

By the Committee on Education; and Senators Diaz, Brandes, Garcia, Baxley, and Perry

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1 A bill to be entitled
2 An act relating to educational scholarship programs;
3 amending s. 11.45, F.S.; requiring the Auditor General
4 to conduct certain audits at least every 3 years
5 instead of annually; conforming provisions to changes
6 made by the act; amending s. 211.0251, F.S.;
7 conforming provisions to changes made by the act;
8 deleting a provision limiting a certain tax credit to
9 no more than 50 percent of the tax due on the return
10 the credit is taken; amending s. 212.099, F.S.;
11 revising the definition of the term "eligible
12 contribution"; deleting the definition of the term
13 "eligible nonprofit scholarship-funding organization";
14 conforming provisions to changes made by the act;
15 requiring a dealer to identify on the dealer's return
16 the amount of an eligible contribution; requiring the
17 Department of Revenue to ensure that certain receipts
18 are deposited in a specified fund; amending ss.
19 212.1831 and 212.1832, F.S.; conforming provisions to
20 changes made by the act; amending s. 213.053, F.S.;
21 deleting authorization for the Department of Revenue
22 to provide specified information to certain entities;
23 deleting definitions; amending ss. 220.1105, 220.13,
24 220.186, 220.1875, 561.1211, 624.51055, and 1002.20,
25 F.S.; conforming provisions to changes made by the
26 act; amending s. 1002.23, F.S.; correcting a reference
27 to the Florida Virtual School; conforming a provision
28 to changes made by the act; amending s. 1002.31, F.S.;
29 adding certain students to those whom district school

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30 boards must provide preferential treatment in the
31 controlled open enrollment process; creating s.
32 1002.381, F.S.; establishing the McKay-Gardiner
33 Scholarship Program; providing the purpose of the
34 program; requiring certain written materials to
35 describe a scholarship under the program as a "McKay-
36 Gardiner Scholarship"; defining terms; specifying
37 eligibility requirements; prohibiting a student from
38 participating in the program under certain
39 circumstances; providing criteria for authorized uses
40 of program funds; prohibiting providers of any
41 services receiving payments pursuant to the program
42 from sharing, refunding, or rebating any program funds
43 with parents of program students; prohibiting
44 specified persons from billing certain entities for
45 specified services; providing that program funding for
46 specified children constitutes their full funding
47 under part V of ch. 1002, F.S.; providing the terms of
48 a program scholarship; requiring the Commissioner of
49 Education to close scholarship accounts and for
50 specified funds to revert to the state under specified
51 circumstances; requiring the commissioner to notify
52 parents and organizations when a program scholarship
53 account is closed and funds revert to the state;
54 providing school district obligations relating to
55 notifying parents, individualized education plans, and
56 matrices of service; specifying obligations for
57 eligible private schools; authorizing the commissioner
58 to determine that a private school is ineligible to

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59 participate in the scholarship program if the private
60 school fails to meet certain requirements; providing
61 Department of Education obligations relating to the
62 program; providing commissioner authority and
63 obligations relating to suspending or revoking program
64 participation; providing parent and student
65 responsibilities for program participation; providing
66 that a participant who fails to comply with program
67 responsibilities forfeits a program scholarship;
68 requiring charitable organizations seeking to
69 participate in the program to submit an application
70 for initial approval or renewal to the Office of
71 Independent Education and Parental Choice by a
72 specified date; providing requirements for such
73 applications; requiring the office to review
74 applications in consultation with the Department of
75 Revenue and the Chief Financial Officer; requiring the
76 commissioner to recommend approval or disapproval of
77 applications to the State Board of Education within a
78 certain timeframe; requiring the state board to
79 consider applications and recommendations at its next
80 scheduled meeting; requiring the state board to
81 provide a written explanation to organizations whose
82 applications are disapproved; requiring the state
83 board to provide written notice to affected students
84 and parents if the state board disapproves an
85 organization's renewal application; allowing students
86 affected by such disapproval to remain eligible for
87 the program for a specified timeframe; requiring such

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88 students to apply to and be accepted by a different
89 organization for upcoming school years; requiring
90 remaining funds held by a disapproved organization to
91 be transferred to other eligible organizations;
92 requiring the state board to adopt specified rules;
93 exempting specified entities from the initial or
94 renewal application process; providing nonprofit
95 scholarship-funding organization obligations relating
96 to establishing program scholarships; providing
97 eligibility for transition-to-work programs; providing
98 requirements for such programs and for private schools
99 and job coaches participating in such programs;
100 providing student obligations relating to
101 participating in such programs; providing business
102 obligations relating to participating in such
103 programs; specifying requirements for scholarship
104 funding and payment; specifying the initial maximum
105 number of eligible FTE; providing for the annual
106 increase of the maximum number of eligible FTE;
107 requiring nonprofit scholarship-funding organizations
108 to report specified information to the department at
109 the time of each Florida Education Finance Program
110 student membership survey; requiring the department to
111 transfer certain funds to organizations in a specified
112 manner; clarifying that accrued interest in student
113 accounts is in addition to, and not part of, awarded
114 funds; authorizing organizations to develop systems
115 for payment of benefits by funds transfer; prohibiting
116 organizations that develop such systems from reducing

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117 scholarship awards through certain fees; clarifying
118 that scholarship funds do not constitute taxable
119 income to the qualified student or to his or her
120 parent; requiring the Auditor General to conduct
121 certain audits at least once every 3 years; providing
122 criteria for such audits; requiring the Auditor
123 General to provide the commissioner with a copy of
124 such audits within a specified timeframe; requiring
125 the Auditor General to notify the department of any
126 organization that fails to comply with a request for
127 information; requiring certain departments and
128 agencies to work with organizations to provide access
129 to specified lists; providing that the state is not
130 liable for the award or use of program funds;
131 clarifying that the act does not expand regulatory
132 authority of the state over specified entities;
133 requiring the State Board of Education to adopt rules;
134 repealing ss. 1002.385 and 1002.39, F.S., relating to
135 the Gardiner Scholarship and the John M. McKay
136 Scholarships for Students with Disabilities Program,
137 respectively; amending s. 1002.394, F.S.; providing
138 and revising definitions; conforming provisions to
139 changes made by the act; specifying and revising
140 eligibility requirements; deleting a provision
141 requiring the department to notify the school district
142 of the parent's intent upon receipt of the parent's
143 request; revising the priority order for awarding the
144 scholarships to eligible students; providing and
145 revising terms for state Family Empowerment

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146 Scholarship payments to organizations; providing
147 circumstances under which a student's account must be
148 closed and remaining funds reverted to the state;
149 requiring the commissioner to notify parents when an
150 account is closed and funds revert to the state;
151 requiring funds to be used to meet individual
152 educational needs of eligible students; specifying the
153 purposes for which such funds may be used; prohibiting
154 a provider receiving such funds from sharing,
155 refunding, or rebating the funds with a participating
156 parent or student; providing eligibility for a
157 scholarship to transport a student; requiring a
158 principal or his or her designee to provide copies of
159 certain reports to a parent; requiring a principal or
160 his or her designee to investigate incidents in a
161 specified manner; providing and revising department
162 obligations relating to participating students;
163 requiring the department to issue a project grant
164 award to a state university, to which certain private
165 schools must report student scores on certain tests;
166 requiring the department to verify eligible
167 expenditures before distributing funds; providing and
168 revising obligations for eligible private schools;
169 providing and revising parent and student obligations
170 for initial and continued participation in the
171 program; providing and revising nonprofit scholarship-
172 funding organization obligations relating to
173 participating in the program; expanding eligibility to
174 specified students who received certain scholarships

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175 in a specified school year; clarifying that such
176 scholarships do not count toward the maximum number of
177 eligible students; requiring nonprofit scholarship-
178 funding organizations to report specified information
179 to the department at the time of each Florida
180 Education Finance Program student membership survey;
181 providing the manner in which funds will be allocated
182 by certain dates; requiring the department to release
183 scholarship funds once an application has been
184 approved for the program; clarifying that accrued
185 interest is in addition to, and not part of, awarded
186 funds; authorizing organizations to develop a system
187 for payment of benefits by funds transfer; prohibiting
188 scholarship awards from being reduced by certain fees;
189 clarifying that scholarship funds do not constitute
190 taxable income to the qualified student or to his or
191 her parent; requiring the Auditor General to conduct
192 certain audits at least once every 3 years; providing
193 criteria for such audits; requiring the Auditor
194 General to provide the commissioner with a copy of
195 such audits within a specified timeframe; requiring
196 the Auditor General to notify the department of any
197 organization that fails to comply with a request for
198 information; providing application requirements for
199 charitable organizations seeking to participate in the
200 Family Empowerment Scholarship program; requiring the
201 office to review applications in consultation with the
202 Department of Revenue and the Chief Financial Officer;
203 requiring the commissioner to recommend approval or

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204 disapproval of applications to the State Board of
205 Education within a certain timeframe; requiring the
206 state board to consider applications and
207 recommendations at its next scheduled meeting;
208 requiring the state board to provide a written
209 explanation to organizations whose applications are
210 disapproved; requiring the state board to provide
211 written notice to affected students and parents if the
212 state board disapproves an organization's renewal
213 application; allowing students affected by such
214 disapproval to remain eligible for the program for a
215 specified timeframe; requiring such students to apply
216 to and be accepted by a different organization for
217 upcoming school years; requiring remaining funds held
218 by a disapproved organization to be transferred to the
219 student's account established at the eligible
220 organization accepting the student; providing that an
221 organization is a renewing organization if it
222 maintains continuous approval and participation in the
223 program; requiring the state board to adopt rules;
224 exempting specified entities from the initial or
225 renewal application process; deleting an obsolete
226 implementation schedule; amending s. 1002.395, F.S.;
227 renaming the Florida Tax Credit Scholarship Program
228 the Florida K-12 Education Funding Tax Credit Program;
229 revising the purpose of the program; revising and
230 deleting terms; deleting provisions made obsolete by
231 the act; authorizing a taxpayer to elect to make
232 eligible contributions to the Department of Revenue or

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233 Division of Alcoholic Beverages and Tobacco;
234 specifying the manner in which a taxpayer may elect to
235 make eligible contributions; requiring all eligible
236 contributions received by the department and the
237 division to be deposited into a specified fund;
238 amending s. 1002.40, F.S.; renaming the Hope
239 Scholarship Program the K-12 Education Funding Tax
240 Credit Program; deleting provisions made obsolete by
241 the act; revising and deleting terms; authorizing
242 eligible contributions to be used for K-12 education
243 funding; requiring an eligible contribution to be
244 accompanied by a contribution election form provided
245 by the Department of Revenue; requiring the Department
246 of Revenue to develop the form in collaboration with
247 the Department of Education; providing the information
248 to be included in the form; requiring the Department
249 of Revenue to deposit all receipts of eligible
250 contributions into a specified fund; requiring the
251 Department of Revenue to adopt rules; amending s.
252 1002.411, F.S.; conforming a provision to changes made
253 by the act; amending s. 1002.421, F.S.; providing that
254 private virtual schools meet the requirement to
255 maintain a physical location in this state if such
256 virtual schools maintain at least one administrative
257 office in a specified manner; requiring certain
258 private schools to provide reports from a specified
259 public accountant; providing requirements for such
260 reports; amending s. 1009.971, F.S.; conforming
261 provisions to changes made by the act; amending ss.

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262 1009.98, 1009.981, and 1011.61, F.S.; conforming
263 provisions to changes made by the act; amending s.
264 1011.62, F.S.; deleting a provision requiring that
265 certain funds not be included in the calculated amount
266 for certain scholarship awards; providing an effective
267 date.

268

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

270

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

273 11.45 Definitions; duties; authorities; reports; rules.—

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

275 (1) At least every 3 years, ~~Annually~~ conduct operational
276 audits of the accounts and records of eligible nonprofit
277 scholarship-funding organizations ~~receiving eligible~~
278 ~~contributions~~ under ss. 1002.381 and 1002.394 ~~s. 1002.395,~~
279 including any contracts for services with related entities, to
280 determine compliance with the provisions of that section. Such
281 audits must ~~shall~~ include, but not be limited to, a
282 determination of the eligible nonprofit scholarship-funding
283 organization's compliance with ss. 1002.381(13)(f) and
284 1002.394(11)(k) ~~s. 1002.395(6)(j)~~. The Auditor General shall
285 provide its report on the results of the audits to the Governor,
286 the President of the Senate, the Speaker of the House of
287 Representatives, the Chief Financial Officer, and the
288 Legislative Auditing Committee, within 30 days of completion of
289 the audit.

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291 The Auditor General shall perform his or her duties
292 independently but under the general policies established by the
293 Legislative Auditing Committee. This subsection does not limit
294 the Auditor General's discretionary authority to conduct other
295 audits or engagements of governmental entities as authorized in
296 subsection (3).

297 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in
298 consultation with the Board of Accountancy, shall adopt rules
299 for the form and conduct of all financial audits performed by
300 independent certified public accountants pursuant to ss.
301 215.981, 218.39, 1001.453, 1002.381, 1002.394 ~~1002.395~~, 1004.28,
302 and 1004.70. The rules for audits of local governmental
303 entities, charter schools, charter technical career centers, and
304 district school boards must include, but are not limited to,
305 requirements for the reporting of information necessary to carry
306 out the purposes of the Local Governmental Entity, Charter
307 School, Charter Technical Career Center, and District School
308 Board Financial Emergencies Act as stated in s. 218.501.

309 Section 2. Section 211.0251, Florida Statutes, is amended
310 to read:

311 211.0251 Credit for contributions to K-12 education funding
312 ~~eligible nonprofit scholarship funding organizations.~~—There is
313 allowed a credit of 100 percent of an eligible contribution
314 directed made to K-12 education funding an eligible nonprofit
315 ~~scholarship funding organization~~ under s. 1002.395 for against
316 any tax due under s. 211.02 or s. 211.025. ~~However, a credit~~
317 ~~allowed under this section may not exceed 50 percent of the tax~~
318 ~~due on the return the credit is taken.~~ For purposes of the
319 distributions of tax revenue under s. 211.06, the department

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320 shall disregard any tax credits allowed under this section to
321 ensure that any reduction in tax revenue received which is
322 attributable to the tax credits results only in a reduction in
323 distributions to the General Revenue Fund. The provisions of s.
324 1002.395 apply to the credit authorized by this section.

325 Section 3. Section 212.099, Florida Statutes, is amended to
326 read:

327 212.099 Credit for contributions to K-12 education funding
328 ~~eligible nonprofit scholarship funding organizations.~~

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

330 (a) "Eligible business" means a tenant or person actually
331 occupying, using, or entitled to the use of any property from
332 which the rental or license fee is subject to taxation under s.
333 212.031.

