of a scholarship funding organization conducted pursuant to s.~~
3438 ~~11.45.~~

3439
3440 ~~Information and documentation provided to the Department of~~
3441 ~~Education and the Auditor General relating to the identity of a~~
3442 ~~taxpayer that provides an eligible contribution under this~~
3443 ~~section shall remain confidential at all times in accordance~~
3444 ~~with s. 213.053.~~

3445 ~~(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM~~
3446 ~~PARTICIPATION.—~~

3447 ~~(a) The parent must select an eligible private school and~~
3448 ~~apply for the admission of his or her child.~~

3449 ~~(b) The parent must inform the child's school district when~~



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3450 ~~the parent withdraws his or her child to attend an eligible~~
3451 ~~private school.~~

3452 ~~(c) Any student participating in the scholarship program~~
3453 ~~must remain in attendance throughout the school year unless~~
3454 ~~excused by the school for illness or other good cause.~~

3455 ~~(d) Each parent and each student has an obligation to the~~
3456 ~~private school to comply with the private school's published~~
3457 ~~policies.~~

3458 ~~(e) The parent shall ensure that the student participating~~
3459 ~~in the scholarship program takes the norm-referenced assessment~~
3460 ~~offered by the private school. The parent may also choose to~~
3461 ~~have the student participate in the statewide assessments~~
3462 ~~pursuant to s. 1008.22. If the parent requests that the student~~
3463 ~~participating in the scholarship program take statewide~~
3464 ~~assessments pursuant to s. 1008.22 and the private school has~~
3465 ~~not chosen to offer and administer the statewide assessments,~~
3466 ~~the parent is responsible for transporting the student to the~~
3467 ~~assessment site designated by the school district.~~

3468 ~~(f) Upon receipt of a scholarship warrant from the eligible~~
3469 ~~nonprofit scholarship-funding organization, the parent to whom~~
3470 ~~the warrant is made must restrictively endorse the warrant to~~
3471 ~~the private school for deposit into the account of the private~~
3472 ~~school. If payments are made by funds transfer, the parent must~~
3473 ~~approve each payment before the scholarship funds may be~~
3474 ~~deposited. The parent may not designate any entity or individual~~
3475 ~~associated with the participating private school as the parent's~~
3476 ~~attorney in fact to endorse a scholarship warrant or approve a~~
3477 ~~funds transfer. A participant who fails to comply with this~~
3478 ~~paragraph forfeits the scholarship.~~



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3479 ~~(g) The parent shall authorize the nonprofit scholarship~~
3480 ~~funding organization to access information needed for income~~
3481 ~~eligibility determination and verification held by other state~~
3482 ~~or federal agencies, including the Department of Revenue, the~~
3483 ~~Department of Children and Families, the Department of~~
3484 ~~Education, the Department of Economic Opportunity, and the~~
3485 ~~Agency for Health Care Administration.~~

3486 ~~(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible~~
3487 ~~private school may be sectarian or nonsectarian and must:~~

3488 ~~(a) Comply with all requirements for private schools~~
3489 ~~participating in state school choice scholarship programs~~
3490 ~~pursuant to s. 1002.421.~~

3491 ~~(b)1. Annually administer or make provision for students~~
3492 ~~participating in the scholarship program in grades 3 through 10~~
3493 ~~to take one of the nationally norm-referenced tests identified~~
3494 ~~by the Department of Education or the statewide assessments~~
3495 ~~pursuant to s. 1008.22. Students with disabilities for whom~~
3496 ~~standardized testing is not appropriate are exempt from this~~
3497 ~~requirement. A participating private school must report a~~
3498 ~~student's scores to the parent. A participating private school~~
3499 ~~must annually report by August 15 the scores of all~~
3500 ~~participating students to a state university described in~~
3501 ~~paragraph (9)(f).~~

3502 ~~2. Administer the statewide assessments pursuant to s.~~
3503 ~~1008.22 if a private school chooses to offer the statewide~~
3504 ~~assessments. A participating private school may choose to offer~~
3505 ~~and administer the statewide assessments to all students who~~
3506 ~~attend the private school in grades 3 through 10 and must submit~~
3507 ~~a request in writing to the Department of Education by March 1~~



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3508 ~~of each year in order to administer the statewide assessments in~~
3509 ~~the subsequent school year.~~

3510
3511 ~~If a private school fails to meet the requirements of this~~
3512 ~~subsection or s. 1002.421, the commissioner may determine that~~
3513 ~~the private school is ineligible to participate in the~~
3514 ~~scholarship program.~~

3515 ~~(9) DEPARTMENT OF EDUCATION OBLIGATIONS. The Department of~~
3516 ~~Education shall:~~

3517 ~~(a) Annually submit to the department and division, by~~
3518 ~~March 15, a list of eligible nonprofit scholarship funding~~
3519 ~~organizations that meet the requirements of paragraph (2) (f).~~

3520 ~~(b) Annually verify the eligibility of nonprofit~~
3521 ~~scholarship funding organizations that meet the requirements of~~
3522 ~~paragraph (2) (f).~~

3523 ~~(c) Annually verify the eligibility of expenditures as~~
3524 ~~provided in paragraph (6) (d) using the audit required by~~
3525 ~~paragraph (6) (m) and s. 11.45(2) (1).~~

3526 ~~(d) Cross check the list of participating scholarship~~
3527 ~~students with the public school enrollment lists to avoid~~
3528 ~~duplication.~~

3529 ~~(e) Maintain a list of nationally norm-referenced tests~~
3530 ~~identified for purposes of satisfying the testing requirement in~~
3531 ~~subparagraph (8) (b) 1. The tests must meet industry standards of~~
3532 ~~quality in accordance with State Board of Education rule.~~

3533 ~~(f) Issue a project grant award to a state university, to~~
3534 ~~which participating private schools must report the scores of~~
3535 ~~participating students on the nationally norm-referenced tests~~
3536 ~~or the statewide assessments administered by the private school~~



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3537 ~~in grades 3 through 10. The project term is 2 years, and the~~
3538 ~~amount of the project is up to \$250,000 per year. The project~~
3539 ~~grant award must be reissued in 2-year intervals in accordance~~
3540 ~~with this paragraph.~~

3541 ~~1. The state university must annually report to the~~
3542 ~~Department of Education on the student performance of~~
3543 ~~participating students:~~

3544 ~~a. On a statewide basis. The report shall also include, to~~
3545 ~~the extent possible, a comparison of scholarship students'~~
3546 ~~performance to the statewide student performance of public~~
3547 ~~school students with socioeconomic backgrounds similar to those~~
3548 ~~of students participating in the scholarship program. To~~
3549 ~~minimize costs and reduce time required for the state~~
3550 ~~university's analysis and evaluation, the Department of~~
3551 ~~Education shall coordinate with the state university to provide~~
3552 ~~data to the state university in order to conduct analyses of~~
3553 ~~matched students from public school assessment data and~~
3554 ~~calculate control group student performance using an agreed-upon~~
3555 ~~methodology with the state university; and~~

3556 ~~b. On an individual school basis. The annual report must~~
3557 ~~include student performance for each participating private~~
3558 ~~school in which at least 51 percent of the total enrolled~~
3559 ~~students in the private school participated in the Florida Tax~~
3560 ~~Credit Scholarship Program in the prior school year. The report~~
3561 ~~shall be according to each participating private school, and for~~
3562 ~~participating students, in which there are at least 30~~
3563 ~~participating students who have scores for tests administered.~~
3564 ~~If the state university determines that the 30 participating-~~
3565 ~~student cell size may be reduced without disclosing personally~~



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3566 ~~identifiable information, as described in 34 C.F.R. s. 99.12, of~~
3567 ~~a participating student, the state university may reduce the~~
3568 ~~participating student cell size, but the cell size must not be~~
3569 ~~reduced to less than 10 participating students. The department~~
3570 ~~shall provide each private school's prior school year's student~~
3571 ~~enrollment information to the state university no later than~~
3572 ~~June 15 of each year, or as requested by the state university.~~

3573 ~~2. The sharing and reporting of student performance data~~
3574 ~~under this paragraph must be in accordance with requirements of~~
3575 ~~ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family~~
3576 ~~Educational Rights and Privacy Act, and the applicable rules and~~
3577 ~~regulations issued pursuant thereto, and shall be for the sole~~
3578 ~~purpose of creating the annual report required by subparagraph~~
3579 ~~1. All parties must preserve the confidentiality of such~~
3580 ~~information as required by law. The annual report must not~~
3581 ~~disaggregate data to a level that will identify individual~~
3582 ~~participating schools, except as required under sub-subparagraph~~
3583 ~~1.b., or disclose the academic level of individual students.~~

3584 ~~3. The annual report required by subparagraph 1. shall be~~
3585 ~~published by the Department of Education on its website.~~

3586 ~~(g) Notify an eligible nonprofit scholarship funding~~
3587 ~~organization of any of the organization's identified students~~
3588 ~~who are receiving educational scholarships pursuant to chapter~~
3589 ~~1002.~~

3590 ~~(h) Notify an eligible nonprofit scholarship funding~~
3591 ~~organization of any of the organization's identified students~~
3592 ~~who are receiving tax credit scholarships from other eligible~~
3593 ~~nonprofit scholarship funding organizations.~~

3594 ~~(i) Require quarterly reports by an eligible nonprofit~~



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3595 ~~scholarship funding organization regarding the number of~~
3596 ~~students participating in the scholarship program, the private~~
3597 ~~schools at which the students are enrolled, and other~~
3598 ~~information deemed necessary by the Department of Education.~~

3599 ~~(j) Provide a process to match the direct certification~~
3600 ~~list with the scholarship application data submitted by any~~
3601 ~~nonprofit scholarship funding organization eligible to receive~~
3602 ~~the 3-percent administrative allowance under paragraph (6)(j).~~

3603 ~~(10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—~~

3604 ~~(a) Upon the request of any eligible nonprofit scholarship~~
3605 ~~funding organization, a school district shall inform all~~
3606 ~~households within the district receiving free or reduced-priced~~
3607 ~~meals under the National School Lunch Act of their eligibility~~
3608 ~~to apply for a tax credit scholarship. The form of such notice~~
3609 ~~shall be provided by the eligible nonprofit scholarship funding~~
3610 ~~organization, and the district shall include the provided form,~~
3611 ~~if requested by the organization, in any normal correspondence~~
3612 ~~with eligible households. If an eligible nonprofit scholarship-~~
3613 ~~funding organization requests a special communication to be~~
3614 ~~issued to households within the district receiving free or~~
3615 ~~reduced-price meals under the National School Lunch Act, the~~
3616 ~~organization shall reimburse the district for the cost of~~
3617 ~~postage. Such notice is limited to once a year.~~

3618 ~~(b) Upon the request of the Department of Education, a~~
3619 ~~school district shall coordinate with the department to provide~~
3620 ~~to a participating private school the statewide assessments~~
3621 ~~administered under s. 1008.22 and any related materials for~~
3622 ~~administering the assessments. A school district is responsible~~
3623 ~~for implementing test administrations at a participating private~~



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- 3624 ~~school, including the:~~
- 3625 ~~1. Provision of training for private school staff on test~~
- 3626 ~~security and assessment administration procedures;~~
- 3627 ~~2. Distribution of testing materials to a private school;~~
- 3628 ~~3. Retrieval of testing materials from a private school;~~
- 3629 ~~4. Provision of the required format for a private school to~~
- 3630 ~~submit information to the district for test administration and~~
- 3631 ~~enrollment purposes; and~~
- 3632 ~~5. Provision of any required assistance, monitoring, or~~
- 3633 ~~investigation at a private school.~~
- 3634 ~~(11) SCHOLARSHIP AMOUNT AND PAYMENT.—~~
- 3635 ~~(a) The scholarship amount provided to any student for any~~
- 3636 ~~single school year by an eligible nonprofit scholarship funding~~
- 3637 ~~organization from eligible contributions shall be for total~~
- 3638 ~~costs authorized under paragraph (6) (d), not to exceed annual~~
- 3639 ~~limits, which shall be determined as follows:~~
- 3640 ~~1. For a student who received a scholarship in the 2018-~~
- 3641 ~~2019 school year, who remains eligible, and who is enrolled in~~
- 3642 ~~an eligible private school, the amount shall be the greater~~
- 3643 ~~amount calculated pursuant to subparagraph 2. or a percentage of~~
- 3644 ~~the unweighted FTE funding amount for the 2018-2019 state fiscal~~
- 3645 ~~year and thereafter as follows:~~
- 3646 ~~a. Eighty-eight percent for a student enrolled in~~
- 3647 ~~kindergarten through grade 5.~~
- 3648 ~~b. Ninety-two percent for a student enrolled in grade 6~~
- 3649 ~~through grade 8.~~
- 3650 ~~c. Ninety-six percent for a student enrolled in grade 9~~
- 3651 ~~through grade 12.~~
- 3652 ~~2. For students initially eligible in the 2019-2020 school~~



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3653 ~~year or thereafter, the calculated amount for a student to~~
3654 ~~attend an eligible private school shall be based upon the grade~~
3655 ~~level and school district in which the student resides as 95~~
3656 ~~percent of the funds per unweighted full-time equivalent in the~~
3657 ~~Florida Education Finance Program for a student in the basic~~
3658 ~~program established pursuant to s. 1011.62(1)(c)1., plus a per-~~
3659 ~~full-time equivalent share of funds for all categorical~~
3660 ~~programs, except for the Exceptional Student Education~~
3661 ~~Guaranteed Allocation.~~

3662 ~~3. The scholarship amount awarded to a student enrolled in~~
3663 ~~a Florida public school in which a student is enrolled and that~~
3664 ~~is different from the school to which the student was assigned~~
3665 ~~or in a lab school as defined in s. 1002.32, is limited to \$750.~~

3666 ~~(b) Payment of the scholarship by the eligible nonprofit~~
3667 ~~scholarship-funding organization shall be by individual warrant~~
3668 ~~made payable to the student's parent or by funds transfer,~~
3669 ~~including, but not limited to, debit cards, electronic payment~~
3670 ~~cards, or any other means of payment that the department deems~~
3671 ~~to be commercially viable or cost-effective. If the payment is~~
3672 ~~made by warrant, the warrant must be delivered by the eligible~~
3673 ~~nonprofit scholarship-funding organization to the private school~~
3674 ~~of the parent's choice, and the parent shall restrictively~~
3675 ~~endorse the warrant to the private school. An eligible nonprofit~~
3676 ~~scholarship-funding organization shall ensure that the parent to~~
3677 ~~whom the warrant is made restrictively endorsed the warrant to~~
3678 ~~the private school for deposit into the account of the private~~
3679 ~~school or that the parent has approved a funds transfer before~~
3680 ~~any scholarship funds are deposited.~~

3681 ~~(c) An eligible nonprofit scholarship-funding organization~~



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3682 ~~shall obtain verification from the private school of a student's~~
3683 ~~continued attendance at the school for each period covered by a~~
3684 ~~scholarship payment.~~

3685 ~~(d) Payment of the scholarship shall be made by the~~
3686 ~~eligible nonprofit scholarship-funding organization no less~~
3687 ~~frequently than on a quarterly basis.~~

3688 ~~(12) ADMINISTRATION; RULES.—~~

3689 ~~(a) The department, the division, and the Department of~~
3690 ~~Education shall develop a cooperative agreement to assist in the~~
3691 ~~administration of this section.~~

3692 ~~(b) The department shall adopt rules necessary to~~
3693 ~~administer this section and ss. 211.0251, 212.1831, 220.1875,~~
3694 ~~561.1211, and 624.51055, including rules establishing~~
3695 ~~application forms, procedures governing the approval of tax~~
3696 ~~credits and carryforward tax credits under subsection (5), and~~
3697 ~~procedures to be followed by taxpayers when claiming approved~~
3698 ~~tax credits on their returns.~~

3699 ~~(c) The division shall adopt rules necessary to administer~~
3700 ~~its responsibilities under this section and s. 561.1211.~~

3701 ~~(d) The State Board of Education shall adopt rules to~~
3702 ~~administer the responsibilities of the Department of Education~~
3703 ~~and the Commissioner of Education under this section.~~

3704 ~~(4) (13) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.—All eligible~~
3705 ~~contributions received by the department or the division or~~
3706 ~~transferred by an eligible nonprofit scholarship-funding~~
3707 ~~organization shall be deposited into a designated student fund~~
3708 ~~and used for K-12 education funding in a manner consistent with~~
3709 ~~s. 17.57(2).~~