334 (b) "Eligible contribution" or "contribution" means the
335 amount of tax, or portion thereof, paid by a monetary
336 ~~contribution from~~ an eligible business to a collecting dealer
337 and designated for K-12 education funding by the eligible
338 business ~~an eligible nonprofit scholarship funding organization~~
339 ~~to be used pursuant to s. 1002.395. The eligible business making~~
340 ~~the contribution may not designate a specific student as the~~
341 ~~beneficiary of the contribution.~~

342 ~~(c) "Eligible nonprofit scholarship funding organization"~~
343 ~~or "organization" has the same meaning as provided in s.~~
344 ~~1002.395(2)(f).~~

345 (2) An eligible business shall be granted a credit ~~against~~
346 ~~the tax imposed under s. 212.031 and collected from the eligible~~
347 ~~business by a dealer. The credit shall be in an amount equal to~~
348 100 percent of an eligible contribution ~~made to an organization.~~

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

352 (4)~~(a)~~ An eligible business must apply to the department
353 for an allocation of tax credits under this section. The
354 eligible business must specify in the application the state
355 fiscal year during which the contribution will be made, ~~the~~
356 ~~organization that will receive the contribution,~~ the planned
357 amount of the contribution, the address of the property from
358 which the rental or license fee is subject to taxation under s.
359 212.031, and the federal employer identification number of the
360 dealer who collects the tax imposed under s. 212.031 from the
361 eligible business ~~and who will reduce collection of taxes from~~
362 ~~the eligible business pursuant to this section.~~ The department
363 shall approve allocations of tax credits on a first-come, first-
364 served basis and shall provide to the eligible business a
365 separate approval or denial letter for each dealer for which the
366 eligible business applied for an allocation of tax credits.
367 ~~Within 10 days after approving or denying an application, the~~
368 ~~department shall provide a copy of its approval or denial letter~~
369 ~~to the organization specified by the eligible business in the~~
370 ~~application.~~ An approval letter must include the name and
371 federal employer identification number of the dealer from whom a
372 credit under this section can be taken and the amount of tax
373 credits approved for use with that dealer.

374 ~~(b) Upon receipt of an eligible contribution, the~~
375 ~~organization shall provide the eligible business that made the~~
376 ~~contribution with a separate certificate of contribution for~~
377 ~~each dealer from whom a credit can be taken as approved under~~

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378 ~~paragraph (a). A certificate of contribution must include the~~
379 ~~contributor's name and, if available, federal employer~~
380 ~~identification number, the amount contributed, the date of~~
381 ~~contribution, the name of the organization, and the name and~~
382 ~~federal employer identification number of the dealer.~~

383 (5) Each dealer that receives from an eligible business a
384 copy of the department's approval letter and a certificate of
385 contribution, both of which identify the dealer as the dealer
386 who collects the tax imposed under s. 212.031 from the eligible
387 business and who will reduce collection of taxes from the
388 eligible business pursuant to this section, shall identify on
389 the dealer's return the amount of the eligible contribution by
390 reduce the tax collected from the eligible business, which
391 amount under s. 212.031 by the total amount of contributions
392 indicated in the certificate of contribution. The reduction may
393 not exceed the amount of credit allocation approved by the
394 department and may not exceed the amount of tax that would
395 otherwise be collected from the eligible business by a dealer
396 when a payment is made under the rental or license fee
397 arrangement. ~~However, payments by an eligible business to a~~
398 ~~dealer may not be reduced before October 1, 2018.~~

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

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

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

409 (d) An eligible business may not convey, assign, or
410 transfer an approved tax credit or a carryforward tax credit to
411 another entity unless all of the assets of the eligible business
412 are conveyed, assigned, or transferred in the same transaction
413 and the successor business continues the same lease with the
414 dealer.

415 (e) Within any state fiscal year, an eligible business may
416 rescind all or part of a tax credit approved under this section.
417 The amount rescinded shall become available for that state
418 fiscal year to another eligible business as approved by the
419 department if the business receives notice from the department
420 that the rescindment has been accepted by the department. Any
421 amount rescinded under this subsection shall become available to
422 an eligible business on a first-come, first-served basis based
423 on tax credit applications received after the date the
424 rescindment is accepted by the department.

425 ~~(f) Within 10 days after the rescindment of a tax credit~~
426 ~~under paragraph (e) is accepted by the department, the~~
427 ~~department shall notify the eligible nonprofit scholarship-~~
428 ~~funding organization specified by the eligible business. The~~
429 ~~department shall also include the eligible nonprofit~~
430 ~~scholarship funding organization specified by the eligible~~
431 ~~business on all letters or correspondence of acknowledgment for~~
432 ~~tax credits under this section.~~

433 ~~(6) An organization shall report to the department, on or~~
434 ~~before the 20th day of each month, the total amount of~~
435 ~~contributions received pursuant to subsection (4) in the~~

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436 ~~preceding calendar month on a form provided by the department.~~
437 ~~Such report shall include the amount of contributions received~~
438 ~~during that reporting period and the federal employer~~
439 ~~identification number of each dealer associated with the~~
440 ~~contribution.~~

441 ~~(7)(a)~~ Eligible contributions may be used to fund the
442 program established under s. 1002.395.

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

445 ~~(c) The organization may, subject to the limitations of s.~~
446 ~~1002.395(6)(j)1., use eligible contributions received during the~~
447 ~~state fiscal year in which such contributions are collected for~~
448 ~~administrative expenses.~~

449 ~~(7)(8)~~ The sum of tax credits that may be approved by the
450 department in any state fiscal year is \$57.5 million.

451 ~~(8)(9)~~ The department shall ensure that receipts designated
452 by a remitting dealer as eligible contributions under this
453 section are deposited into a designated student fund. For
454 purposes of the distributions of tax revenue under s. 212.20,
455 the department shall disregard any tax credits allowed under
456 this section to ensure that any reduction in tax revenue
457 received that is attributable to the tax credits results only in
458 a reduction in distributions to the General Revenue Fund.

459 ~~(9)(10)~~ The department may adopt rules to administer this
460 section.

461 Section 4. Section 212.1831, Florida Statutes, is amended
462 to read:

463 212.1831 Credit for contributions to K-12 education funding
464 ~~eligible nonprofit scholarship funding organizations.~~—There is

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465 allowed a credit of 100 percent of an eligible contribution made
466 ~~to an eligible nonprofit scholarship funding organization~~ under
467 s. 1002.395 ~~against any tax imposed by the state and due under~~
468 ~~this chapter~~ from a direct pay permit holder as a result of the
469 direct pay permit held pursuant to s. 212.183. For purposes of
470 the dealer's credit granted for keeping prescribed records,
471 filing timely tax returns, and properly accounting and remitting
472 taxes under s. 212.12, the amount of tax due used to calculate
473 the credit shall include any eligible contribution ~~made to an~~
474 ~~eligible nonprofit scholarship funding organization~~ from a
475 direct pay permit holder. For purposes of the distributions of
476 tax revenue under s. 212.20, the department shall disregard any
477 tax credits allowed under this section to ensure that any
478 reduction in tax revenue received that is attributable to the
479 tax credits results only in a reduction in distributions to the
480 General Revenue Fund. The provisions of s. 1002.395 apply to the
481 credit authorized by this section.

482 Section 5. Section 212.1832, Florida Statutes, is amended
483 to read:

484 212.1832 Credit for contributions to K-12 education funding
485 ~~eligible nonprofit scholarship funding organizations.~~-

486 (1) The purchaser of a motor vehicle shall be granted a
487 credit of 100 percent of an eligible contribution ~~made to an~~
488 ~~eligible nonprofit scholarship funding organization~~ under s.
489 1002.40 ~~against any tax imposed by the state under this chapter~~
490 ~~and collected from the purchaser by a dealer, designated agent,~~
491 ~~or private tag agent~~ as a result of the purchase or acquisition
492 of a motor vehicle, except that a credit may not exceed the tax
493 that would otherwise be collected from the purchaser by a

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494 dealer, designated agent, or private tag agent. For purposes of
495 this subsection, the term "purchase" does not include the lease
496 or rental of a motor vehicle.

497 (2) A dealer shall take a credit against any tax imposed by
498 the state under this chapter on the purchase of a motor vehicle
499 in an amount equal to the credit granted to the purchaser under
500 subsection (1).

501 (3) For purposes of the distributions of tax revenue under
502 s. 212.20, the department shall disregard any tax credits
503 allowed under this section to ensure that any reduction in tax
504 revenue received that is attributable to the tax credits results
505 only in a reduction in distributions to the General Revenue
506 Fund. The provisions of s. 1002.40 apply to the credit
507 authorized by this section.

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

511 213.053 Confidentiality and information sharing.—

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

514 ~~(s) Information relative to ss. 211.0251, 212.1831,~~
515 ~~220.1875, 561.1211, 624.51055, and 1002.395 to the Department of~~
516 ~~Education and the Division of Alcoholic Beverages and Tobacco in~~
517 ~~the conduct of official business.~~

518
519 Disclosure of information under this subsection shall be
520 pursuant to a written agreement between the executive director
521 and the agency. Such agencies, governmental or nongovernmental,
522 shall be bound by the same requirements of confidentiality as

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523 the Department of Revenue. Breach of confidentiality is a
524 misdemeanor of the first degree, punishable as provided by s.
525 775.082 or s. 775.083.

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

527 ~~1. "Eligible nonprofit scholarship funding organization"~~
528 ~~means an eligible nonprofit scholarship funding organization as~~
529 ~~defined in s. 1002.395(2) that meets the criteria in s.~~
530 ~~1002.395(6) to use up to 3 percent of eligible contributions for~~
531 ~~administrative expenses.~~

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

536 ~~(b) The department, upon request, shall provide to an~~
537 ~~eligible nonprofit scholarship funding organization that~~
538 ~~provides scholarships under s. 1002.395 a list of the 200~~
539 ~~taxpayers with the greatest total corporate income or franchise~~
540 ~~tax due as reported on the taxpayer's return filed pursuant to~~
541 ~~s. 220.22 during the previous calendar year. The list must be in~~
542 ~~alphabetical order based on the taxpayer's name and shall~~
543 ~~contain the taxpayer's address. The list may not disclose the~~
544 ~~amount of tax owed by any taxpayer.~~

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

548 ~~(d) Any taxpayer information contained in the list may be~~
549 ~~used by the eligible nonprofit scholarship funding organization~~
550 ~~only to notify the taxpayer of the opportunity to make an~~
551 ~~eligible contribution to the Florida Tax Credit Scholarship~~

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552 Program under ~~s. 1002.395~~. Any information furnished to an
553 eligible nonprofit scholarship funding organization under this
554 subsection may not be further disclosed by the organization
555 except as provided in this paragraph.

556 ~~(c) An eligible nonprofit scholarship funding organization,~~
557 ~~its officers, and employees are subject to the same requirements~~
558 ~~of confidentiality and the same penalties for violating~~
559 ~~confidentiality as the department and its employees. Breach of~~
560 ~~confidentiality is a misdemeanor of the first degree, punishable~~
561 ~~as provided by s. 775.082 or s. 775.083.~~

562 ~~(22) (a) The department may provide to an eligible nonprofit~~
563 ~~scholarship funding organization, as defined in s. 1002.40, a~~
564 ~~dealer's name, address, federal employer identification number,~~
565 ~~and information related to differences between credits taken by~~
566 ~~the dealer pursuant to s. 212.1832(2) and amounts remitted to~~
567 ~~the eligible nonprofit scholarship funding organization under s.~~
568 ~~1002.40(13)(b)3. The eligible nonprofit scholarship funding~~
569 ~~organization may use the information for purposes of recovering~~
570 ~~eligible contributions designated for that organization that~~
571 ~~were collected by the dealer but never remitted to the~~
572 ~~organization.~~

573 ~~(b) Nothing in this subsection authorizes the disclosure of~~
574 ~~information if such disclosure is prohibited by federal law. An~~
575 ~~eligible nonprofit scholarship funding organization is bound by~~
576 ~~the same requirements of confidentiality and the same penalties~~
577 ~~for a violation of the requirements as the department.~~

578 Section 7. Paragraph (a) of subsection (4) of section
579 220.1105, Florida Statutes, is amended to read:

580 220.1105 Tax imposed; automatic refunds and downward

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581 adjustments to tax rates.—

582 (4) For fiscal years 2018-2019 through 2020-2021, any
583 amount by which net collections for a fiscal year exceed
584 adjusted forecasted collections for that fiscal year shall only
585 be used to provide refunds to corporate income tax payers as
586 follows:

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

588 1. "Eligible taxpayer" means:

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

592 b. For fiscal year 2019-2020, a taxpayer whose taxable year
593 begins between April 1, 2018, and March 31, 2019, and whose
594 final tax liability for such taxable year is greater than zero;
595 or

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

599 2. "Excess collections" for a fiscal year means the amount
600 by which net collections for a fiscal year exceeds adjusted
601 forecasted collections for that fiscal year.

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

606 4. "Total eligible tax liability" for a fiscal year means
607 the sum of final tax liabilities of all eligible taxpayers for a
608 fiscal year as such liabilities are shown on the latest return
609 filed with the department as of February 1 immediately following

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610 that fiscal year.

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

614 6. "Taxpayer refund" for a fiscal year means the taxpayer
615 refund share for a fiscal year multiplied by the excess
616 collections for a fiscal year.

617 Section 8. Paragraph (a) of subsection (1) of section
618 220.13, Florida Statutes, is amended to read:

619 220.13 "Adjusted federal income" defined.—

620 (1) The term "adjusted federal income" means an amount
621 equal to the taxpayer's taxable income as defined in subsection
622 (2), or such taxable income of more than one taxpayer as
623 provided in s. 220.131, for the taxable year, adjusted as
624 follows:

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

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

631 ~~b. Notwithstanding sub-subparagraph a., if a credit taken~~
632 ~~under s. 220.1875 is added to taxable income in a previous~~
633 ~~taxable year under subparagraph 1. and is taken as a deduction~~
634 ~~for federal tax purposes in the current taxable year, the amount~~
635 ~~of the deduction allowed shall not be added to taxable income in~~
636 ~~the current year. The exception in this sub-subparagraph is~~
637 ~~intended to ensure that the credit under s. 220.1875 is added in~~
638 ~~the applicable taxable year and does not result in a duplicate~~

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639 ~~addition in a subsequent year.~~

640 2. The amount of interest which is excluded from taxable
641 income under s. 103(a) of the Internal Revenue Code or any other
642 federal law, less the associated expenses disallowed in the
643 computation of taxable income under s. 265 of the Internal
644 Revenue Code or any other law, excluding 60 percent of any
645 amounts included in alternative minimum taxable income, as
646 defined in s. 55(b)(2) of the Internal Revenue Code, if the
647 taxpayer pays tax under s. 220.11(3).

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

652 4. That portion of the wages or salaries paid or incurred
653 for the taxable year which is equal to the amount of the credit
654 allowable for the taxable year under s. 220.181. This
655 subparagraph shall expire on the date specified in s. 290.016
656 for the expiration of the Florida Enterprise Zone Act.

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

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

665 7. That portion of assessments to fund a guaranty
666 association incurred for the taxable year which is equal to the
667 amount of the credit allowable for the taxable year.

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

673 9. The amount taken as a credit for the taxable year under
674 s. 220.1895.

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

678 ~~11. The amount taken as a credit for the taxable year under~~
679 ~~s. 220.1875. The addition in this subparagraph is intended to~~
680 ~~ensure that the same amount is not allowed for the tax purposes~~
681 ~~of this state as both a deduction from income and a credit~~
682 ~~against the tax. This addition is not intended to result in~~
683 ~~adding the same expense back to income more than once.~~

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

686 ~~12.13.~~ Any portion of a qualified investment, as defined in
687 s. 288.9913, which is claimed as a deduction by the taxpayer and
688 taken as a credit against income tax pursuant to s. 288.9916.

689 ~~13.14.~~ The costs to acquire a tax credit pursuant to s.
690 288.1254(5) that are deducted from or otherwise reduce federal
691 taxable income for the taxable year.

692 ~~14.15.~~ The amount taken as a credit for the taxable year
693 pursuant to s. 220.194.

694 ~~15.16.~~ The amount taken as a credit for the taxable year
695 under s. 220.196. The addition in this subparagraph is intended
696 to ensure that the same amount is not allowed for the tax

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697 purposes of this state as both a deduction from income and a
698 credit against the tax. The addition is not intended to result
699 in adding the same expense back to income more than once.

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

702 220.186 Credit for Florida alternative minimum tax.—

703 (2) The credit pursuant to this section shall be the amount
704 of the excess, if any, of the tax paid based upon taxable income
705 determined pursuant to s. 220.13(2)(k) over the amount of tax
706 which would have been due based upon taxable income without
707 application of s. 220.13(2)(k), before application of this
708 credit ~~without application of any credit under s. 220.1875.~~

709 Section 10. Section 220.1875, Florida Statutes, is amended
710 to read:

711 220.1875 Credit for contributions to K-12 education funding
712 ~~eligible nonprofit scholarship funding organizations.—~~

713 (1) There is allowed a credit of 100 percent of an eligible
714 contribution made ~~to an eligible nonprofit scholarship funding~~
715 ~~organization~~ under s. 1002.395 ~~against any tax due for a taxable~~
716 ~~year under this chapter after the application of any other~~
717 ~~allowable credits by the taxpayer.~~ An eligible contribution must
718 be made when the taxpayer makes an estimated payment to an
719 ~~eligible nonprofit scholarship funding organization on or before~~
720 ~~the date the taxpayer is required to file a return pursuant to~~
721 ~~s. 220.222.~~ The credit granted by this section shall be reduced
722 by the difference between the amount of federal corporate income
723 tax taking into account the credit granted by this section and
724 the amount of federal corporate income tax without application
725 of the credit granted by this section.

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

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

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

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

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

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

746 Section 11. Section 561.1211, Florida Statutes, is amended
747 to read:

748 561.1211 Credit for contributions to K-12 education funding
749 ~~eligible nonprofit scholarship funding organizations.~~—There is
750 allowed a credit of 100 percent of an eligible contribution made
751 ~~to an eligible nonprofit scholarship funding organization~~ under
752 s. 1002.395 against any tax due under s. 563.05, s. 564.06, or
753 s. 565.12, except excise taxes imposed on wine produced by
754 manufacturers in this state from products grown in this state.

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755 ~~However, a credit allowed under this section may not exceed 90~~
756 ~~percent of the tax due on the return the credit is taken. For~~
757 ~~purposes of the distributions of tax revenue under ss. 561.121~~
758 ~~and 564.06(10), the division shall disregard any tax credits~~
759 ~~allowed under this section to ensure that any reduction in tax~~
760 ~~revenue received that is attributable to the tax credits results~~
761 ~~only in a reduction in distributions to the General Revenue~~
762 ~~Fund. The provisions of s. 1002.395 apply to the credit~~
763 ~~authorized by this section.~~

764 Section 12. Section 624.51055, Florida Statutes, is amended
765 to read:

766 624.51055 Credit for contributions to K-12 education
767 funding eligible nonprofit scholarship-funding organizations.-

768 (1) There is allowed a credit of 100 percent of an eligible
769 contribution made ~~to an eligible nonprofit scholarship-funding~~
770 ~~organization~~ under s. 1002.395 ~~against any tax due for a taxable~~
771 ~~year under s. 624.509(1) after deducting from such tax~~
772 ~~deductions for assessments made pursuant to s. 440.51; credits~~
773 ~~for taxes paid under ss. 175.101 and 185.08; credits for income~~
774 ~~taxes paid under chapter 220; and the credit allowed under s.~~
775 ~~624.509(5), as such credit is limited by s. 624.509(6). An~~
776 ~~eligible contribution must be made to an eligible nonprofit~~
777 ~~scholarship-funding organization on or before the date the~~
778 ~~taxpayer is required to file a return pursuant to ss. 624.509~~
779 ~~and 624.5092. An insurer claiming a credit against premium tax~~
780 ~~liability under this section shall not be required to pay any~~
781 ~~additional retaliatory tax levied pursuant to s. 624.5091 as a~~
782 ~~result of claiming such credit. Section 624.5091 does not limit~~
783 ~~such credit in any manner.~~

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

786 Section 13. Paragraph (a) of subsection (6) of section
787 1002.20, Florida Statutes, is amended to read:

788 1002.20 K-12 student and parent rights.—Parents of public
789 school students must receive accurate and timely information
790 regarding their child's academic progress and must be informed
791 of ways they can help their child to succeed in school. K-12
792 students and their parents are afforded numerous statutory
793 rights including, but not limited to, the following:

794 (6) EDUCATIONAL CHOICE.—

795 (a) *Public educational school choices.*—Parents of public
796 school students may seek any public educational school choice
797 options that are applicable and available to students throughout
798 the state. These options may include controlled open enrollment,
799 single-gender programs, lab schools, virtual instruction
800 programs, charter schools, charter technical career centers,
801 magnet schools, alternative schools, special programs, auditory-
802 oral education programs, advanced placement, dual enrollment,
803 International Baccalaureate, International General Certificate
804 of Secondary Education (pre-AICE), CAPE digital tools, CAPE
805 industry certifications, collegiate high school programs,
806 Advanced International Certificate of Education, early
807 admissions, credit by examination or demonstration of
808 competency, the New World School of the Arts, the Florida School
809 for the Deaf and the Blind, and the Florida Virtual School.
810 These options may also include the public educational choice
811 options of the Opportunity Scholarship Program and the Family
812 Empowerment Scholarship ~~McKay Scholarships for Students with~~

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813 ~~Disabilities~~ Program.

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

816 1002.23 Family and School Partnership for Student
817 Achievement Act.—

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

824 (a) Parental information regarding:

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

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

829 3. Assessment results, including report cards and progress
830 reports;

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

832 5. School entry requirements, including required
833 immunizations and the recommended immunization schedule;

834 (b) Services available for parents and their children, such
835 as family literacy services; mentoring, tutorial, and other
836 academic reinforcement programs; college planning, academic
837 advisement, and student counseling services; and after-school
838 programs;

839 (c) Opportunities for parental participation, such as
840 parenting classes, adult education, school advisory councils,
841 and school volunteer programs;

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842 (d) Opportunities for parents to learn about rigorous
843 academic programs that may be available for their child, such as
844 honors programs, dual enrollment, advanced placement,
845 International Baccalaureate, International General Certificate
846 of Secondary Education (pre-AICE), Advanced International
847 Certificate of Education, Florida Virtual ~~High~~ School courses,
848 and accelerated access to postsecondary education;

849 (e) Educational choices, as provided for in s. 1002.20(6)~~7~~
850 and ~~Florida tax credit scholarships, as provided for in s.~~
851 ~~1002.395;~~

852 (f) Classroom and test accommodations available for
853 students with disabilities;

854 (g) School board rules, policies, and procedures for
855 student promotion and retention, academic standards, student
856 assessment, courses of study, instructional materials, and
857 contact information for school and district offices; and

858 (h) Resources for information on student health and other
859 available resources for parents.

860 Section 15. Paragraph (c) of subsection (2) of section
861 1002.31, Florida Statutes, is amended to read:

862 1002.31 Controlled open enrollment; Public school parental
863 choice.—

864 (2)

865 (c) Each district school board must provide preferential
866 treatment in its controlled open enrollment process to all of
867 the following:

868 1. Dependent children of active duty military personnel
869 whose move resulted from military orders;—

870 2. Children who have been relocated due to a foster care

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871 placement in a different school zone;~~;~~

872 3. Children who move due to a court-ordered change in
873 custody due to separation or divorce, or the serious illness or
874 death of a custodial parent;~~;~~

875 4. Students with an individual education plan or a 504
876 accommodation plan under s. 504 of the Rehabilitation Act of
877 1973 who are eligible for a McKay-Gardiner Scholarship pursuant
878 to s. 1002.381; and

879 5. Students residing in the school district.

880 Section 16. Section 1002.381, Florida Statutes, is created
881 to read:

882 1002.381 The McKay-Gardiner Scholarship.—

883 (1) ESTABLISHMENT OF PROGRAM.—Beginning with the 2021-2022
884 school year, the McKay-Gardiner Scholarship Program is
885 established to provide the option for a parent to better meet
886 the individual educational needs of his or her eligible child.
887 All written explanatory materials, including state websites,
888 scholarship organization materials, letters to parents,
889 scholarship agreements, and any other written information
890 describing the program to the public, must refer to a
891 scholarship granted under this program as a “McKay-Gardiner
892 Scholarship.”

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

894 (a) “Approved provider” means a provider approved by the
895 Agency for Persons with Disabilities, a health care practitioner
896 as defined in s. 456.001(4), or a provider approved by the
897 department pursuant to s. 1002.66.

898 (b) “Curriculum” has the same meaning as provided in s.
899 1002.394(2)(b).

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

901 (d) "Disability" means:

902 1. For a 3-year-old or 4-year-old child or for a student in
903 kindergarten through grade 12, that the child has been diagnosed
904 with any of the following: autism spectrum disorder; cerebral
905 palsy; Down syndrome; an intellectual disability; Phelan-
906 McDermid syndrome; Prader-Willi syndrome; spina bifida; being a
907 high-risk child, as defined in s. 393.063(23) (a); muscular
908 dystrophy; Williams syndrome; rare diseases which affect patient
909 populations of fewer than 200,000 individuals in the United
910 States, as defined by the National Organization for Rare
911 Disorders; anaphylaxis; deaf; visually impaired; traumatic
912 brain-injured; hospital or homebound; or dual sensory impaired,
913 as defined by rules of the State Board of Education and
914 evidenced by reports from local school districts. As used in
915 this subparagraph, the term "hospital or homebound" includes a
916 student who has a medically diagnosed physical or psychiatric
917 condition or illness, as defined by state board rule, and who is
918 confined to the home or hospital for more than 6 months.

919 2. For a student in kindergarten through grade 12, that the
920 child has been diagnosed with any of the following: a speech
921 impairment; a language impairment; a hearing impairment; an
922 orthopedic impairment; an emotional or behavioral disability; a
923 specific learning disability, including, but not limited to,
924 dyslexia, dyscalculia, or developmental aphasia; or a
925 developmental delay.

926 (e) "Eligible nonprofit scholarship-funding organization"
927 or "organization" means a state university; or an independent
928 college or university that is eligible to participate in the

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929 William L. Boyd, IV, Effective Access to Student Education Grant
930 Program located and chartered in this state which is not for
931 profit and is accredited by the Commission on Colleges of the
932 Southern Association of Colleges and Schools; or is a charitable
933 organization that:

934 1. Is exempt from federal income tax pursuant to s.
935 501(c)(3) of the Internal Revenue Code;

936 2. Is a Florida entity formed under chapter 605, chapter
937 607, or chapter 617 and whose principal office is located in
938 this state; and

939 3. Complies with subsections (12) and (13).

940 (f) "Eligible postsecondary educational institution" has
941 the same meaning as s. 1002.394(2)(f).

942 (g) "Eligible private school" has the same meaning as s.
943 1002.394(2)(g).

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

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

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

953 (k) "Parent" means a resident of this state who is a
954 parent, as defined in s. 1000.21(5).

955 (l) "Program" means the McKay-Gardiner Scholarship Program
956 established in this section.

957 (3) PROGRAM ELIGIBILITY.—A parent of a student with a

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958 disability may request and receive from the state a McKay-
959 Gardiner Scholarship for the purposes specified in subsection
960 (5) if:

961 (a) The student:

962 1. Is a resident of this state;

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

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

968 a. Has a diagnosis of a disability from a physician who is
969 licensed under chapter 458 or chapter 459, a psychologist who is
970 licensed under chapter 490, or a physician who holds an active
971 license issued by another state or territory of the United
972 States, the District of Columbia, or the Commonwealth of Puerto
973 Rico;

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

976 c. Has a 504 accommodation plan issued under s. 504 of the
977 Rehabilitation Act of 1973.

978
979 A student with a disability who meets the requirements of
980 subparagraph 1. and sub-subparagraph 3.a., but who turns 3 years
981 of age after September 1, may be determined to be eligible on or
982 after his or her third birthday and may be awarded a scholarship
983 if program funds are available.

984 (b) The parent has applied to an eligible nonprofit
985 scholarship-funding organization to participate in the program
986 by a date as set by the organization for any vacant slots. The

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987 request must be communicated directly to the organization in a
988 manner that creates a written or electronic record of the
989 request and the date of receipt of the request.

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

992 (a) Enrolled in a public school, including, but not limited
993 to, the Florida School for the Deaf and the Blind, the College-
994 Preparatory Boarding Academy, a developmental research school
995 authorized under s. 1002.32, or a charter school authorized
996 under this chapter. For purposes of this paragraph, a 3- or 4-
997 year-old child who receives services funded through the Florida
998 Education Finance Program is considered to be a student enrolled
999 in a public school.

1000 (b) Enrolled in a school operating for the purpose of
1001 providing educational services to youth in Department of
1002 Juvenile Justice commitment programs.

1003 (c) Issued a temporary 504 accommodation plan under s. 504
1004 of the Rehabilitation Act of 1973 which is valid for 6 months or
1005 less.

1006 (d) Receiving any other educational scholarship pursuant to
1007 this chapter.

1008 (e) Not having regular and direct contact with his or her
1009 private school teachers pursuant to s. 1002.421(1)(i), unless he
1010 or she is enrolled in the private school's transition-to-work
1011 program pursuant to subsection (14) or a home education program
1012 pursuant to s. 1002.41.

1013 (f) Participating in a virtual school, correspondence
1014 school, or distance learning program that receives state funding
1015 pursuant to the student's participation.