3710 ~~(14) PRESERVATION OF CREDIT.—If any provision or portion of~~



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3711 ~~this section, s. 211.0251, s. 212.1831, s. 220.1875, s.~~
3712 ~~561.1211, or s. 624.51055 or the application thereof to any~~
3713 ~~person or circumstance is held unconstitutional by any court or~~
3714 ~~is otherwise declared invalid, the unconstitutionality or~~
3715 ~~invalidity shall not affect any credit earned under s. 211.0251,~~
3716 ~~s. 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055 by any~~
3717 ~~taxpayer with respect to any contribution paid to an eligible~~
3718 ~~nonprofit scholarship-funding organization before the date of a~~
3719 ~~determination of unconstitutionality or invalidity. Such credit~~
3720 ~~shall be allowed at such time and in such a manner as if a~~
3721 ~~determination of unconstitutionality or invalidity had not been~~
3722 ~~made, provided that nothing in this subsection by itself or in~~
3723 ~~combination with any other provision of law shall result in the~~
3724 ~~allowance of any credit to any taxpayer in excess of one dollar~~
3725 ~~of credit for each dollar paid to an eligible nonprofit~~
3726 ~~scholarship-funding organization.~~

3727 ~~(15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;~~
3728 ~~APPLICATION.—In order to participate in the scholarship program~~
3729 ~~created under this section, a charitable organization that seeks~~
3730 ~~to be a nonprofit scholarship-funding organization must submit~~
3731 ~~an application for initial approval or renewal to the Office of~~
3732 ~~Independent Education and Parental Choice no later than~~
3733 ~~September 1 of each year before the school year for which the~~
3734 ~~organization intends to offer scholarships.~~

3735 ~~(a) An application for initial approval must include:~~

3736 ~~1. A copy of the organization's incorporation documents and~~
3737 ~~registration with the Division of Corporations of the Department~~
3738 ~~of State.~~

3739 ~~2. A copy of the organization's Internal Revenue Service~~



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3740 ~~determination letter as a s. 501(c)(3) not-for-profit~~
3741 ~~organization.~~

3742 ~~3. A description of the organization's financial plan that~~
3743 ~~demonstrates sufficient funds to operate throughout the school~~
3744 ~~year.~~

3745 ~~4. A description of the geographic region that the~~
3746 ~~organization intends to serve and an analysis of the demand and~~
3747 ~~unmet need for eligible students in that area.~~

3748 ~~5. The organization's organizational chart.~~

3749 ~~6. A description of the criteria and methodology that the~~
3750 ~~organization will use to evaluate scholarship eligibility.~~

3751 ~~7. A description of the application process, including~~
3752 ~~deadlines and any associated fees.~~

3753 ~~8. A description of the deadlines for attendance~~
3754 ~~verification and scholarship payments.~~

3755 ~~9. A copy of the organization's policies on conflict of~~
3756 ~~interest and whistleblowers.~~

3757 ~~10. A copy of a surety bond or letter of credit to secure~~
3758 ~~the faithful performance of the obligations of the eligible~~
3759 ~~nonprofit scholarship-funding organization in accordance with~~
3760 ~~this section in an amount equal to 25 percent of the scholarship~~
3761 ~~funds anticipated for each school year or \$100,000, whichever is~~
3762 ~~greater. The surety bond or letter of credit must specify that~~
3763 ~~any claim against the bond or letter of credit may be made only~~
3764 ~~by an eligible nonprofit scholarship-funding organization to~~
3765 ~~provide scholarships to and on behalf of students who would have~~
3766 ~~had scholarships funded if it were not for the diversion of~~
3767 ~~funds giving rise to the claim against the bond or letter of~~
3768 ~~credit.~~



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3769 ~~(b) In addition to the information required by~~
3770 ~~subparagraphs (a)1.-9., an application for renewal must include:~~

3771 ~~1. A surety bond or letter of credit to secure the faithful~~
3772 ~~performance of the obligations of the eligible nonprofit~~
3773 ~~scholarship-funding organization in accordance with this section~~
3774 ~~equal to the amount of undisbursed donations held by the~~
3775 ~~organization based on the annual report submitted pursuant to~~
3776 ~~paragraph (6) (m). The amount of the surety bond or letter of~~
3777 ~~credit must be at least \$100,000, but not more than \$25 million.~~
3778 ~~The surety bond or letter of credit must specify that any claim~~
3779 ~~against the bond or letter of credit may be made only by an~~
3780 ~~eligible nonprofit scholarship-funding organization to provide~~
3781 ~~scholarships to and on behalf of students who would have had~~
3782 ~~scholarships funded if it were not for the diversion of funds~~
3783 ~~giving rise to the claim against the bond or letter of credit.~~

3784 ~~2. The organization's completed Internal Revenue Service~~
3785 ~~Form 990 submitted no later than November 30 of the year before~~
3786 ~~the school year that the organization intends to offer the~~
3787 ~~scholarships, notwithstanding the September 1 application~~
3788 ~~deadline.~~

3789 ~~3. A copy of the statutorily required audit to the~~
3790 ~~Department of Education and Auditor General.~~

3791 ~~4. An annual report that includes:~~

3792 ~~a. The number of students who completed applications, by~~
3793 ~~county and by grade.~~

3794 ~~b. The number of students who were approved for~~
3795 ~~scholarships, by county and by grade.~~

3796 ~~c. The number of students who received funding for~~
3797 ~~scholarships within each funding category, by county and by~~



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3798 ~~grade.~~
3799 ~~d. The amount of funds received, the amount of funds~~
3800 ~~distributed in scholarships, and an accounting of remaining~~
3801 ~~funds and the obligation of those funds.~~
3802 ~~e. A detailed accounting of how the organization spent the~~
3803 ~~administrative funds allowable under paragraph (6) (j).~~
3804 ~~(c) In consultation with the Department of Revenue and the~~
3805 ~~Chief Financial Officer, the Office of Independent Education and~~
3806 ~~Parental Choice shall review the application. The Department of~~
3807 ~~Education shall notify the organization in writing of any~~
3808 ~~deficiencies within 30 days after receipt of the application and~~
3809 ~~allow the organization 30 days to correct any deficiencies.~~
3810 ~~(d) Within 30 days after receipt of the finalized~~
3811 ~~application by the Office of Independent Education and Parental~~
3812 ~~Choice, the Commissioner of Education shall recommend approval~~
3813 ~~or disapproval of the application to the State Board of~~
3814 ~~Education. The State Board of Education shall consider the~~
3815 ~~application and recommendation at the next scheduled meeting,~~
3816 ~~adhering to appropriate meeting notice requirements. If the~~
3817 ~~State Board of Education disapproves the organization's~~
3818 ~~application, it shall provide the organization with a written~~
3819 ~~explanation of that determination. The State Board of~~
3820 ~~Education's action is not subject to chapter 120.~~
3821 ~~(e) If the State Board of Education disapproves the renewal~~
3822 ~~of a nonprofit scholarship funding organization, the~~
3823 ~~organization must notify the affected eligible students and~~
3824 ~~parents of the decision within 15 days after disapproval. An~~
3825 ~~eligible student affected by the disapproval of an~~
3826 ~~organization's participation remains eligible under this section~~



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3827 ~~until the end of the school year in which the organization was~~
3828 ~~disapproved. The student must apply and be accepted by another~~
3829 ~~eligible nonprofit scholarship funding organization for the~~
3830 ~~upcoming school year. The student shall be given priority in~~
3831 ~~accordance with paragraph (6) (f).~~

3832 ~~(f) All remaining funds held by a nonprofit scholarship-~~
3833 ~~funding organization that is disapproved for participation must~~
3834 ~~be transferred to other eligible nonprofit scholarship funding~~
3835 ~~organizations to provide scholarships for eligible students. All~~
3836 ~~transferred funds must be deposited by each eligible nonprofit~~
3837 ~~scholarship funding organization receiving such funds into its~~
3838 ~~scholarship account. All transferred amounts received by any~~
3839 ~~eligible nonprofit scholarship funding organization must be~~
3840 ~~separately disclosed in the annual financial audit required~~
3841 ~~under subsection (6).~~

3842 ~~(g) A nonprofit scholarship funding organization is a~~
3843 ~~renewing organization if it maintains continuous approval and~~
3844 ~~participation in the program. An organization that chooses not~~
3845 ~~to participate for 1 year or more or is disapproved to~~
3846 ~~participate for 1 year or more must submit an application for~~
3847 ~~initial approval in order to participate in the program again.~~