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1016 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
1017 used to meet the individual educational needs of an eligible
1018 student and may be spent only for the following purposes:

1019 (a) Instructional materials, including digital devices,
1020 digital periphery devices, and assistive technology devices that
1021 allow a student to access instruction or instructional content;
1022 training on the use of these devices and related maintenance
1023 agreements; and Internet access to digital instructional
1024 materials.

1025 (b) Curriculum as defined in paragraph (2) (b) .

1026 (c) Specialized services by approved providers or by a
1027 hospital in this state which are selected by the parent. These
1028 specialized services may include, but are not limited to:

1029 1. Applied behavior analysis services as provided in ss.
1030 627.6686 and 641.31098.

1031 2. Services provided by a speech-language pathologist as
1032 defined in s. 468.1125(8) .

1033 3. Occupational therapy services as specified in s.
1034 468.203.

1035 4. Services provided by a physical therapist as defined in
1036 s. 486.021(5) .

1037 5. Services provided by listening and spoken language
1038 specialists and an appropriate acoustical environment for a
1039 child who is deaf or hard of hearing and who has received an
1040 implant or assistive hearing device.

1041 (d) Tuition or fees associated with full-time or part-time
1042 enrollment in any of the following: a home education program, an
1043 eligible private school, or an eligible postsecondary
1044 educational institution; a program offered by the postsecondary

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1045 institution, a private tutoring program authorized under s.
1046 1002.43, a virtual program offered by a department-approved
1047 private online provider that meets the provider qualifications
1048 specified in s. 1002.45(2)(a), or a program offered by the
1049 Florida Virtual School to a private paying student; or an
1050 approved online course offered pursuant to s. 1003.499 or s.
1051 1004.0961.

1052 (e) Fees for nationally standardized, norm-referenced
1053 achievement tests, Advanced Placement examinations, industry
1054 certification examinations, assessments related to postsecondary
1055 education, or other such assessments.

1056 (f) Contributions to the Stanley G. Tate Florida Prepaid
1057 College Program pursuant to s. 1009.98 or the Florida College
1058 Savings Program pursuant to s. 1009.981, for the benefit of the
1059 eligible student.

1060 (g) Contracted services provided by a public school or a
1061 school district, including classes. A student who receives
1062 services under this paragraph is not considered enrolled in a
1063 public school for the purpose of eligibility as provided in
1064 subsection (4).

1065 (h) Tuition and fees for part-time tutoring services
1066 provided by a person who holds a valid Florida educator's
1067 certificate issued pursuant to s. 1012.56; a person who holds an
1068 adjunct teaching certificate issued pursuant to s. 1012.57; a
1069 person who has a bachelor's degree or a graduate degree in the
1070 subject area in which instruction is given; or a person who has
1071 demonstrated a mastery of subject area knowledge as provided in
1072 s. 1012.56(5). Any part-time tutoring undertaken pursuant to
1073 this paragraph does not qualify as regular school attendance as

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1074 defined in s. 1003.01(13) (e).

1075 (i) Fees for summer education programs.

1076 (j) Fees for after-school education programs.

1077 (k) Transition services, including a coordinated set of
1078 activities focused on improving the academic and functional
1079 achievement of the student to facilitate his or her movement
1080 from school to post-school activities and based on the
1081 individual student's needs. Transition services may be provided
1082 by job coaches or pursuant to subsection (14).

1083 (l) Fees for an annual evaluation of educational progress
1084 by a state-certified teacher under s. 1002.41(1) (f), if this
1085 option is chosen for a home education student.

1086 (m) Tuition and fees associated with programs offered by
1087 Voluntary Prekindergarten Education Program providers approved
1088 pursuant to s. 1002.55 and school readiness providers approved
1089 pursuant to s. 1002.88.

1090 (n) Fees for services provided at a center that is a member
1091 of the Professional Association of Therapeutic Horsemanship
1092 International.

1093 (o) Fees for services provided by a therapist who is
1094 certified by the Certification Board for Music Therapists or
1095 credentialed by the Art Therapy Credentials Board, Inc.

1096 (p) Tuition and fees associated with enrollment in a
1097 nationally or internationally recognized research-based training
1098 program, for a child with a neurological disorder or brain
1099 damage.

1100 (q) Tuition and fees associated with a student's
1101 participation in classes or lessons relating to art, music, or
1102 theater. The instructor of the classes or lessons must:

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1103 1. Hold a valid or expired Florida educator's certificate
1104 issued under s. 1012.56 in art, music, or drama;

1105 2. Have 3 years of employment experience in art, music, or
1106 theater, as demonstrated by employment records;

1107 3. Hold a baccalaureate degree or higher from a
1108 postsecondary educational institution with a major in music,
1109 art, theater, or drama or related field; or

1110 4. Hold a certification or national accreditation in music,
1111 art, theater, or drama.

1112 (r) Transportation expenses, which may not exceed \$750
1113 annually, in connection with meeting the student's educational
1114 needs under this section.

1115
1116 A service provider who receives payments pursuant to this
1117 subsection may not share or refund any moneys from the McKay-
1118 Gardiner Scholarship with the parent or participating student
1119 and may not issue rebates to such persons. A parent, student, or
1120 service provider may not bill an insurance company, Medicaid, or
1121 any other agency for the same services that are paid for with
1122 McKay-Gardiner Scholarship funds. Funding provided pursuant to
1123 this subsection for a child eligible for enrollment in the
1124 Voluntary Prekindergarten Education Program constitutes funding
1125 for the child under part V of this chapter, and no additional
1126 funding may be provided for the child under part V.

1127 (6) TERMS OF THE PROGRAM.—For purposes of continuity of
1128 educational choice and program integrity:

1129 (a)1. Program payments made by the state to an organization
1130 for a McKay-Gardiner Scholarship under this section must
1131 continue until:

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- 1132 a. A program student's parent does not renew program
1133 eligibility;
- 1134 b. The organization determines that a program student is
1135 not eligible for program renewal;
- 1136 c. The Commissioner of Education suspends or revokes
1137 program participation or use of funds pursuant to subparagraph
1138 (b) (1);
- 1139 d. A program student's parent has forfeited participation
1140 in the program for failure to comply with subsection (11);
- 1141 e. A program student enrolls in a public school; or
- 1142 f. A program student graduates from high school or attains
1143 22 years of age, whichever occurs first.
- 1144 2. Reimbursements for program expenditures may continue
1145 until the account balance is expended or the account is closed
1146 pursuant to paragraph (b).
- 1147 (b)1. The commissioner must close a student's scholarship
1148 account, and any remaining funds, including, but not limited to,
1149 contributions made to the Stanley G. Tate Florida Prepaid
1150 College Program or earnings from or contributions made to the
1151 Florida College Savings Program using program funds pursuant to
1152 paragraph (5) (f), revert to the state after:
- 1153 a. Denial or revocation of program eligibility by the
1154 commissioner for fraud or abuse, including, but not limited to,
1155 the student or student's parent accepting any payment, refund,
1156 or rebate from a provider of services received pursuant to
1157 subsection (5); however, a private school may discount tuition
1158 if the private school deems it necessary;
- 1159 b. Any period of 3 consecutive years after high school
1160 completion or graduation during which the student has not been

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1161 enrolled in an eligible postsecondary educational institution or
1162 a program offered by such an institution; or

1163 c. Two consecutive fiscal years in which an account has
1164 been inactive.

1165 2. The commissioner must notify the parent and the
1166 organization when a McKay-Gardiner Scholarship account is closed
1167 and program funds revert to the state.

1168 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

1169 (a) By each April 1 and within 10 days after an individual
1170 education plan meeting or a 504 accommodation plan is issued
1171 under s. 504 of the Rehabilitation Act of 1973, a school
1172 district shall notify the parent of the student of all options
1173 available pursuant to this section, and shall inform the parent
1174 of the availability of the department's website for additional
1175 information on McKay-Gardiner Scholarships.

1176 (b)1. The parent of a student with a disability who does
1177 not have an IEP or who seeks a reevaluation of an existing IEP
1178 may request an IEP meeting and evaluation from the school
1179 district in order to obtain or revise a matrix of services. The
1180 school district shall notify a parent who has made a request for
1181 an IEP that the district is required to complete the IEP and
1182 matrix of services within 30 days after receiving notice of the
1183 parent's request. The school district shall conduct a meeting
1184 and develop an IEP and matrix of services within 30 days after
1185 receipt of the parent's request in accordance with State Board
1186 of Education rule.

1187 2.a. The school district must provide the student's parent
1188 and the department with the student's matrix level within 10
1189 calendar days after its completion.

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1190 b. A school district may change a matrix of services only
1191 if the change is a result of an IEP reevaluation or to correct a
1192 technical, typographical, or calculation error.

1193 (c) For each student participating in the program who
1194 chooses to participate in statewide, standardized assessments
1195 under s. 1008.22 or the Florida Alternate Assessment, the school
1196 district in which the student resides must notify the student
1197 and his or her parent about the locations and times of all
1198 statewide, standardized assessments.

1199 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
1200 private school may be sectarian or nonsectarian and shall:

1201 (a) Comply with all requirements for private schools
1202 participating in state school choice scholarship programs
1203 pursuant to s. 1002.421.

1204 (b)1. Annually administer or make provision for students
1205 participating in the program in grades 3 through 10 to take one
1206 of the nationally norm-referenced tests identified by the
1207 Department of Education or the statewide assessments
1208 administered pursuant to s. 1008.22. This subparagraph does not
1209 apply to students with disabilities for whom standardized
1210 testing is not appropriate. A participating private school shall
1211 report a student's scores to the parent.

1212 2. Administer the statewide assessments pursuant to s.
1213 1008.22 if a private school chooses to offer the statewide
1214 assessments. A participating private school may choose to offer
1215 and administer the statewide assessments to all students who
1216 attend the private school in grades 3 through 10 and must submit
1217 a request in writing to the Department of Education by March 1
1218 of each year in order to administer the statewide assessments in

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1219 the subsequent school year.

1220
1221 If a private school fails to meet the requirements of this
1222 subsection or s. 1002.421, the commissioner may determine that
1223 the private school is ineligible to participate in the
1224 scholarship program.

1225 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
1226 shall:

1227 (a) Comply with s. 1002.394(8)(a)-(g).

1228 (b) Maintain on its website a list of approved providers as
1229 required by s. 1002.66, eligible postsecondary educational
1230 institutions, eligible private schools, and eligible
1231 organizations and may identify or provide links to lists of
1232 other approved providers.

1233 (c) Require each organization to verify eligible
1234 expenditures before the distribution of funds for any
1235 expenditures made pursuant to paragraphs (5)(a) and (b). Review
1236 of expenditures made for services specified in paragraphs
1237 (5)(c)-(r) may be completed after the purchase is made.

1238 (d) Investigate any written complaint of a violation of
1239 this section by a parent, a student, a private school, a public
1240 school, a school district, an organization, a provider, or
1241 another appropriate party in accordance with the process
1242 established under s. 1002.421.

1243 (e) Require quarterly reports by an organization, which
1244 must include, at a minimum, the number of students participating
1245 in the program; the demographics of program participants; the
1246 disability category of program participants; the matrix level of
1247 services, if known; the program award amount per student; the

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1248 total expenditures for the purposes specified in subsection (5);
1249 the types of providers of services to students; and any other
1250 information deemed necessary by the department.

1251 (f) Compare the list of students participating in the
1252 program with the public school student enrollment lists,
1253 Voluntary Prekindergarten Education Program enrollment lists,
1254 and the list of students participating in school choice
1255 scholarship programs established pursuant to this chapter before
1256 each scholarship award is provided to the organization, and
1257 subsequently throughout the school year, to avoid duplicate
1258 payments and confirm program eligibility.

1259 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

1260 (a) The Commissioner of Education:

1261 1. May suspend or revoke program participation or use of
1262 program funds by the student or participation or eligibility of
1263 an organization, eligible postsecondary educational institution,
1264 approved provider, or other party for a violation of this
1265 section.

1266 2. May determine the length of, and conditions for lifting,
1267 a suspension or revocation specified in this subsection.

1268 3. May recover unexpended program funds or withhold payment
1269 of an equal amount of program funds to recover program funds
1270 that were not authorized for use.

1271 4. Shall deny or terminate program participation upon a
1272 parent's forfeiture of a McKay-Gardiner Scholarship pursuant to
1273 subsection (11).

1274 (b) In determining whether to suspend or revoke
1275 participation or lift a suspension or revocation in accordance
1276 with this subsection, the commissioner may consider factors that

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1277 include, but are not limited to, acts or omissions that led to a
1278 previous suspension or revocation of participation in a state or
1279 federal program or an education scholarship program; failure to
1280 reimburse the organization for funds improperly received or
1281 retained; failure to reimburse government funds improperly
1282 received or retained; imposition of a prior criminal sanction
1283 related to the person or entity or its officers or employees;
1284 imposition of a civil fine or administrative fine, license
1285 revocation or suspension, or program eligibility suspension,
1286 termination, or revocation related to a person's or entity's
1287 management or operation; or other types of criminal proceedings
1288 in which the person or entity or its officers or employees were
1289 found guilty of, regardless of adjudication, or entered a plea
1290 of nolo contendere or guilty to, any offense involving fraud,
1291 deceit, dishonesty, or moral turpitude.

1292 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1293 PARTICIPATION.—A parent who applies for program participation
1294 under this section is exercising his or her parental option to
1295 determine the appropriate placement or services that best meet
1296 the needs of his or her child.

1297 (a) To satisfy or maintain program eligibility, including
1298 eligibility to receive and spend program payments, the parent
1299 must sign an agreement with the organization and annually submit
1300 a sworn compliance statement to the organization to:

1301 1. Affirm that the student is enrolled in a program that
1302 meets regular school attendance requirements as provided in s.
1303 1003.01(13)(b), (c), or (d).

1304 2. Affirm that the program funds are used only for
1305 authorized purposes serving the student's educational needs, as

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1306 described in subsection (5).

1307 3. Affirm that the parent is responsible for the education
1308 of his or her student by, as applicable:

1309 a. Requiring the student to take an assessment in
1310 accordance with paragraph (8) (b);

1311 b. Providing an annual evaluation in accordance with s.
1312 1002.41(1) (f); or

1313 c. Requiring the child to take any preassessments and
1314 postassessments selected by the provider if the child is 4 years
1315 of age and is enrolled in a program provided by an eligible
1316 Voluntary Prekindergarten Education Program provider. This sub-
1317 subparagraph does not apply to a student with disabilities for
1318 whom a preassessment and postassessment are not appropriate. A
1319 participating provider shall report a student's scores to the
1320 parent.

1321 4. Affirm that the student remains in good standing with
1322 the provider or school if one of those options is selected by
1323 the parent.

1324 (b) The parent must file an application for initial program
1325 participation with an organization by a date established by the
1326 organization.

1327 (c) The parent must enroll his or her child in a program
1328 from a Voluntary Prekindergarten Education Program provider
1329 authorized under s. 1002.55, a school readiness provider
1330 authorized under s. 1002.88, or an eligible private school if
1331 either option is selected by the parent.