3848 ~~(h) The State Board of Education shall adopt rules~~
3849 ~~providing guidelines for receiving, reviewing, and approving~~
3850 ~~applications for new and renewing nonprofit scholarship funding~~
3851 ~~organizations. The rules must include a process for compiling~~
3852 ~~input and recommendations from the Chief Financial Officer, the~~
3853 ~~Department of Revenue, and the Department of Education. The~~
3854 ~~rules must also require that the nonprofit scholarship funding~~
3855 ~~organization make a brief presentation to assist the State Board~~



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3856 ~~of Education in its decision.~~

3857 ~~(i) A state university; or an independent college or~~
3858 ~~university which is eligible to participate in the William L.~~
3859 ~~Boyd, IV, Effective Access to Student Education Grant Program,~~
3860 ~~located and chartered in this state, is not for profit, and is~~
3861 ~~accredited by the Commission on Colleges of the Southern~~
3862 ~~Association of Colleges and Schools, is exempt from the initial~~
3863 ~~or renewal application process, but must file a registration~~
3864 ~~notice with the Department of Education to be an eligible~~
3865 ~~nonprofit scholarship funding organization. The State Board of~~
3866 ~~Education shall adopt rules that identify the procedure for~~
3867 ~~filing the registration notice with the department. The rules~~
3868 ~~must identify appropriate reporting requirements for fiscal,~~
3869 ~~programmatic, and performance accountability purposes consistent~~
3870 ~~with this section, but shall not exceed the requirements for~~
3871 ~~eligible nonprofit scholarship funding organizations for~~
3872 ~~charitable organizations.~~

3873 Section 21. Section 1002.40, Florida Statutes, is amended
3874 to read:

3875 1002.40 ~~The Hope Scholarship~~ Florida K-12 Education Funding
3876 Tax Credit Program.—

3877 (1) ~~PURPOSE.~~ ~~The Hope Scholarship Program is established to~~
3878 ~~provide the parent of a public school student who was subjected~~
3879 ~~to an incident listed in subsection (3) an opportunity to~~
3880 ~~transfer the student to another public school or to request a~~
3881 ~~scholarship for the student to enroll in and attend an eligible~~
3882 ~~private school.~~

3883 ~~(2) DEFINITIONS.~~—As used in this section, the term:

3884 (a) "Dealer" has the same meaning as provided in s. 212.06.



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3885 (b) ~~"Department" means the Department of Education.~~
3886 ~~(e) "Designated agent" has the same meaning as provided in~~
3887 ~~s. 212.06(10).~~
3888 (c)~~(d)~~ "Eligible contribution" or "contribution" means the
3889 amount of tax paid by a monetary contribution from a person
3890 purchasing a motor vehicle, subject to the restrictions provided
3891 in this section, and designated by the purchaser to be used for
3892 K-12 education funding an eligible nonprofit scholarship-funding
3893 ~~organization. The person making the contribution may not~~
3894 ~~designate a specific student as the beneficiary of the~~
3895 ~~contribution.~~
3896 ~~(e) "Eligible nonprofit scholarship-funding organization"~~
3897 ~~or "organization" has the same meaning as provided in s.~~
3898 ~~1002.395(2) (f).~~
3899 ~~(f) "Eligible private school" has the same meaning as~~
3900 ~~provided in s. 1002.395(2) (g).~~
3901 (d)~~(g)~~ "Motor vehicle" has the same meaning as provided in
3902 s. 320.01(1) (a), but does not include a heavy truck, truck
3903 tractor, trailer, or motorcycle.
3904 ~~(h) "Parent" means a resident of this state who is a~~
3905 ~~parent, as defined in s. 1000.21, and whose student reported an~~
3906 ~~incident in accordance with subsection (6).~~
3907 ~~(i) "Program" means the Hope Scholarship Program.~~
3908 ~~(j) "School" means any educational program or activity~~
3909 ~~conducted by a public K-12 educational institution, any school-~~
3910 ~~related or school-sponsored program or activity, and riding on a~~
3911 ~~school bus, as defined in s. 1006.25(1), including waiting at a~~
3912 ~~school bus stop.~~
3913 ~~(k) "Unweighted FTE funding amount" means the statewide~~



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3914 ~~average total funds per unweighted full-time equivalent funding~~
3915 ~~amount that is incorporated by reference in the General~~
3916 ~~Appropriations Act, or by a subsequent special appropriations~~
3917 ~~act, for the applicable state fiscal year.~~

3918 ~~(3) PROGRAM ELIGIBILITY. Beginning with the 2018-2019~~
3919 ~~school year, contingent upon available funds, and on a first-~~
3920 ~~come, first-served basis, a student enrolled in a Florida public~~
3921 ~~school in kindergarten through grade 12 is eligible for a~~
3922 ~~scholarship under this program if the student reported an~~
3923 ~~incident in accordance with subsection (6). For purposes of this~~
3924 ~~section, the term "incident" means battery; harassment; hazing;~~
3925 ~~bullying; kidnapping; physical attack; robbery; sexual offenses,~~
3926 ~~harassment, assault, or battery; threat or intimidation; or~~
3927 ~~fighting at school, as defined by the department in accordance~~
3928 ~~with s. 1006.09(6).~~

3929 ~~(4) PROGRAM PROHIBITIONS. Payment of a scholarship to a~~
3930 ~~student enrolled in a private school may not be made if a~~
3931 ~~student is:~~

3932 ~~(a) Enrolled in a public school, including, but not limited~~
3933 ~~to, the Florida School for the Deaf and the Blind; the College-~~
3934 ~~Preparatory Boarding Academy; a developmental research school~~
3935 ~~authorized under s. 1002.32; or a charter school authorized~~
3936 ~~under s. 1002.33, s. 1002.331, or s. 1002.332;~~

3937 ~~(b) Enrolled in a school operating for the purpose of~~
3938 ~~providing educational services to youth in the Department of~~
3939 ~~Juvenile Justice commitment programs;~~

3940 ~~(c) Participating in a virtual school, correspondence~~
3941 ~~school, or distance learning program that receives state funding~~
3942 ~~pursuant to the student's participation unless the participation~~



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3943 ~~is limited to no more than two courses per school year; or~~
3944 ~~(d) Receiving any other educational scholarship pursuant to~~
3945 ~~this chapter.~~

3946 ~~(5) TERM OF HOPE SCHOLARSHIP. For purposes of continuity of~~
3947 ~~educational choice, a Hope scholarship shall remain in force~~
3948 ~~until the student returns to public school or graduates from~~
3949 ~~high school, whichever occurs first. A scholarship student who~~
3950 ~~enrolls in a public school or public school program is~~
3951 ~~considered to have returned to a public school for the purpose~~
3952 ~~of determining the end of the scholarship's term.~~

3953 ~~(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—~~

3954 ~~(a) Upon receipt of a report of an incident, the school~~
3955 ~~principal, or his or her designee, shall provide a copy of the~~
3956 ~~report to the parent and investigate the incident to determine~~
3957 ~~if the incident must be reported as required by s. 1006.09(6).~~
3958 ~~Within 24 hours after receipt of the report, the principal or~~
3959 ~~his or her designee shall provide a copy of the report to the~~
3960 ~~parent of the alleged offender and to the superintendent. Upon~~
3961 ~~conclusion of the investigation or within 15 days after the~~
3962 ~~incident was reported, whichever occurs first, the school~~
3963 ~~district shall notify the parent of the program and offer the~~
3964 ~~parent an opportunity to enroll his or her student in another~~
3965 ~~public school that has capacity or to request and receive a~~
3966 ~~scholarship to attend an eligible private school, subject to~~
3967 ~~available funding. A parent who chooses to enroll his or her~~
3968 ~~student in a public school located outside the district in which~~
3969 ~~the student resides pursuant to s. 1002.31 shall be eligible for~~
3970 ~~a scholarship to transport the student as provided in paragraph~~
3971 ~~(11)(b).~~



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3972 ~~(b) For each student participating in the program in an~~
3973 ~~eligible private school who chooses to participate in the~~
3974 ~~statewide assessments under s. 1008.22 or the Florida Alternate~~
3975 ~~Assessment, the school district in which the student resides~~
3976 ~~must notify the student and his or her parent about the~~
3977 ~~locations and times to take all statewide assessments.~~

3978 ~~(7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. An eligible~~
3979 ~~private school may be sectarian or nonsectarian and shall:~~

3980 ~~(a) Comply with all requirements for private schools~~
3981 ~~participating in state school choice scholarship programs~~
3982 ~~pursuant to this section and s. 1002.421.~~

3983 ~~(b)1. Annually administer or make provision for students~~
3984 ~~participating in the program in grades 3 through 10 to take one~~
3985 ~~of the nationally norm-referenced tests identified by the~~
3986 ~~department or the statewide assessments pursuant to s. 1008.22.~~
3987 ~~Students with disabilities for whom standardized testing is not~~
3988 ~~appropriate are exempt from this requirement. A participating~~
3989 ~~private school shall report a student's scores to his or her~~
3990 ~~parent.~~

3991 ~~2. Administer the statewide assessments pursuant to s.~~
3992 ~~1008.22 if a private school chooses to offer the statewide~~
3993 ~~assessments. A participating private school may choose to offer~~
3994 ~~and administer the statewide assessments to all students who~~
3995 ~~attend the private school in grades 3 through 10 and must submit~~
3996 ~~a request in writing to the department by March 1 of each year~~
3997 ~~in order to administer the statewide assessments in the~~
3998 ~~subsequent school year.~~

3999
4000 ~~If a private school fails to meet the requirements of this~~



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4001 ~~subsection or s. 1002.421, the commissioner may determine that~~
4002 ~~the private school is ineligible to participate in the program.~~

4003 ~~(8) DEPARTMENT OF EDUCATION OBLIGATIONS. The department~~
4004 ~~shall:~~

4005 ~~(a) Cross-check the list of participating scholarship~~
4006 ~~students with the public school enrollment lists to avoid~~
4007 ~~duplication.~~

4008 ~~(b) Maintain a list of nationally norm-referenced tests~~
4009 ~~identified for purposes of satisfying the testing requirement in~~
4010 ~~paragraph (9) (f). The tests must meet industry standards of~~
4011 ~~quality in accordance with State Board of Education rule.~~

4012 ~~(c) Require quarterly reports by an eligible nonprofit~~
4013 ~~scholarship-funding organization regarding the number of~~
4014 ~~students participating in the program, the private schools in~~
4015 ~~which the students are enrolled, and other information deemed~~
4016 ~~necessary by the department.~~

4017 ~~(d) Contract with an independent entity to provide an~~
4018 ~~annual evaluation of the program by:~~

4019 ~~1. Reviewing the school bullying prevention education~~
4020 ~~program, climate, and code of student conduct of each public~~
4021 ~~school from which 10 or more students transferred to another~~
4022 ~~public school or private school using the Hope scholarship to~~
4023 ~~determine areas in the school or school district procedures~~
4024 ~~involving reporting, investigating, and communicating a parent's~~
4025 ~~and student's rights that are in need of improvement. At a~~
4026 ~~minimum, the review must include:~~

4027 ~~a. An assessment of the investigation time and quality of~~
4028 ~~the response of the school and the school district.~~

4029 ~~b. An assessment of the effectiveness of communication~~



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4030 ~~procedures with the students involved in an incident, the~~
4031 ~~students' parents, and the school and school district personnel.~~

4032 ~~e. An analysis of school incident and discipline data.~~

4033 ~~d. The challenges and obstacles relating to implementing~~
4034 ~~recommendations from the review.~~

4035 ~~2. Reviewing the school bullying prevention education~~
4036 ~~program, climate, and code of student conduct of each public~~
4037 ~~school to which a student transferred if the student was from a~~
4038 ~~school identified in subparagraph 1. in order to identify best~~
4039 ~~practices and make recommendations to a public school at which~~
4040 ~~the incidents occurred.~~

4041 ~~3. Reviewing the performance of participating students~~
4042 ~~enrolled in a private school in which at least 51 percent of the~~
4043 ~~total enrolled students in the prior school year participated in~~
4044 ~~the program and in which there are at least 10 participating~~
4045 ~~students who have scores for tests administered.~~

4046 ~~4. Surveying the parents of participating students to~~
4047 ~~determine academic, safety, and school climate satisfaction and~~
4048 ~~to identify any challenges to or obstacles in addressing the~~
4049 ~~incident or relating to the use of the scholarship.~~

4050 ~~(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM~~
4051 ~~PARTICIPATION. A parent who applies for a Hope scholarship is~~
4052 ~~exercising his or her parental option to place his or her~~
4053 ~~student in an eligible private school.~~

4054 ~~(a) The parent must select an eligible private school and~~
4055 ~~apply for the admission of his or her student.~~

4056 ~~(b) The parent must inform the student's school district~~
4057 ~~when the parent withdraws his or her student to attend an~~
4058 ~~eligible private school.~~



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4059 ~~(c) Any student participating in the program must remain in~~
4060 ~~attendance throughout the school year unless excused by the~~
4061 ~~school for illness or other good cause.~~

4062 ~~(d) Each parent and each student has an obligation to the~~
4063 ~~private school to comply with such school's published policies.~~

4064 ~~(e) Upon reasonable notice to the department and the school~~
4065 ~~district, the parent may remove the student from the private~~
4066 ~~school and place the student in a public school in accordance~~
4067 ~~with this section.~~

4068 ~~(f) The parent must ensure that the student participating~~
4069 ~~in the program takes the norm-referenced assessment offered by~~
4070 ~~the private school. The parent may also choose to have the~~
4071 ~~student participate in the statewide assessments pursuant to s.~~
4072 ~~1008.22. If the parent requests that the student take the~~
4073 ~~statewide assessments pursuant to s. 1008.22 and the private~~
4074 ~~school has not chosen to offer and administer the statewide~~
4075 ~~assessments, the parent is responsible for transporting the~~
4076 ~~student to the assessment site designated by the school~~
4077 ~~district.~~

4078 ~~(g) Upon receipt of a scholarship warrant, the parent to~~
4079 ~~whom the warrant is made must restrictively endorse the warrant~~
4080 ~~to the private school for deposit into the account of such~~
4081 ~~school. If payment is made by funds transfer in accordance with~~
4082 ~~paragraph (11) (d), the parent must approve each payment before~~
4083 ~~the scholarship funds may be deposited. The parent may not~~
4084 ~~designate any entity or individual associated with the~~
4085 ~~participating private school as the parent's attorney in fact to~~
4086 ~~endorse a scholarship warrant or approve a funds transfer. A~~
4087 ~~parent who fails to comply with this paragraph forfeits the~~



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4088 scholarship.

4089 ~~(10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP FUNDING~~
4090 ~~ORGANIZATIONS. An eligible nonprofit scholarship funding~~
4091 ~~organization may establish scholarships for eligible students~~
4092 ~~by:~~

4093 ~~(a) Receiving applications and determining student~~
4094 ~~eligibility in accordance with the requirements of this section.~~

4095 ~~(b) Notifying parents of their receipt of a scholarship on~~
4096 ~~a first-come, first-served basis, based upon available funds.~~

4097 ~~(c) Establishing a date by which the parent of a~~
4098 ~~participating student must confirm continuing participation in~~
4099 ~~the program.~~

4100 ~~(d) Awarding scholarship funds to eligible students, giving~~
4101 ~~priority to renewing students from the previous year.~~

4102 ~~(e) Preparing and submitting quarterly reports to the~~
4103 ~~department pursuant to paragraph (8) (c). In addition, an~~
4104 ~~eligible nonprofit scholarship funding organization must submit~~
4105 ~~in a timely manner any information requested by the department~~
4106 ~~relating to the program.~~

4107 ~~(f) Notifying the department of any violation of this~~
4108 ~~section.~~

4109 ~~(11) FUNDING AND PAYMENT.—~~

4110 ~~(a) For students initially eligible in the 2019-2020 school~~
4111 ~~year or thereafter, the calculated amount for a student to~~
4112 ~~attend an eligible private school shall be based upon the grade~~
4113 ~~level and school district in which the student was assigned as~~
4114 ~~95 percent of the funds per unweighted full-time equivalent in~~
4115 ~~the Florida Education Finance Program for a student in the basic~~
4116 ~~program established pursuant to s. 1011.62(1)(c)1., plus a per-~~



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4117 ~~full-time equivalent share of funds for all categorical~~
4118 ~~programs, except for the Exceptional Student Education~~
4119 ~~Guaranteed Allocation.~~