1332 (d) The parent must renew participation in the program by a
1333 date set by the nonprofit scholarship-funding organization in
1334 order for a student to be eligible to receive funding. A student

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1335 whose participation in the program is not renewed may continue
1336 to spend scholarship funds that are in his or her account from
1337 prior years unless the account is closed pursuant to paragraph
1338 (6) (b). Notwithstanding any changes to the student's IEP, a
1339 student who was previously eligible for participation in the
1340 program remains eligible to apply for renewal. However, for a
1341 high-risk child to continue to participate in the program in the
1342 school year after he or she reaches 6 years of age, the child's
1343 application for renewal of program participation must contain
1344 documentation that the child has a disability as defined in
1345 paragraph (2) (d), other than high-risk status.

1346 (e) The parent is responsible for procuring the services
1347 necessary to educate the student. If a parent does not procure
1348 the necessary educational services for the student and the
1349 student's account has been inactive for 2 consecutive fiscal
1350 years, the student's account must be closed pursuant to
1351 paragraph (6) (b). When the student receives a McKay-Gardiner
1352 Scholarship, the district school board is not obligated to
1353 provide the student with a free, appropriate public education.
1354 For purposes of s. 1003.57 and the Individuals with Disabilities
1355 in Education Act, a participating student has only those rights
1356 that apply to all other unilaterally, parentally placed
1357 students, except that, when requested by the parent, school
1358 district personnel must develop an individual education plan or
1359 matrix level of services.

1360 (f) The parent is responsible for all eligible expenses in
1361 excess of the amount of the McKay-Gardiner Scholarship.

1362 (g) The parent may not transfer any prepaid college plan or
1363 college savings plan funds contributed pursuant to paragraph

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1364 (5) (f) to another beneficiary while the plan contains funds
1365 contributed pursuant to this section.

1366 (h) The parent may not receive a payment, refund, or rebate
1367 from an approved provider of any services under this program.

1368
1369 A participant who fails to comply with this subsection forfeits
1370 the McKay-Gardiner Scholarship.

1371 (12) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
1372 APPLICATION.—In order to participate in the scholarship program
1373 created under this section, a charitable organization that seeks
1374 to be a nonprofit scholarship-funding organization must submit
1375 an application for initial approval or renewal to the Office of
1376 Independent Education and Parental Choice no later than
1377 September 1 of each year before the school year for which the
1378 organization intends to offer scholarships.

1379 (a) An application for initial approval must include:

1380 1. A copy of the organization's incorporation documents and
1381 registration with the Division of Corporations of the Department
1382 of State.

1383 2. A copy of the organization's Internal Revenue Service
1384 determination letter as a s. 501(c)(3) not-for-profit
1385 organization.

1386 3. A description of the organization's financial plan which
1387 demonstrates sufficient funds to operate throughout the school
1388 year.

1389 4. A description of the geographic region that the
1390 organization intends to serve and an analysis of the demand and
1391 unmet need for eligible students in that area.

1392 5. The organization's organizational chart.

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1393 6. A description of the criteria and methodology that the
1394 organization will use to evaluate scholarship eligibility.

1395 7. A description of the application process, including
1396 deadlines and any associated fees.

1397 8. A description of the deadlines for attendance
1398 verification and scholarship payments.

1399 9. A copy of the organization's policies on conflict of
1400 interest and whistleblowers.

1401 10. A copy of a surety bond or letter of credit to secure
1402 the faithful performance of the obligations of the eligible
1403 nonprofit scholarship-funding organization in accordance with
1404 this section in an amount equal to 25 percent of the scholarship
1405 funds anticipated for each school year or \$100,000, whichever is
1406 greater. The surety bond or letter of credit must specify that
1407 any claim against the bond or letter of credit may be made only
1408 by an eligible nonprofit scholarship-funding organization to
1409 provide scholarships to and on behalf of students who would have
1410 had scholarships funded if it were not for the diversion of
1411 funds giving rise to the claim against the bond or letter of
1412 credit.

1413 (b) In addition to the information required under paragraph
1414 (a), an application for renewal must include:

1415 1. A surety bond or letter of credit to secure the faithful
1416 performance of the obligations of the eligible nonprofit
1417 scholarship-funding organization in accordance with this section
1418 equal to the amount of undisbursed funds held by the
1419 organization based on the annual report submitted pursuant to
1420 paragraph (13) (1). The amount of the surety bond or letter of
1421 credit must be at least \$100,000, but not more than \$25 million.

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1422 The surety bond or letter of credit must specify that any claim
1423 against the bond or letter of credit may be made only by an
1424 eligible nonprofit scholarship-funding organization to provide
1425 scholarships to and on behalf of students who would have had
1426 scholarships funded if it were not for the diversion of funds
1427 giving rise to the claim against the bond or letter of credit.

1428 2. The organization's completed Internal Revenue Service
1429 Form 990 submitted no later than November 30 of the year before
1430 the school year for which the organization intends to offer the
1431 scholarships, notwithstanding the September 1 application
1432 deadline.

1433 3. A copy of any statutorily required audit which the
1434 organization must provide to the Department of Education and
1435 Auditor General.

1436 4. An annual report that includes:

1437 a. The number of students who completed applications, by
1438 county and by grade.

1439 b. The number of students who were approved for
1440 scholarships, by county and by grade.

1441 c. The number of students who received funding for
1442 scholarships within each funding category, by county and by
1443 grade.

1444 d. The amount of funds received, the amount of funds
1445 distributed in scholarships, and an accounting of remaining
1446 funds and the obligation of those funds.

1447 e. A detailed accounting of how the organization spent the
1448 administrative funds allowable under paragraph (13) (f).

1449 (c) In consultation with the Department of Revenue and the
1450 Chief Financial Officer, the Office of Independent Education and

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1451 Parental Choice shall review the application. The Department of
1452 Education shall notify the organization in writing of any
1453 deficiencies within 30 days after receipt of the application and
1454 allow the organization 30 days to correct any deficiencies.

1455 (d) Within 30 days after receipt of the finalized
1456 application by the Office of Independent Education and Parental
1457 Choice, the Commissioner of Education shall recommend approval
1458 or disapproval of the application to the State Board of
1459 Education. The State Board of Education shall consider the
1460 application and recommendation at the next scheduled meeting,
1461 adhering to appropriate meeting notice requirements. If the
1462 State Board of Education disapproves the organization's
1463 application, it must provide the organization with a written
1464 explanation of that determination. The State Board of
1465 Education's action is not subject to chapter 120.

1466 (e) If the State Board of Education disapproves the renewal
1467 of a nonprofit scholarship-funding organization, the
1468 organization must notify the affected eligible students and
1469 parents of the decision within 15 days after disapproval. An
1470 eligible student affected by the disapproval of an
1471 organization's participation remains eligible under this section
1472 until the end of the school year in which the organization was
1473 disapproved. The student must apply and be accepted by another
1474 eligible nonprofit scholarship-funding organization for the
1475 upcoming school year. The student must be given priority under
1476 paragraph (13) (e).

1477 (f) All remaining student accounts with funds held by a
1478 nonprofit scholarship-funding organization that is disapproved
1479 for participation must be transferred to the student's account

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1480 established with the eligible nonprofit scholarship-funding
1481 organization that accepts the student. All transferred funds
1482 must be deposited by the eligible nonprofit scholarship-funding
1483 organization receiving such funds into the student's scholarship
1484 account. All other remaining funds must be transferred to the
1485 department. All transferred amounts received by any eligible
1486 nonprofit scholarship-funding organization must be separately
1487 disclosed in the annual financial audit required under
1488 subsection (13).

1489 (g) A nonprofit scholarship-funding organization is a
1490 renewing organization if it maintains continuous approval and
1491 participation in the program. An organization that chooses not
1492 to participate for 1 year or more or is disapproved to
1493 participate for 1 year or more must submit an application for
1494 initial approval in order to participate in the program again.

1495 (h) The State Board of Education shall adopt rules
1496 providing guidelines for receiving, reviewing, and approving
1497 applications for new and renewing nonprofit scholarship-funding
1498 organizations. The rules must include a process for compiling
1499 input and recommendations from the Chief Financial Officer, the
1500 Department of Revenue, and the Department of Education. The
1501 rules also must require that the nonprofit scholarship-funding
1502 organization make a brief presentation to assist the State Board
1503 of Education in its decision.

1504 (i) A state university; or an independent nonprofit college
1505 chartered in this state or independent nonprofit university
1506 chartered in this state that are eligible to participate in the
1507 William L. Boyd, IV, Effective Access to Student Education Grant
1508 Program and are accredited by the Commission on Colleges of the

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1509 Southern Association of Colleges and Schools is exempt from the
1510 initial or renewal application process, but must file a
1511 registration notice with the Department of Education to be an
1512 eligible nonprofit scholarship-funding organization. The State
1513 Board of Education shall adopt rules that identify the procedure
1514 for filing the registration notice with the department. The
1515 rules must identify appropriate reporting requirements for
1516 fiscal, programmatic, and performance accountability purposes
1517 consistent with this section, but may not exceed the
1518 requirements for eligible nonprofit scholarship-funding
1519 organizations for charitable organizations.

1520 (13) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
1521 ORGANIZATIONS.—An organization may establish McKay-Gardiner
1522 Scholarships for eligible students by:

1523 (a) Complying with the requirements of s. 1002.394(11)(a)-
1524 (h).

1525 (b) Receiving applications and determining student
1526 eligibility in accordance with the requirements of this section.
1527 When an application is approved, the organization must provide
1528 the department with information on the student to enable the
1529 department to determine student funding in accordance with
1530 subsection (15).

1531 (c) Providing scholarships on a first-come, first-served
1532 basis, based upon the funds provided, and notifying parents of
1533 their respective student's receipt of a scholarship.

1534 (d) Establishing a date by which a parent must confirm
1535 initial or continuing participation in the program.

1536 (e) Reviewing applications and awarding scholarship funds
1537 to approved applicants using the following order of priority:

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1538 1.a. For the 2021-2022 school year, a student who received
1539 a John M. McKay Scholarship for Students with Disabilities or a
1540 Gardiner Scholarship in the 2020-2021 school year and meets the
1541 eligibility requirements in subsection (3) is eligible for a
1542 McKay-Gardiner Scholarship in the 2021-2022 school year.

1543 b. For the 2022-2023 school year and thereafter, renewing
1544 students from the previous school year under this section.

1545 2. Students retained on the previous school year's waiting
1546 list.

1547 3. An eligible student who meets the criteria for an
1548 initial award pursuant to subsection (3).

1549
1550 An approved student who does not receive a scholarship must be
1551 placed on the waiting list in the order in which his or her
1552 application is approved. An eligible student who does not
1553 receive a scholarship within the fiscal year shall be retained
1554 on the waiting list for the subsequent year.

1555 (f) Using an amount not to exceed 2.5 percent of the total
1556 calculated amount of all scholarships awarded under this section
1557 for administrative expenses associated with performing functions
1558 authorized under this section.

1559 (g) Verifying qualifying educational expenditures pursuant
1560 to paragraph (9)(c) and requesting the return of any funds used
1561 for unauthorized purposes.

1562 (h) Returning any remaining program funds to the department
1563 pursuant to paragraph (6)(b).

1564 (i) Notifying the parent about the availability of, and the
1565 requirements associated with requesting, an initial IEP or IEP
1566 reevaluation every 3 years for each student participating in the

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1567 program.

1568 (j) Documenting each scholarship student's eligibility for
1569 a fiscal year before granting a scholarship for that fiscal year
1570 pursuant to paragraph (3) (b). A student is ineligible for a
1571 scholarship if the student's account has been inactive for 2
1572 consecutive fiscal years and the student's account has been
1573 closed pursuant to paragraph (6) (b).

1574 (k) Submitting in a timely fashion any information
1575 requested by the department relating to the program.

1576 (l) Preparing and submitting quarterly reports to the
1577 department pursuant to paragraph (9) (e).

1578 (m) Notifying the department of any violation of this
1579 section.

1580 (14) TRANSITION-TO-WORK PROGRAM.—A student participating in
1581 the McKay-Gardiner Scholarship Program who is at least 17 years
1582 of age, but not older than 22 years of age, and who has not
1583 received a high school diploma or certificate of completion is
1584 eligible for enrollment in a transition-to-work program provided
1585 by a private school or job coach. A transition-to-work program
1586 must consist of academic instruction, work skills training, and
1587 a volunteer or paid work experience.

1588 (a) To offer a transition-to-work program, a participating
1589 private school or job coach must:

1590 1. Develop a transition-to-work program plan, which must
1591 include a written description of the academic instruction and
1592 work skills training students will receive and the goals for
1593 students in the program.

1594 2. Submit the transition-to-work program plan to the Office
1595 of Independent Education and Parental Choice.

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1596 3. Develop a personalized transition-to-work program plan
1597 for each student enrolled in the program. The student's parent,
1598 the student, and the school principal or job coach must sign the
1599 personalized plan. The personalized plan must be submitted to
1600 the Office of Independent Education and Parental Choice upon
1601 request by the office.

1602 4. Provide a release of liability form that must be signed
1603 by the student's parent, the student, and a representative of
1604 the business offering the volunteer or paid work experience.

1605 5. Assign a case manager or job coach to visit the
1606 student's job site on a weekly basis to observe the student and,
1607 if necessary, provide support and guidance to the student.

1608 6. Provide to the parent and student a quarterly report
1609 that documents and explains the student's progress and
1610 performance in the program.

1611 7. Maintain accurate attendance and performance records for
1612 the student.

1613 (b) A student enrolled in a transition-to-work program
1614 must, at a minimum:

1615 1. Receive 15 instructional hours that must include
1616 academic instruction and work skills training.

1617 2. Participate in 10 hours of work at the student's
1618 volunteer or paid work experience.

1619 (c) To participate in a transition-to-work program, a
1620 business must:

1621 1. Maintain an accurate record of the student's performance
1622 and hours worked and provide the information to the private
1623 school.

1624 2. Comply with all state and federal child labor laws.

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1625 (15) FUNDING AND PAYMENT.—

1626 (a) The scholarship is established for up to 50,000 student
1627 FTE annually beginning with the 2021-2022 school year. For the
1628 2022-2023 school year and each year thereafter, the maximum
1629 number of student FTE in the scholarship program under this
1630 section must increase by 7 percent of the total student FTE for
1631 the prior year.

1632 1. For a student who has a Level I to Level III matrix of
1633 services or a doctor's diagnosis, the calculated scholarship
1634 amount for a student participating in the program must be based
1635 upon the grade level and district school to which the student
1636 would have been assigned as 97.5 percent of the funds per
1637 unweighted full-time equivalent in the Florida Education Finance
1638 Program for a student in the basic exceptional student education
1639 program pursuant to s. 1011.62(1)(c)1. and (e)1.c., plus a per-
1640 full-time equivalent share of funds for all categorical
1641 programs, as funded in the General Appropriations Act, except
1642 that for the exceptional student education guaranteed allocation
1643 as provided in s. 1011.62(1)(e)1.c. and 2., the funds must be
1644 allocated based on the school district's average funds per
1645 Exceptional Student Education student.