4120 ~~(b) The maximum amount awarded to a student enrolled in a~~
4121 ~~public school located outside of the district in which the~~
4122 ~~student resides shall be \$750.~~

4123 ~~(c) When a student enters the program, the eligible~~
4124 ~~nonprofit scholarship-funding organization must receive all~~
4125 ~~documentation required for the student's participation,~~
4126 ~~including a copy of the report of the incident received pursuant~~
4127 ~~to subsection (6) and the private school's and student's fee~~
4128 ~~schedules. The initial payment shall be made after verification~~
4129 ~~of admission acceptance, and subsequent payments shall be made~~
4130 ~~upon verification of continued enrollment and attendance at the~~
4131 ~~private school.~~

4132 ~~(d) Payment of the scholarship by the eligible nonprofit~~
4133 ~~scholarship-funding organization may be by individual warrant~~
4134 ~~made payable to the student's parent or by funds transfer,~~
4135 ~~including, but not limited to, debit cards, electronic payment~~
4136 ~~cards, or any other means of payment that the department deems~~
4137 ~~to be commercially viable or cost-effective. If payment is made~~
4138 ~~by warrant, the warrant must be delivered by the eligible~~
4139 ~~nonprofit scholarship-funding organization to the private school~~
4140 ~~of the parent's choice, and the parent shall restrictively~~
4141 ~~endorse the warrant to the private school. If payments are made~~
4142 ~~by funds transfer, the parent must approve each payment before~~
4143 ~~the scholarship funds may be deposited. The parent may not~~
4144 ~~designate any entity or individual associated with the~~
4145 ~~participating private school as the parent's attorney in fact to~~



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4146 ~~endorse a scholarship warrant or approve a funds transfer.~~
4147 ~~(e) An eligible nonprofit scholarship funding organization~~
4148 ~~shall obtain verification from the private school of a student's~~
4149 ~~continued attendance at the school for each period covered by a~~
4150 ~~scholarship payment.~~
4151 ~~(f) Payment of the scholarship shall be made by the~~
4152 ~~eligible nonprofit scholarship funding organization no less~~
4153 ~~frequently than on a quarterly basis.~~
4154 ~~(g) An eligible nonprofit scholarship funding organization,~~
4155 ~~subject to the limitations of s. 1002.395(6)(j)1., may use~~
4156 ~~eligible contributions received during the state fiscal year in~~
4157 ~~which such contributions are collected for administrative~~
4158 ~~expenses.~~
4159 ~~(h) Moneys received pursuant to this section do not~~
4160 ~~constitute taxable income to the qualified student or his or her~~
4161 ~~parent.~~
4162 ~~(i) Notwithstanding s. 1002.395(6)(j)2., no more than 5~~
4163 ~~percent of net eligible contributions may be carried forward to~~
4164 ~~the following state fiscal year by an eligible scholarship-~~
4165 ~~funding organization. For audit purposes, all amounts carried~~
4166 ~~forward must be specifically identified for individual students~~
4167 ~~by student name and by the name of the school to which the~~
4168 ~~student is admitted, subject to the requirements of ss. 1002.21~~
4169 ~~and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and~~
4170 ~~regulations issued pursuant to such requirements. Any amounts~~
4171 ~~carried forward shall be expended for annual scholarships or~~
4172 ~~partial-year scholarships in the following state fiscal year.~~
4173 ~~Net eligible contributions remaining on June 30 of each year~~
4174 ~~which are in excess of the 5 percent that may be carried forward~~



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4175 ~~shall be transferred to other eligible nonprofit scholarship-~~
4176 ~~funding organizations participating in the Hope Scholarship~~
4177 ~~Program to provide scholarships for eligible students. All~~
4178 ~~transferred funds must be deposited by each eligible nonprofit~~
4179 ~~scholarship-funding organization receiving such funds into the~~
4180 ~~scholarship account of eligible students. All transferred~~
4181 ~~amounts received by an eligible nonprofit scholarship-funding~~
4182 ~~organization must be separately disclosed in the annual~~
4183 ~~financial audit requirement under s. 1002.395(6)(m). If no other~~
4184 ~~eligible nonprofit scholarship-funding organization participates~~
4185 ~~in the Hope Scholarship Program, net eligible contributions in~~
4186 ~~excess of the 5 percent may be used to fund scholarships for~~
4187 ~~students eligible under s. 1002.395 only after fully exhausting~~
4188 ~~all contributions made in support of scholarships under that~~
4189 ~~section in accordance with the priority established in s.~~
4190 ~~1002.395(6)(e) prior to awarding any initial scholarships.~~

4191 ~~(12) OBLIGATIONS OF THE AUDITOR GENERAL.—~~

4192 ~~(a) The Auditor General shall conduct an annual operational~~
4193 ~~audit of accounts and records of each organization that~~
4194 ~~participates in the program. As part of this audit, the Auditor~~
4195 ~~General shall verify, at a minimum, the total number of students~~
4196 ~~served and transmit that information to the department. The~~
4197 ~~Auditor General shall provide the commissioner with a copy of~~
4198 ~~each annual operational audit performed pursuant to this~~
4199 ~~paragraph within 10 days after the audit is finalized.~~

4200 ~~(b) The Auditor General shall notify the department of any~~
4201 ~~organization that fails to comply with a request for~~
4202 ~~information.~~

4203 ~~(2)(13) SCHOLARSHIP FUNDING TAX CREDITS.—~~



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4204 (a) A tax credit is available under s. 212.1832(1) for use
4205 by a person that makes an eligible contribution. Eligible
4206 contributions shall be used for K-12 education funding ~~to fund~~
4207 ~~scholarships under this section and may be used to fund~~
4208 ~~scholarships~~ under s. 1002.395. Each eligible contribution is
4209 limited to a single designation payment of \$105 per motor
4210 vehicle purchased at the time of purchase of a motor vehicle or
4211 a single designation payment of \$105 per motor vehicle purchased
4212 at the time of registration of a motor vehicle that was not
4213 purchased from a dealer, except that a contribution may not
4214 exceed the state tax imposed under chapter 212 that would
4215 otherwise be collected from the purchaser by a dealer,
4216 designated agent, or private tag agent. ~~Payments of~~
4217 ~~contributions shall be made to a dealer at the time of purchase~~
4218 ~~of a motor vehicle or to a designated agent or private tag agent~~
4219 ~~at the time of registration of a motor vehicle that was not~~
4220 ~~purchased from a dealer. An eligible contribution shall be~~
4221 ~~accompanied by a contribution election form provided by the~~
4222 ~~Department of Revenue. The form shall include, at a minimum, the~~
4223 ~~following brief description of the Hope Scholarship Program and~~
4224 ~~the Florida Tax Credit Scholarship Program: "THE HOPE~~
4225 ~~SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS~~
4226 ~~SUBJECTED TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE~~
4227 ~~OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE~~
4228 ~~PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL~~
4229 ~~ENVIRONMENT. THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES~~
4230 ~~A LOW-INCOME STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP~~
4231 ~~TO ATTEND AN ELIGIBLE PRIVATE SCHOOL." The form shall also~~
4232 ~~include, at a minimum, a section allowing the consumer to~~



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4233 ~~designate, from all participating scholarship funding~~
4234 ~~organizations, which organization will receive his or her~~
4235 ~~donation.~~ For purposes of this subsection, the term "purchase"
4236 does not include the lease or rental of a motor vehicle.