1646 2. For a student with a Level IV or Level V matrix of
1647 services, the calculated scholarship amount must be based upon
1648 the district school to which the student would have been
1649 assigned as 97.5 percent of the funds per full-time equivalent
1650 for the Level IV or Level V Exceptional Student Education
1651 program pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full-
1652 time equivalent share of funds for all categorical programs, as
1653 funded in the General Appropriations Act.

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1654 3. For a student with a 504 plan, the calculated
1655 scholarship amount must be based upon the grade level and
1656 district school to which the student would have been assigned as
1657 97.5 percent of the funds per unweighted full-time equivalent in
1658 the Florida Education Finance Program for a student in the basic
1659 education program established pursuant to s. 1011.62(1)(c)1.,
1660 plus a per-full-time equivalent share of funds for all
1661 categorical programs, as funded in the General Appropriations
1662 Act.

1663 (b) At the time of each Florida Education Finance Program
1664 student membership survey, the scholarship funding organization
1665 shall report to the Department of Education student enrollment,
1666 FTE, and total award amounts by county, delineated by FEFP
1667 program, and grade and matrix level for all students who are
1668 participating in the McKay-Gardiner Scholarship Program.
1669 Students with a 504 plan must be separately identified. For the
1670 purpose of this paragraph, an FTE shall be equal to four
1671 quarterly scholarship payments.

1672 (c) Following notification on July 1, September 1, December
1673 1, and February 1 of the number of program participants, the
1674 department shall transfer the amount calculated pursuant to
1675 paragraph (a) to organizations for quarterly disbursement to
1676 accounts maintained by organizations pursuant to paragraph
1677 (13)(a) for parents of participating students. When a student
1678 enters the scholarship program, the department must receive from
1679 an organization all documentation required for the student's
1680 participation at least 30 days before the first quarterly
1681 scholarship payment is made for the student.

1682 (d) Upon notification from the organization that an

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1683 application has been approved for the program, the department
1684 shall release the student's scholarship funds to the
1685 organization, to be deposited into the student's account in four
1686 equal amounts no later than September 1, November 1, February 1,
1687 and April 1 of each school year in which the scholarship is in
1688 force.

1689 (e) Accrued interest in the student's account is in
1690 addition to, and not part of, the awarded funds. Program funds
1691 include both the awarded funds and accrued interest.

1692 (f) The organization may develop a system for payment of
1693 benefits by funds transfer, including, but not limited to, debit
1694 cards, electronic payment cards, or any other means of payment
1695 which the department deems to be commercially viable or cost-
1696 effective. A student's scholarship award may not be reduced for
1697 debit card or electronic payment fees. Commodities or services
1698 related to the development of such a system must be procured by
1699 competitive solicitation unless they are purchased from a state
1700 term contract pursuant to s. 287.056.

1701 (g) Moneys received pursuant to this section do not
1702 constitute taxable income to the qualified student or the parent
1703 of the qualified student.

1704 (16) OBLIGATIONS OF THE AUDITOR GENERAL.—

1705 (a) The Auditor General shall review all audit reports
1706 submitted pursuant to subsection (13). The Auditor General shall
1707 request any significant items that were omitted in violation of
1708 a rule adopted by the Auditor General. The organization shall
1709 provide such items within 45 days after the date of the request.
1710 If the scholarship-funding organization does not comply with the
1711 Auditor General's request, the Auditor General must notify the

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1712 Legislative Auditing Committee.

1713 (b) At least once every 3 years, the Auditor General shall
1714 conduct an operational audit of accounts and records of each
1715 organization that participates in the program. As part of this
1716 audit, the Auditor General, at a minimum, shall verify the total
1717 number of students served and the eligibility of reimbursements
1718 made by the organization and transmit that information to the
1719 department. The Auditor General shall provide the commissioner
1720 with a copy of each annual operational audit performed pursuant
1721 to this subsection within 10 days after the audit is finalized.

1722 (c) The Auditor General shall notify the department of any
1723 organization that fails to comply with a request for
1724 information.

1725 (17) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
1726 Department of Health, the Agency for Persons with Disabilities,
1727 and the Department of Education shall coordinate with an
1728 organization to provide easy or automated access to lists of
1729 licensed providers of services specified in paragraph (5) (c) to
1730 ensure efficient administration of the program.

1731 (18) LIABILITY.—The state is not liable for the awarding of
1732 funds or for any use of funds awarded under this section.

1733 (19) SCOPE OF AUTHORITY.—This section does not expand the
1734 authority of the state, its officers, or any school district to
1735 impose additional regulation on participating private schools,
1736 independent postsecondary educational institutions, and private
1737 providers beyond that reasonably necessary to enforce
1738 requirements expressly set forth in this section.

1739 (20) RULES.—The State Board of Education shall adopt rules
1740 pursuant to ss. 120.536(1) and 120.54 to administer this

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1741 section.

1742 Section 17. Section 1002.385, Florida Statutes, is
1743 repealed.

1744 Section 18. Section 1002.39, Florida Statutes, is repealed.

1745 Section 19. Section 1002.394, Florida Statutes, is amended
1746 to read:

1747 1002.394 The Family Empowerment Scholarship Program.—

1748 (1) PURPOSE.—The Family Empowerment Scholarship Program is
1749 established to provide children of families in this state which
1750 have limited financial resources with educational options to
1751 achieve success in their education.

1752 (2) DEFINITIONS.—As used in this section, the term:

1753 (a) "Approved provider" means a provider approved by the
1754 department ~~"Department" means the Department of Education.~~

1755 (b) "Curriculum" means a complete course of study for a
1756 particular content area or grade level, including any required
1757 supplemental materials, teachers' manuals, and associated online
1758 instruction.

1759 (c) "Department" means the Department of Education.

1760 (d) "Direct certification list" means the certified list of
1761 children who qualify for the food assistance program, the
1762 Temporary Assistance for Needy Families Program, or the Food
1763 Distribution Program on Indian Reservations provided to the
1764 Department of Education by the Department of Children and
1765 Families.

1766 (e) "Eligible nonprofit scholarship-funding organization"
1767 or "organization" means a state university, an independent
1768 college or university that is eligible to participate in the
1769 William L. Boyd, IV, Effective Access to Student Education Grant

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1770 Program located and chartered in this state which is not for
1771 profit and is accredited by the Commission on Colleges of the
1772 Southern Association of Colleges and Schools, or is a charitable
1773 organization that: ~~has the same meaning as provided in s.~~
1774 ~~1002.395(2)(f).~~

1775 1. Is exempt from federal income tax pursuant to s.
1776 501(c)(3) of the Internal Revenue Code;

1777 2. Is a Florida entity formed under chapter 605, chapter
1778 607, or chapter 617 and whose principal office is located in
1779 this state; and

1780 3. Complies with subsections (11) and (14).

1781 (f) "Eligible postsecondary educational institution" means
1782 a Florida College System institution; a state university; a
1783 school district technical center; a school district adult
1784 general education center; an independent college or university
1785 that is eligible to participate in the William L. Boyd, IV,
1786 Effective Access to Student Education Grant Program under s.
1787 1009.89; or an accredited independent postsecondary educational
1788 institution, as defined in s. 1005.02, which is licensed to
1789 operate in this state under part III of chapter 1005.

1790 (g)(e) "Eligible private school" means a private school as
1791 defined in s. 1002.01 located in this state which offers an
1792 education to students in any grade from Kindergarten through
1793 grade 12 and:

1794 1. Meets the requirements of ss. 1002.42 and 1002.421; and

1795 2. Meets the applicable requirements imposed under this
1796 chapter, if the private school participates in a scholarship
1797 program under this chapter ~~has the same meaning as provided in~~
1798 ~~s. 1002.395(2)(g).~~

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1799 (h) "Household income" has the same meaning as the term
1800 "income" as defined in the Income Eligibility Guidelines for
1801 free and reduced price meals under the National School Lunch
1802 Program in 7 C.F.R. part 210 as published in the Federal
1803 Register by the United States Department of Agriculture.

1804 (i) "Inactive" means that no eligible expenditures have
1805 been made from a student scholarship account funded pursuant to
1806 this section.

1807 (j) "Incident" means battery; harassment; hazing; bullying;
1808 kidnapping; physical attack; robbery; sexual offenses,
1809 harassment, assault, or battery; threat or intimidation; or
1810 fighting at school, as defined by the department in accordance
1811 with s. 1006.147(4).

1812 (k) "Owner or operator" includes:

1813 1. An owner, president, officer, or director of an eligible
1814 nonprofit scholarship-funding organization or a person with
1815 equivalent decisionmaking authority over an eligible nonprofit
1816 scholarship-funding organization.

1817 2. An owner, operator, superintendent, or principal of an
1818 eligible private school or a person with equivalent
1819 decisionmaking authority over an eligible private school.

1820 (l)~~(d)~~ "Parent" means a resident of this state who is a
1821 parent, as defined in s. 1000.21.

1822 (m)~~(e)~~ "Program" means the Family Empowerment Scholarship
1823 Program.

1824 (n) "School" means any educational program or activity
1825 conducted by a public K-12 educational institution, any school-
1826 related or school-sponsored program or activity, and riding on a
1827 school bus as defined in s. 1006.25(1), including waiting at a

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1828 school bus stop.

1829 (3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible
1830 for a Family Empowerment Scholarship under this section if the
1831 student meets the following criteria:

1832 (a)1. The student is on the direct certification list as
1833 defined in paragraph (2) (d) pursuant to s. 1002.395(2)(e) or the
1834 student's household income level does not exceed 300 ~~185~~ percent
1835 of the federal poverty level or an adjusted maximum percent of
1836 the federal poverty level established pursuant to paragraph (e);
1837 or

1838 2. The student is:

1839 a. Currently placed, or during the previous state fiscal
1840 year was placed, in foster care or in out-of-home care as
1841 defined in s. 39.01;

1842 b. A sibling of a student who is participating in the
1843 scholarship program under this subsection, if the student
1844 resides in the same household as the sibling; or

1845 c. Enrolled in a Florida public school in kindergarten
1846 through grade 12 and reported an incident in accordance with
1847 paragraph (7) (b)

1848 ~~3. The student's household income level does not exceed 300~~
1849 ~~percent of the federal poverty level or an adjusted maximum~~
1850 ~~percent of the federal poverty level as established pursuant to~~
1851 ~~paragraph (e).~~

1852
1853 A student who initially receives a scholarship based on
1854 eligibility under this subsection ~~subparagraph 2.~~ remains
1855 eligible to participate until the student graduates from high
1856 school or attains the age of 21 years, whichever occurs first,

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1857 regardless of the student's household income level. ~~A sibling of~~
1858 ~~a student who is participating in the scholarship program under~~
1859 ~~this subsection is eligible for a scholarship if the student~~
1860 ~~resides in the same household as the sibling.~~

1861 (b)~~1.~~ The student is eligible to enroll in kindergarten
1862 through grade 12 in a public school in this state;

1863 ~~2. The student has spent the prior school year in~~
1864 ~~attendance at a Florida public school; or~~

1865 ~~3. Beginning with the 2020-2021 school year, the student~~
1866 ~~received a scholarship pursuant to s. 1002.395 during the~~
1867 ~~previous school year but did not receive a renewal scholarship~~
1868 ~~based solely on the eligible nonprofit scholarship funding~~
1869 ~~organization's lack of available funds after the organization~~
1870 ~~fully exhausts its efforts to use funds available for awards~~
1871 ~~under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit~~
1872 ~~scholarship funding organizations with students who meet the~~
1873 ~~eligibility criterion of this subparagraph must annually notify~~
1874 ~~the department in a format and by a date established by the~~
1875 ~~department.~~

1876
1877 ~~For purposes of this paragraph, the term "prior school year in~~
1878 ~~attendance" means that the student was enrolled full time and~~
1879 ~~reported by a school district for funding during the preceding~~
1880 ~~October and February Florida Education Finance Program surveys~~
1881 ~~in kindergarten through grade 12, which includes time spent in a~~
1882 ~~Department of Juvenile Justice commitment program if funded~~
1883 ~~under the Florida Education Finance Program. However, a~~
1884 ~~dependent child of a member of the United States Armed Forces~~
1885 ~~who transfers to a school in this state from out of state or~~

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1886 ~~from a foreign country due to a parent's permanent change of~~
1887 ~~station orders or a foster child is exempt from the prior public~~
1888 ~~school attendance requirement under this paragraph, but must~~
1889 ~~meet the other eligibility requirements specified under this~~
1890 ~~section to participate in the program.~~

1891 (c) The parent has applied to an eligible nonprofit
1892 scholarship-funding organization to participate in the program
1893 by a date set by the organization ~~obtained acceptance for~~
1894 ~~admission of the student to a private school that is eligible~~
1895 ~~for the program under subsection (8), and the parent has~~
1896 ~~requested a scholarship from the Department of Education by a~~
1897 ~~date established by the department pursuant to paragraph (7) (c),~~
1898 ~~but no later than at least 60 days before the date of the first~~
1899 ~~scholarship payment. The application request must be~~
1900 ~~communicated directly to the organization ~~department~~ in a manner~~
1901 ~~that creates a written or electronic record of the application~~
1902 ~~request and the date of receipt of the application request. The~~
1903 ~~department must notify the school district of the parent's~~
1904 ~~intent upon receipt of the parent's request.~~

1905 (d) The student is awarded a scholarship in accordance with
1906 the following priority order:

1907 1. An eligible student who received a Family Empowerment
1908 Scholarship during the previous school year ~~school year~~, or a
1909 Florida Tax Credit Scholarship or Hope Scholarship during the
1910 2020-2021 school year, and requested a renewal scholarship
1911 award.

1912 2. An eligible student who meets the criteria for an
1913 initial award under both paragraphs ~~paragraph~~ (a) and (b) and
1914 was retained on the previous school year's wait list

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1915 ~~subparagraph (b)3.~~

1916 3. An eligible student who meets the criteria for an
1917 initial award under subparagraph (a)2. and paragraph (b) ~~(b)2.~~
1918 ~~and either subparagraph (a)1. or subparagraph (a)2.~~

1919 4. An eligible student who meets the criteria for an
1920 initial award under subparagraph (a)1. ~~(b)1.~~ and paragraph (b),
1921 and the student's household income level does not exceed 185
1922 percent of the federal poverty level ~~either subparagraph (a)1.~~
1923 ~~or subparagraph (a)2.~~

1924 5. An eligible student who meets the criteria for an
1925 initial award under subparagraph (a)1. ~~(a)3.~~ and paragraph (b)
1926 ~~in priority order, either subparagraph (b)2. or subparagraph~~
1927 ~~(b)1.~~

1928
1929 An approved student who does not receive a scholarship must be
1930 placed on the wait list in the order in which his or her
1931 application is approved. An eligible student who does not
1932 receive a scholarship within the fiscal year must be retained on
1933 the wait list for the subsequent year.