4237 (b) A dealer, designated agent, or private tag agent shall:

4238 ~~1. Provide the purchaser the contribution election form, as~~
4239 ~~provided by the Department of Revenue, at the time of purchase~~
4240 ~~of a motor vehicle or at the time of registration of a motor~~
4241 ~~vehicle that was not purchased from a dealer.~~

4242 ~~2. Collect eligible contributions.~~

4243 ~~3. Using a form provided by the Department of Revenue,~~
4244 ~~which shall include the dealer's or agent's federal employer~~
4245 ~~identification number, remit to an organization no later than~~
4246 ~~the date the return filed pursuant to s. 212.11 is due the total~~
4247 ~~amount of contributions made to that organization and collected~~
4248 ~~during the preceding reporting period. Using the same form, the~~
4249 ~~dealer or agent shall also report this information to the~~
4250 ~~Department of Revenue no later than the date the return filed~~
4251 ~~pursuant to s. 212.11 is due.~~

4252 ~~4. report to the Department of Revenue on each return filed~~
4253 ~~pursuant to s. 212.11 the total amount of credits granted under~~
4254 ~~s. 212.1832 for the preceding reporting period.~~

4255 (c) An organization shall report to and the Department of
4256 Revenue shall deposit all receipts held or designated as
4257 eligible contributions into a designated student fund, ~~on or~~
4258 ~~before the 20th day of each month, the total amount of~~
4259 ~~contributions received pursuant to paragraph (b) in the~~
4260 ~~preceding calendar month on a form provided by the Department of~~
4261 ~~Revenue. Such report shall include:~~



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4262 ~~1. The federal employer identification number of each~~
4263 ~~designated agent, private tag agent, or dealer who remitted~~
4264 ~~contributions to the organization during that reporting period.~~

4265 ~~2. The amount of contributions received from each~~
4266 ~~designated agent, private tag agent, or dealer during that~~
4267 ~~reporting period.~~

4268 ~~(d) A person who, with the intent to unlawfully deprive or~~
4269 ~~defraud the program of its moneys or the use or benefit thereof,~~
4270 ~~fails to remit a contribution collected under this section is~~
4271 ~~guilty of theft, punishable as follows:~~

4272 ~~1. If the total amount stolen is less than \$300, the~~
4273 ~~offense is a misdemeanor of the second degree, punishable as~~
4274 ~~provided in s. 775.082 or s. 775.083. Upon a second conviction,~~
4275 ~~the offender is guilty of a misdemeanor of the first degree,~~
4276 ~~punishable as provided in s. 775.082 or s. 775.083. Upon a third~~
4277 ~~or subsequent conviction, the offender is guilty of a felony of~~
4278 ~~the third degree, punishable as provided in s. 775.082, s.~~
4279 ~~775.083, or s. 775.084.~~

4280 ~~2. If the total amount stolen is \$300 or more, but less~~
4281 ~~than \$20,000, the offense is a felony of the third degree,~~
4282 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

4283 ~~3. If the total amount stolen is \$20,000 or more, but less~~
4284 ~~than \$100,000, the offense is a felony of the second degree,~~
4285 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

4286 ~~4. If the total amount stolen is \$100,000 or more, the~~
4287 ~~offense is a felony of the first degree, punishable as provided~~
4288 ~~in s. 775.082, s. 775.083, or s. 775.084.~~

4289 ~~(e) A person convicted of an offense under paragraph (d)~~
4290 ~~shall be ordered by the sentencing judge to make restitution to~~



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4291 ~~the organization in the amount that was stolen from the program.~~

4292 ~~(f) Upon a finding that a dealer failed to remit a~~
4293 ~~contribution under subparagraph (b)3. for which the dealer~~
4294 ~~claimed a credit pursuant to s. 212.1832(2), the Department of~~
4295 ~~Revenue shall notify the affected organizations of the dealer's~~
4296 ~~name, address, federal employer identification number, and~~
4297 ~~information related to differences between credits taken by the~~
4298 ~~dealer pursuant to s. 212.1832(2) and amounts remitted to the~~
4299 ~~eligible nonprofit scholarship funding organization under~~
4300 ~~subparagraph (b)3.~~

4301 ~~(g) Any dealer, designated agent, private tag agent, or~~
4302 ~~organization that fails to timely submit reports to the~~
4303 ~~Department of Revenue as required in paragraphs (b) and (c) is~~
4304 ~~subject to a penalty of \$1,000 for every month, or part thereof,~~
4305 ~~the report is not provided, up to a maximum amount of \$10,000.~~
4306 ~~Such penalty shall be collected by the Department of Revenue and~~
4307 ~~shall be transferred into the General Revenue Fund. Such penalty~~
4308 ~~must be settled or compromised if it is determined by the~~
4309 ~~Department of Revenue that the noncompliance is due to~~
4310 ~~reasonable cause and not due to willful negligence, willful~~
4311 ~~neglect, or fraud.~~

4312 ~~(14) LIABILITY. The state is not liable for the award of or~~
4313 ~~any use of awarded funds under this section.~~

4314 ~~(15) SCOPE OF AUTHORITY. This section does not expand the~~
4315 ~~regulatory authority of this state, its officers, or any school~~
4316 ~~district to impose additional regulation on participating~~
4317 ~~private schools beyond those reasonably necessary to enforce~~
4318 ~~requirements expressly set forth in this section.~~

4319 ~~(3)(16) RULES.-The State Board of Education shall adopt~~



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4320 ~~rules to administer this section, except the~~ Department of
4321 Revenue shall adopt rules to administer this section ~~subsection~~
4322 ~~(13)~~.

4323 Section 22. Subsection (4) of section 1002.411, Florida
4324 Statutes, is amended to read:

4325 1002.411 Reading scholarship accounts.—

4326 (4) ADMINISTRATION.—An eligible nonprofit scholarship-
4327 funding organization participating in a scholarship program
4328 under this chapter ~~the Florida Tax Credit Scholarship Program~~
4329 ~~established by s. 1002.395~~ may establish reading scholarship
4330 accounts for eligible students in accordance with the
4331 requirements of eligible nonprofit scholarship-funding
4332 organizations under this chapter.

4333 Section 23. Paragraphs (i) and (q) of subsection (1) of
4334 section 1002.421, Florida Statutes, are amended, and paragraph
4335 (r) is added to that subsection, to read:

4336 1002.421 State school choice scholarship program
4337 accountability and oversight.—

4338 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
4339 school participating in an educational scholarship program
4340 established pursuant to this chapter must be a private school as
4341 defined in s. 1002.01(2) in this state, be registered, and be in
4342 compliance with all requirements of this section in addition to
4343 private school requirements outlined in s. 1002.42, specific
4344 requirements identified within respective scholarship program
4345 laws, and other provisions of Florida law that apply to private
4346 schools, and must:

4347 (i) 1. Maintain a physical location in the state at which
4348 each student has regular and direct contact with teachers; or



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4349 2. If the private school is a private virtual school, have
4350 at least one administrative office located in this state at
4351 which all of its administrative staff are Florida residents.

4352 (q) Provide a report from an independent certified public
4353 accountant who performs the agreed-upon procedures ~~developed~~
4354 pursuant to s. 1002.394(11)(g) ~~s. 1002.395(6)(e)~~ if the private
4355 school receives more than \$250,000 in funds from scholarships
4356 awarded under this chapter in a state fiscal year. A private
4357 school subject to this subsection must annually submit the
4358 report by September 15 to the scholarship-funding organization
4359 that awarded the majority of the school's scholarship funds.
4360 However, for the 2020-2021 school year only, a school that
4361 receives more than \$250,000 in scholarship funds only through
4362 the John M. McKay Scholarship for Students with Disabilities
4363 Program pursuant to s. 1002.39 must submit the annual report by
4364 September 15 to the department. The agreed-upon procedures must
4365 be conducted in accordance with attestation standards
4366 established by the American Institute of Certified Public
4367 Accountants.

4368 (r) Provide to parents and students enrolled in a private
4369 virtual school specific information posted and accessible online
4370 which includes, but is not limited to, all of the following
4371 teacher-parent and teacher-student contact information for each
4372 course:

4373 1. How to contact the instructor, technical support staff,
4374 and the administration office by phone, e-mail, or online
4375 messaging tools.

4376 2. Requirements for regular contact with the instructor for
4377 the course and clear expectations for meeting such requirements.



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4378 3. Requirements that the instructor of each course must, at
4379 a minimum, conduct one contact with the parent and student each
4380 month.

4381
4382 The department shall suspend the payment of funds to a private
4383 school that knowingly fails to comply with this subsection, and
4384 shall prohibit the school from enrolling new scholarship
4385 students, for 1 fiscal year and until the school complies. If a
4386 private school fails to meet the requirements of this subsection
4387 or has consecutive years of material exceptions listed in the
4388 report required under paragraph (q), the commissioner may
4389 determine that the private school is ineligible to participate
4390 in a scholarship program.