1934 (e) The student's household income level does not exceed an
1935 adjusted maximum percent of the federal poverty level that is
1936 increased by 25 percent in the fiscal year following any fiscal
1937 year in which more than 5 percent of the available scholarships
1938 authorized under subsection (12) ~~(11)~~ have not been awarded.

1939 (4) TERM OF SCHOLARSHIP.—For purposes of continuity of
1940 educational choice and program integrity:

1941 (a)1. Program payments made by the state to an organization
1942 for a Family Empowerment Scholarship under this section must
1943 continue until:

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1944 a. The parent does not renew program eligibility;

1945 b. The organization determines that the student is not
1946 eligible for program renewal;

1947 c. The Commissioner of Education suspends or revokes
1948 program participation or use of funds pursuant to subparagraph
1949 (b) (1);

1950 d. The student's parent has forfeited participation in the
1951 program for failure to comply with subsection (10);

1952 e. The student enrolls in a public school; or

1953 f. The student graduates from high school or attains 21
1954 years of age, whichever occurs first. However, if a student
1955 enters a Department of Juvenile Justice detention center for a
1956 period of no more than 21 days, the student is not considered to
1957 have returned to a public school for that purpose.

1958 2. Reimbursements for program expenditures may continue
1959 until the account balance is expended or the account is closed
1960 pursuant to paragraph (b) ~~For purposes of continuity of~~
1961 educational choice, a Family Empowerment Scholarship shall
1962 remain in force until the student returns to a public school,
1963 graduates from high school, or reaches the age of 21, whichever
1964 occurs first. A scholarship student who enrolls in a public
1965 school or public school program is considered to have returned
1966 to a public school for the purpose of determining the end of the
1967 scholarship's term. However, if a student enters a Department of
1968 Juvenile Justice detention center for a period of no more than
1969 21 days, the student is not considered to have returned to a
1970 public school for that purpose.

1971 (b)1. The commissioner shall close a student's scholarship
1972 account, and any remaining funds, including, but not limited to,

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1973 contributions made to the Stanley G. Tate Florida Prepaid
1974 College Program or earnings from or contributions made to the
1975 Florida College Savings Program using program funds pursuant to
1976 paragraph (6) (e), revert to the state after:

1977 a. Denial or revocation of program eligibility by the
1978 commissioner for fraud or abuse, including, but not limited to,
1979 the student or the student's parent accepting any payment,
1980 refund, or rebate in any manner from a provider of any services
1981 received pursuant to subsection (6); however, a private school
1982 may discount tuition if the private school deems it necessary;

1983 b. Any period of 2 consecutive years after high school
1984 completion or graduation during which the student has not been
1985 enrolled in an eligible postsecondary educational institution or
1986 a program offered by the institution; or

1987 c. The account has been inactive for 2 consecutive fiscal
1988 years prior to high school completion or graduation ~~Upon~~
1989 ~~reasonable notice to the department and the school district, the~~
1990 ~~student's parent may remove the student from the private school~~
1991 ~~and place the student in a public school in accordance with this~~
1992 ~~section.~~

1993 2. The commissioner must notify the parent and the
1994 organization when a Family Empowerment Scholarship account is
1995 closed and program funds revert to the state.

1996 ~~(c) Upon reasonable notice to the department, the student's~~
1997 ~~parent may move the student from one participating private~~
1998 ~~school to another participating private school.~~

1999 (5) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
2000 a Family Empowerment Scholarship while he or she is:

2001 (a) Enrolled in a public school, including, but not limited

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2002 to, the Florida School for the Deaf and the Blind, the College-
2003 Preparatory Boarding Academy, a developmental research school
2004 authorized under s. 1002.32, or a charter school authorized
2005 under this chapter;

2006 (b) Enrolled in a school operating for the purpose of
2007 providing educational services to youth in a Department of
2008 Juvenile Justice commitment program;

2009 (c) Receiving any other educational scholarship pursuant to
2010 this chapter; or

2011 ~~(d) Participating in a home education program as defined in~~
2012 ~~s. 1002.01(1);~~

2013 ~~(e) Participating in a private tutoring program pursuant to~~
2014 ~~s. 1002.43; or~~

2015 ~~(f)~~ Participating in a virtual school, correspondence
2016 school, or distance learning program that receives state funding
2017 pursuant to the student's participation.

2018 (6) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
2019 used to meet the individual educational needs of an eligible
2020 student and may be spent for the following purposes:

2021 (a) Instructional materials, including digital devices and
2022 Internet access to access digital instructional materials.

2023 (b) Curriculum as defined in paragraph (2) (b).

2024 (c) Tuition or fees associated with full-time or part-time
2025 enrollment in a home education program, an eligible private
2026 school, an eligible postsecondary educational institution or a
2027 program offered by the postsecondary institution, a private
2028 tutoring program authorized under s. 1002.43, a virtual program
2029 offered by a department-approved private online provider that
2030 meets the provider qualifications specified in s. 1002.45(2) (a),

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2031 the Florida Virtual School as a private paying student, or an
2032 approved online course offered pursuant to s. 1003.499 or s.
2033 1004.0961.

2034 (d) Fees for nationally standardized, norm-referenced
2035 achievement tests, Advanced Placement examinations, industry
2036 certification examinations, assessments related to postsecondary
2037 education, or other assessments.

2038 (e) Contributions to the Stanley G. Tate Florida Prepaid
2039 College Program pursuant to s. 1009.98 or the Florida College
2040 Savings Program pursuant to s. 1009.981, for the benefit of the
2041 eligible student.

2042 (f) Contracted services provided by a public school or
2043 school district, including classes. A student who receives
2044 services under a contract under this paragraph is not considered
2045 enrolled in a public school for eligibility purposes as
2046 specified in subsection (5).

2047 (g) Tuition and fees for part-time tutoring services
2048 provided by a person who holds a valid Florida educator's
2049 certificate pursuant to s. 1012.56; a person who holds an
2050 adjunct teaching certificate pursuant to s. 1012.57; a person
2051 who has a bachelor's degree or a graduate degree in the subject
2052 area in which instruction is given; or a person who has
2053 demonstrated a mastery of subject area knowledge pursuant to s.
2054 1012.56(5). As used in this paragraph, the term "part-time
2055 tutoring services" does not qualify as regular school attendance
2056 as defined in s. 1003.01(13)(e).

2057 (h) Fees for summer education programs.

2058 (i) Fees for after-school education programs.

2059 (j) Fees for an annual evaluation of educational progress

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2060 by a state-certified teacher under s. 1002.41(1)(f), if this
2061 option is chosen for a home education student.

2062 (k) Transportation expenses that may not exceed \$750
2063 annually to meet the student's educational needs under this
2064 subsection.

2065
2066 A provider of any services receiving payments pursuant to this
2067 subsection may not share, refund, or rebate any moneys from the
2068 Family Empowerment Scholarship with the parent or participating
2069 student in any manner.

2070 (7) ~~(6)~~ SCHOOL DISTRICT OBLIGATIONS.-

2071 (a) By July 15, 2019, and by April 1 of each year
2072 thereafter, a school district shall inform all households within
2073 the district receiving free or reduced-priced meals under the
2074 National School Lunch Act of their eligibility to apply ~~to the~~
2075 ~~department~~ for a Family Empowerment Scholarship. A parent who
2076 chooses to enroll his or her eligible student in a public school
2077 that is different from the school in which the student was
2078 assigned pursuant to s. 1002.31 or enrolls his or her eligible
2079 student in a lab school as defined in s. 1002.32 is eligible for
2080 a scholarship to transport the student as provided in paragraph
2081 (12)(c). The form of such notice shall be provided by the
2082 department, and the school district shall include the provided
2083 form in any normal correspondence with eligible households. Such
2084 notice is limited to once a year.

2085 (b) Upon receipt of a report of an incident, the school
2086 principal, or his or her designee, shall provide a copy of the
2087 report to the parent and investigate the incident to determine
2088 if the incident must be reported as required by s. 1006.147(4).

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2089 Within 24 hours after receipt of the report, the principal or
2090 his or her designee shall provide a copy of the report to the
2091 parent of the alleged offender and to the superintendent. Upon
2092 conclusion of the investigation or within 15 days after the
2093 incident was reported, whichever occurs first, the school
2094 district shall notify the parent of the program and offer the
2095 parent an opportunity to request and receive a Family
2096 Empowerment Scholarship.

2097 (c) The school district in which a participating student
2098 resides must notify the student and his or her parent about the
2099 locations and times to take all statewide assessments under s.
2100 1008.22 if the student chooses to participate in such
2101 assessments. Upon the request of the department, a school
2102 district shall coordinate with the department to provide to a
2103 participating private school the statewide assessments
2104 administered under s. 1008.22 and any related materials for
2105 administering the assessments. For a student who participates in
2106 the Family Empowerment Scholarship Program whose parent requests
2107 that the student take the statewide assessments under s.
2108 1008.22, the district in which the student attends a private
2109 school shall provide locations and times to take all statewide
2110 assessments. A school district is responsible for implementing
2111 test administrations at a participating private school,
2112 including the:

- 2113 1. Provision of training for private school staff on test
2114 security and assessment administration procedures;
- 2115 2. Distribution of testing materials to a private school;
- 2116 3. Retrieval of testing materials from a private school;
- 2117 4. Provision of the required format for a private school to

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2118 submit information to the district for test administration and
2119 enrollment purposes; and

2120 5. Provision of any required assistance, monitoring, or
2121 investigation at a private school.

2122 (d)~~(e)~~ Each school district must publish information about
2123 the Family Empowerment Scholarship Program on the district's
2124 website homepage, which, ~~at a minimum, the published~~
2125 ~~information~~ must include a website link to the Family
2126 Empowerment Scholarship Program published on the Department of
2127 Education website ~~as well as a telephone number and e-mail that~~
2128 ~~students and parents may use to contact relevant personnel in~~
2129 ~~the school district to obtain information about the scholarship.~~

2130 (8)~~(7)~~ DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
2131 shall:

2132 (a) Annually verify the eligibility of nonprofit
2133 scholarship-funding organizations that meet the requirements of
2134 paragraph (2) (e).

2135 (b)~~(a)~~ Publish and update, as necessary, information on the
2136 department website about the scholarship programs under this
2137 chapter ~~Family Empowerment Scholarship Program~~, including, but
2138 not limited to, student eligibility criteria, parental
2139 responsibilities, and relevant data.

2140 (c)~~(b)~~ Cross-check prior to each distribution of funds the
2141 list of participating scholarship students with the public
2142 school enrollment lists before each scholarship payment to avoid
2143 duplication.

2144 (d)~~(e)~~ Maintain and publish a list of nationally norm-
2145 referenced tests identified for purposes of satisfying the
2146 testing requirement in subparagraph (9) (c)1. ~~(8) (e)1.~~ The tests

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2147 must meet industry standards of quality in accordance with state
2148 board rule.

2149 (e)~~(d)~~ Notify eligible nonprofit scholarship-funding
2150 organizations of the deadlines for submitting the verified list
2151 of students determined to be eligible for an initial or renewal
2152 scholarship.

2153 (f)~~(e)~~ Distribute each student's scholarship funds on a
2154 quarterly basis to the eligible nonprofit scholarship-funding
2155 organization, to be deposited into the student's account
2156 ~~Establish deadlines for the receipt of initial applications and~~
2157 ~~renewal notifications in order to implement the priority order~~
2158 ~~for scholarship awards pursuant to paragraph (3) (d).~~

2159 (g) Notify an eligible nonprofit scholarship-funding
2160 organization of any of the organization's or other eligible
2161 nonprofit scholarship-funding organization's identified students
2162 who are receiving educational scholarships pursuant to chapter
2163 1002.

2164 (h) Issue a project grant award to a state university, to
2165 which participating private schools must report the scores of
2166 participating students on the nationally norm-referenced tests
2167 or the statewide assessments administered by the private school
2168 in grades 3 through 10. The project term is 2 years, and the
2169 amount of the project is up to \$250,000 per year. The project
2170 grant award must be reissued in 2-year intervals in accordance
2171 with this paragraph.

2172 1. The state university must annually report to the
2173 Department of Education on the student performance of
2174 participating students:

2175 a. On a statewide basis. The report shall also include, to

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2176 the extent possible, a comparison of scholarship students'
2177 performance to the statewide student performance of public
2178 school students with socioeconomic backgrounds similar to those
2179 of students participating in the scholarship program. To
2180 minimize costs and reduce time required for the state
2181 university's analysis and evaluation, the Department of
2182 Education shall coordinate with the state university to provide
2183 data in order to conduct analyses of matched students from
2184 public school assessment data and calculate control group
2185 student performance using an agreed-upon methodology; and

2186 b. On an individual school basis. For the 2020-2021 school
2187 year, the annual report must include student performance for
2188 each participating private school in which at least 51 percent
2189 of the total enrolled students in the private school
2190 participated in the Florida Tax Credit Scholarship Program or
2191 the Family Empowerment Scholarship Program. Beginning with the
2192 2021-2022 school year, the annual report must include student
2193 performance for each participating private school in which at
2194 least 51 percent of the total enrolled students in the private
2195 school participated in the Family Empowerment Scholarship
2196 Program. The report shall be according to each participating
2197 private school, and for participating students, in which there
2198 are at least 30 participating students who have scores for tests
2199 administered. If the state university determines that the 30-
2200 participating-student cell size may be reduced without
2201 disclosing personally identifiable information, as described in
2202 34 C.F.R. s. 99.12, of a participating student, the state
2203 university may reduce the participating-student cell size, but
2204 the cell size may not be reduced to less than 10 participating

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2205 students. The department shall provide each private school's
2206 prior school year student enrollment information to the state
2207 university no later than June 15 of each year, or as requested
2208 by the state university.

2209 2. The sharing and reporting of student performance data
2210 under this paragraph must be in accordance with the requirements
2211 of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
2212 Educational Rights and Privacy Act, and the applicable rules and
2213 regulations issued pursuant thereto, and must be for the sole
2214 purpose of creating the annual report required by subparagraph
2215 1. All parties must preserve the confidentiality of such
2216 information as required by law. The annual report may not
2217 disaggregate data to a level that will identify individual
2218 participating schools, except as required under sub-subparagraph
2219 1.b., or disclose the academic level of individual students.

2220 3. The annual report required by subparagraph 1. must be
2221 published by the Department of Education on its website.

2222 (i) Maintain on its website a list of approved providers,
2223 including eligible postsecondary educational institutions,
2224 eligible private schools, and organizations. The department may
2225 identify or provide links to lists of other approved providers.