4391 Section 24. Paragraph (aa) of subsection (4) of section
4392 1009.971, Florida Statutes, is amended to read:

4393 1009.971 Florida Prepaid College Board.—

4394 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
4395 board shall have the powers and duties necessary or proper to
4396 carry out the provisions of ss. 1009.97-1009.988, including, but
4397 not limited to, the power and duty to:

4398 (aa) Adopt rules relating to the purchase and use of a
4399 prepaid college plan authorized under s. 1009.98 or a college
4400 savings plan authorized under s. 1009.981 for the McKay-Gardiner
4401 Gardiner Scholarship Program pursuant to s. 1002.381 or the
4402 Family Empowerment Scholarship Program pursuant to s. 1002.394
4403 s. 1002.385, which may include, but need not be limited to:

- 4404 1. The use of such funds for postsecondary education
4405 programs for students with disabilities;
- 4406 2. Effective procedures that allow program funds to be used



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4407 in conjunction with other funds used by a parent in the purchase
4408 of a prepaid college plan or a college savings plan;

4409 3. The tracking and accounting of program funds separately
4410 from other funds contributed to a prepaid college plan or a
4411 college savings plan;

4412 4. The reversion of program funds, including, but not
4413 limited to, earnings from contributions to the Florida College
4414 Savings Plan;

4415 5. The use of program funds only after private payments
4416 have been used for prepaid college plan or college savings plan
4417 expenditures;

4418 6. Contracting with each eligible nonprofit scholarship-
4419 funding organization to establish mechanisms to implement ss.
4420 1002.381 and 1002.394 ~~s. 1002.385~~, including, but not limited
4421 to, identifying the source of funds being deposited in the
4422 plans; and

4423 7. The development of a written agreement that defines the
4424 owner and beneficiary of an account and outlines
4425 responsibilities for the use of the advance payment contract
4426 funds or savings program funds.

4427 Section 25. Subsection (11) of section 1009.98, Florida
4428 Statutes, is amended to read:

4429 1009.98 Stanley G. Tate Florida Prepaid College Program.—

4430 (11) IMPLEMENTATION PROCEDURES.—

4431 (a) A prepaid college plan may be purchased, accounted for,
4432 used, and terminated as provided in ss. 1002.381 and 1002.394 ~~s.~~
4433 ~~1002.385~~.

4434 (b) A qualified beneficiary may apply the benefits of an
4435 advance payment contract toward the program fees of a program



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4436 designed for students with disabilities conducted by a state
4437 postsecondary institution. A transfer authorized under this
4438 subsection may not exceed the redemption value of the advance
4439 payment contract at a state postsecondary institution or the
4440 number of semester credit hours contracted on behalf of a
4441 qualified beneficiary. A qualified beneficiary may not be
4442 changed while a prepaid college plan contains funds contributed
4443 under ss. 1002.381 and 1002.394 ~~s. 1002.385~~.

4444 Section 26. Subsection (10) of section 1009.981, Florida
4445 Statutes, is amended to read:

4446 1009.981 Florida College Savings Program.—

4447 (10) IMPLEMENTATION PROCEDURES.—

4448 (a) A college savings plan may be purchased, accounted for,
4449 used, and terminated as provided in ss. 1002.381 and 1002.394 ~~s.~~
4450 ~~1002.385~~.

4451 (b) A designated beneficiary may apply the benefits of a
4452 participation agreement toward the program fees of a program
4453 designed for students with disabilities conducted by a state
4454 postsecondary institution. A designated beneficiary may not be
4455 changed while a college savings plan contains funds contributed
4456 under ss. 1002.381 and 1002.394 ~~s. 1002.385~~.

4457 Section 27. Subsection (4) of section 1011.61, Florida
4458 Statutes, is amended to read:

4459 1011.61 Definitions.—Notwithstanding the provisions of s.
4460 1000.21, the following terms are defined as follows for the
4461 purposes of the Florida Education Finance Program:

4462 (4) The maximum value for funding a student in kindergarten
4463 through grade 12 or in a prekindergarten program for exceptional
4464 children as provided in s. 1003.21(1)(e) shall be the sum of the



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4465 calculations in paragraphs (a), (b), and (c) as calculated by
4466 the department.

4467 (a) The sum of the student's full-time equivalent student
4468 membership value for the school year or the equivalent derived
4469 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
4470 subparagraphs (1)(c)2.b. and c., ~~subparagraph (1)(c)3.,~~ and
4471 subsection (2). If the sum is greater than 1.0, the full-time
4472 equivalent student membership value for each program or course
4473 shall be reduced by an equal proportion so that the student's
4474 total full-time equivalent student membership value is equal to
4475 1.0.

4476 (b) If the result in paragraph (a) is less than 1.0 full-
4477 time equivalent student and the student has full-time equivalent
4478 student enrollment pursuant to sub-sub-subparagraph
4479 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
4480 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
4481 1.0 less the value in paragraph (a).

4482 (c) The full-time equivalent student enrollment value in
4483 sub-subparagraph (1)(c)2.a.

4484
4485 ~~A scholarship award provided to a student enrolled in the John~~
4486 ~~M. McKay Scholarships for Students with Disabilities Program~~
4487 ~~pursuant to s. 1002.39 is not subject to the maximum value for~~
4488 ~~funding a student under this subsection.~~

4489 Section 28. Paragraph (f) of subsection (18) of section
4490 1011.62, Florida Statutes, is amended to read:

4491 1011.62 Funds for operation of schools.—If the annual
4492 allocation from the Florida Education Finance Program to each
4493 district for operation of schools is not determined in the



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4494 annual appropriations act or the substantive bill implementing
4495 the annual appropriations act, it shall be determined as
4496 follows:

4497 (18) TEACHER SALARY INCREASE ALLOCATION.—The Legislature
4498 may annually provide in the Florida Education Finance Program a
4499 teacher salary increase allocation to assist school districts in
4500 their recruitment and retention of classroom teachers and other
4501 instructional personnel. The amount of the allocation shall be
4502 specified in the General Appropriations Act.

4503 ~~(f) Notwithstanding any other provision of law, funds~~
4504 ~~allocated under this subsection shall not be included in the~~
4505 ~~calculated amount for any scholarship awarded under chapter~~
4506 ~~1002.~~

4507 Section 29. Section 1011.687, Florida Statutes, is created
4508 to read:

4509 1011.687 K-12 Education Scholarship Program Allocation.—The
4510 K-12 Education Scholarship Program Allocation is established to
4511 provide funds to implement the McKay-Gardiner Scholarship
4512 Program provided in s. 1002.381 and the Family Empowerment
4513 Scholarship Program provided in 1002.394. A student FTE
4514 scholarship amount shall be calculated as provided in ss.
4515 1002.381(15) and 1002.394(12)(b), based on funds calculated for
4516 a similarly situated public school student full-time equivalent
4517 in the Florida Education Finance Program. For purposes of this
4518 allocation, one student FTE is equivalent to four quarterly
4519 scholarship payments. A student who receives funding for the
4520 program for less than four quarters shall be a fraction of an
4521 FTE. Funds for the scholarship allocation shall be provided for
4522 student FTE in each county in the amount prescribed in the



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4523 General Appropriations Act. The calculated student scholarship
4524 amounts provided may not be revised during the fiscal year.

4525 Section 30. (1) Any unused tax credit that was approved
4526 under former s. 212.099, Florida Statutes 2020, before July 1,
4527 2021, continues in effect, subject to the carryforward,
4528 conveyance, assignment, transfer, and rescindment provisions of
4529 former s. 212.099(5), Florida Statutes 2020.

4530 (2) Any unused tax credit under former s. 1002.395, Florida
4531 Statutes 2020, which was approved before July 1, 2021, continues
4532 in effect, subject to the carryforward, conveyance, assignment,
4533 transfer, rescindment, estimated corporate income tax payment,
4534 and insurance premium tax installment payment provisions of
4535 former s. 1002.395(5), Florida Statutes 2020.

4536 (3) This section is repealed June 30, 2031.

4537 Section 31. Former s. 1002.395(5)(g), Florida Statutes
4538 2020, relating to deduction of contributions for purposes of
4539 calculating underpayments, applies to a taxpayer who, before
4540 July 1, 2021, was approved to receive a credit allocation by the
4541 department and reduced or made no estimated corporate income tax
4542 payments or insurance premium or assessment installment payments
4543 in reliance of former s. 1002.395(5)(g), Florida Statutes 2020,
4544 except that the taxpayer shall remit amounts intended for
4545 contributions to an eligible nonprofit scholarship organization
4546 to the department The department shall deposit such amounts into
4547 the designated student fund in accordance with s. 1002.395(4),
4548 Florida Statutes. This section expires June 30, 2024.

4549 Section 32. This act shall take effect July 1, 2021.