2226 (j) Require each organization to verify eligible
2227 expenditures before the distribution of funds for any
2228 expenditures made pursuant to paragraphs (6) (a) and (b). Review
2229 of expenditures made for services specified in paragraphs
2230 (6) (c)-(k) may be completed after the purchase is made.

2231 (k) Require quarterly reports by an eligible nonprofit
2232 scholarship-funding organization regarding the overall number of
2233 students participating in the scholarship program, the number of

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2234 home education students participating in the scholarship
2235 program, the number of students attending a private school
2236 participating in the scholarship program, the private schools at
2237 which the students are enrolled, and other information the
2238 department deems necessary.

2239 (l) Provide a process to match the direct certification
2240 list with the scholarship application data submitted by any
2241 nonprofit scholarship-funding organization eligible to receive
2242 the 2.5 percent administrative allowance under paragraph
2243 (11) (k).

2244 (m) Contract with an independent entity to provide an
2245 annual evaluation of the program by:

2246 1. Reviewing the school bullying prevention education
2247 program, school climate, and code of student conduct of each
2248 public school from which 10 or more students transferred to
2249 another public school or private school using the Hope
2250 Scholarship or Family Empowerment Scholarship to determine areas
2251 in the school or school district procedures involving reporting,
2252 investigating, and communicating a parent's and student's rights
2253 which are in need of improvement. At a minimum, the review must
2254 include:

2255 a. An assessment of the investigation time and quality of
2256 the response of the school and the school district.

2257 b. An assessment of the effectiveness of communication
2258 procedures with the students involved in an incident, the
2259 students' parents, and the school and school district personnel.

2260 c. An analysis of school incident and discipline data.

2261 d. The challenges and obstacles relating to implementing
2262 recommendations from the review.

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2263 2. Reviewing the school bullying prevention education
2264 program, school climate, and code of student conduct of each
2265 public school to which a student transferred if the student was
2266 from a school identified in subparagraph 1. in order to identify
2267 best practices and make recommendations to the public school at
2268 which the incidents occurred.

2269 3. Surveying the parents of participating students to
2270 determine academic, safety, and school climate satisfaction and
2271 to identify any challenges to or obstacles in addressing an
2272 incident or relating to the use of the scholarship.

2273 (n) Investigate any written complaint of a violation of
2274 this section by a parent, a student, a private school, a public
2275 school, a school district, an organization, a provider, or
2276 another appropriate party in accordance with the process
2277 established under s. 1002.421.

2278 (9)-(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
2279 eligible to participate in the Family Empowerment Scholarship
2280 Program, a private school may be sectarian or nonsectarian and
2281 must:

2282 (a) Comply with all requirements for private schools
2283 participating in state school choice scholarship programs
2284 pursuant to s. 1002.421.

2285 (b) Provide to the organization department all
2286 documentation required for a student's participation, including
2287 the private school's and student's fee schedules, at least 30
2288 days before any quarterly scholarship payment is made for the
2289 student pursuant to paragraph (12) (f) ~~(11) (f)~~. ~~A student is not~~
2290 ~~eligible to receive a quarterly scholarship payment if the~~
2291 ~~private school fails to meet this deadline.~~

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2292 (c)1. Annually administer or make provision for students
 2293 participating in the program in grades 3 through 10 to take one
 2294 of the nationally norm-referenced tests that are identified by
 2295 the department pursuant to paragraph (8) (d) ~~(7)(e)~~ or to take
 2296 the statewide assessments pursuant to s. 1008.22. Students with
 2297 disabilities for whom standardized testing is not appropriate
 2298 are exempt from this requirement. A participating private school
 2299 shall report a student's scores to his or her parent. By August
 2300 15 of each year, a participating private school must report the
 2301 scores of all participating students to a state university as
 2302 described in paragraph (8) (h) ~~s. 1002.395(9)(f)~~.

2303 2. Administer the statewide assessments pursuant to s.
 2304 1008.22 if the private school chooses to offer the statewide
 2305 assessments. A participating private school may choose to offer
 2306 and administer the statewide assessments to all students who
 2307 attend the private school in grades 3 through 10 and must submit
 2308 a request in writing to the department by March 1 of each year
 2309 in order to administer the statewide assessments in the
 2310 subsequent school year.

2311
 2312 If a private school fails to meet the requirements of this
 2313 subsection or s. 1002.421, the commissioner may determine that
 2314 the private school is ineligible to participate in the
 2315 scholarship program.

2316 (10)(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 2317 PARTICIPATION.—A parent who applies for a Family Empowerment
 2318 Scholarship is exercising his or her parental option to
 2319 determine the appropriate placement or the services that best
 2320 meets the needs of his or her child ~~place his or her child in a~~

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2321 ~~private school.~~

2322 (a) To satisfy or maintain program eligibility, including
2323 eligibility to receive and spend program payments, the parent
2324 must sign an agreement with the organization and annually submit
2325 a sworn compliance statement to the organization to:

2326 1. Affirm that the student is enrolled in a program that
2327 meets regular school attendance requirements as provided in s.
2328 1003.01(13)(b)-(e).

2329 2. Affirm that the program funds are used only for
2330 authorized purposes serving the student's educational needs, as
2331 described in subsection (6).

2332 3. Affirm that the parent is responsible for the education
2333 of his or her student by, as applicable:

2334 a. Requiring the student to take an assessment in
2335 accordance with paragraph (9)(c); or

2336 b. Providing an annual evaluation in accordance with s.
2337 1002.41(1)(f).

2338 4. Affirm that the student remains in good standing with
2339 the provider or school if those options are selected by the
2340 parent ~~The parent must select the private school and apply for~~
2341 ~~the admission of his or her student.~~

2342 ~~(b) The parent must request the scholarship at least 60~~
2343 ~~days before the date of the first scholarship payment.~~

2344 ~~(c) The parent must inform the applicable school district~~
2345 ~~when the parent withdraws his or her student from a public~~
2346 ~~school to attend an eligible private school.~~

2347 ~~(d)~~ Any student participating in the program must remain in
2348 attendance throughout the school year unless excused ~~by the~~
2349 ~~school~~ for illness or other good cause.

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2350 ~~(c)(e)~~ If ~~Before~~ enrolling in a private school, a student
2351 and his or her parent or guardian must meet with the private
2352 school's principal or the principal's designee to review the
2353 school's academic programs and policies, customized educational
2354 programs, code of student conduct, and attendance policies.

2355 ~~(d)(f)~~ The parent shall ensure that a ~~the~~ student
2356 participating in the scholarship program and enrolled in a
2357 private school takes the norm-referenced assessment offered by
2358 the private school. The parent may also choose to have the
2359 student participate in the statewide assessments pursuant to
2360 paragraph (9)(c) ~~(6)(b)~~.

2361 ~~(e)(g)~~ If the parent requests that the student
2362 participating in the program take all statewide assessments
2363 required pursuant to s. 1008.22, the parent is responsible for
2364 transporting the student to the assessment site designated by
2365 the school district.

2366 ~~(h)~~ ~~Upon receipt of a scholarship warrant, the parent to~~
2367 ~~whom the warrant is issued must restrictively endorse the~~
2368 ~~warrant to the private school for deposit into the private~~
2369 ~~school's account. The parent may not designate any entity or~~
2370 ~~individual associated with the participating private school as~~
2371 ~~the parent's attorney in fact to endorse a scholarship warrant.~~
2372 ~~A participant who fails to comply with this paragraph forfeits~~
2373 ~~the scholarship.~~

2374 ~~(f)(i)~~ The parent must annually renew participation in the
2375 program by the date established by the organization ~~department~~
2376 ~~pursuant to paragraph (7)(e)~~. A student whose participation in
2377 the program is not renewed may continue to spend scholarship
2378 funds that are in his or her account from prior years unless the

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2379 account must be closed pursuant to paragraph (4) (b) .

2380 (g) The parent is responsible for procuring the services
2381 necessary to educate the student. If a parent does not procure
2382 the necessary educational services for the student and the
2383 student's account has been inactive for 2 consecutive fiscal
2384 years, the student is ineligible and the student's account must
2385 be closed pursuant to paragraph (4) (b) .

2386 (h) The parent is responsible for all eligible expenses in
2387 excess of the Family Empowerment Scholarship.

2388 (i) The parent may not transfer any prepaid college plan or
2389 college savings plan funds contributed pursuant to paragraph
2390 (6) (e) to another beneficiary while the plan contains funds
2391 contributed pursuant to this section.

2392 (j) The parent may not receive a payment, refund, or rebate
2393 from an approved provider of any services under this program.

2394
2395 A participant who fails to comply with this subsection forfeits
2396 the Family Empowerment Scholarship.

2397 (11) ~~(10)~~ OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
2398 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
2399 organization:

2400 (a) Must comply with the antidiscrimination provisions of
2401 42 U.S.C. s. 2000d.

2402 (b) Must comply with the following background check
2403 requirements:

2404 1. All owners and operators as defined in subparagraph
2405 (2) (k)1., before employment or engagement to provide services,
2406 are subject to a level 2 background screening as provided under
2407 chapter 435. The fingerprints for the background screening must

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2408 be electronically submitted to the Department of Law Enforcement
2409 and can be taken by an authorized law enforcement agency or by
2410 an employee of the eligible nonprofit scholarship-funding
2411 organization or a private company who is trained to take
2412 fingerprints. However, the complete set of fingerprints of an
2413 owner or operator may not be taken by the owner or operator. The
2414 results of the state and national criminal history check must be
2415 provided to the Department of Education for screening under
2416 chapter 435. The cost of the background screening may be borne
2417 by the eligible nonprofit scholarship-funding organization or
2418 the owner or operator.

2419 2. Every 5 years following employment or engagement to
2420 provide services or association with an eligible nonprofit
2421 scholarship-funding organization, each owner or operator must
2422 meet level 2 screening standards as described in s. 435.04, at
2423 which time the nonprofit scholarship-funding organization shall
2424 request the Department of Law Enforcement to forward the
2425 fingerprints to the Federal Bureau of Investigation for level 2
2426 screening. If the fingerprints of an owner or operator are not
2427 retained by the Department of Law Enforcement under subparagraph
2428 3., the owner or operator must electronically file a complete
2429 set of fingerprints with the Department of Law Enforcement. Upon
2430 submission of fingerprints for this purpose, the eligible
2431 nonprofit scholarship-funding organization shall request that
2432 the Department of Law Enforcement forward the fingerprints to
2433 the Federal Bureau of Investigation for level 2 screening, and
2434 the fingerprints must be retained by the Department of Law
2435 Enforcement under subparagraph 3.

2436 3. Fingerprints submitted to the Department of Law

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2437 Enforcement as required by this paragraph must be retained by
2438 the Department of Law Enforcement in a manner approved by rule
2439 and entered in the statewide automated biometric identification
2440 system authorized by s. 943.05(2)(b). The fingerprints must
2441 continue to be available for all purposes and uses authorized
2442 for arrest fingerprints entered in the statewide automated
2443 biometric identification system pursuant to s. 943.051.

2444 4. The Department of Law Enforcement shall search all
2445 arrest fingerprints received under s. 943.051 against the
2446 fingerprints retained in the statewide automated biometric
2447 identification system under subparagraph 3. Any arrest record
2448 that is identified with an owner's or operator's fingerprints
2449 must be reported to the Department of Education. The Department
2450 of Education shall participate in this search process by paying
2451 an annual fee to the Department of Law Enforcement and by
2452 informing the Department of Law Enforcement of any change in the
2453 employment, engagement, or association status of the owners or
2454 operators whose fingerprints are retained under subparagraph 3.
2455 The Department of Law Enforcement shall adopt a rule setting the
2456 amount of the annual fee to be imposed upon the Department of
2457 Education for performing these services and establishing the
2458 procedures for the retention of owner or operator fingerprints
2459 and the dissemination of search results. The fee may be borne by
2460 the owner or operator of the nonprofit scholarship-funding
2461 organization.

2462 5. A nonprofit scholarship-funding organization whose owner
2463 or operator fails the level 2 background screening is not
2464 eligible to provide scholarships under this section.

2465 6. A nonprofit scholarship-funding organization whose owner

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2466 or operator in the last 7 years has filed for personal
2467 bankruptcy or corporate bankruptcy in a corporation of which he
2468 or she owned more than 20 percent is not eligible to provide
2469 scholarships under this section.

2470 7. In addition to the offenses listed in s. 435.04, a
2471 person required to undergo background screening pursuant to this
2472 part or authorizing statutes may not have an arrest awaiting
2473 final disposition for, must not have been found guilty of, or
2474 entered a plea of nolo contendere to, regardless of
2475 adjudication, and must not have been adjudicated delinquent, and
2476 the record must not have been sealed or expunged for, any of the
2477 following offenses or any similar offense of another
2478 jurisdiction:

2479 a. Any authorizing statutes, if the offense was a felony.

2480 b. This chapter, if the offense was a felony.

2481 c. Section 409.920, relating to Medicaid provider fraud.

2482 d. Section 409.9201, relating to Medicaid fraud.

2483 e. Section 741.28, relating to domestic violence.

2484 f. Section 817.034, relating to fraudulent acts through
2485 mail, wire, radio, electromagnetic, photoelectronic, or
2486 photooptical systems.

2487 g. Section 817.234, relating to false and fraudulent
2488 insurance claims.

2489 h. Section 817.505, relating to patient brokering.

2490 i. Section 817.568, relating to criminal use of personal
2491 identification information.

2492 j. Section 817.60, relating to obtaining a credit card
2493 through fraudulent means.

2494 k. Section 817.61, relating to fraudulent use of credit

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2495 cards, if the offense was a felony.

2496 l. Section 831.01, relating to forgery.

2497 m. Section 831.02, relating to uttering forged instruments.

2498 n. Section 831.07, relating to forging bank bills, checks,
2499 drafts, or promissory notes.

2500 o. Section 831.09, relating to uttering forged bank bills,
2501 checks, drafts, or promissory notes.

2502 p. Section 831.30, relating to fraud in obtaining medicinal
2503 drugs.

2504 q. Section 831.31, relating to the sale, manufacture,
2505 delivery, or possession with the intent to sell, manufacture, or
2506 deliver any counterfeit controlled substance, if the offense was
2507 a felony.

2508 (c) May not have an owner or operator who owns or operates
2509 an eligible private school that is participating in the
2510 scholarship program.

2511 (d) Shall establish and maintain separate accounts for each
2512 eligible student. For each account, the organization must
2513 maintain a record of accrued interest that is retained in the
2514 student's account and available only for authorized program
2515 expenditures.

2516 (e) May not restrict or reserve scholarships for use at a
2517 particular private school or provide scholarships to a child of
2518 an owner or operator.

2519 (f) Must provide to the Auditor General and the Department
2520 of Education a report on the results of an annual financial
2521 audit of its accounts and records conducted by an independent
2522 certified public accountant in accordance with auditing
2523 standards generally accepted in the United States, government

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2524 auditing standards, and rules promulgated by the Auditor
2525 General. The audit report must include a report on financial
2526 statements presented in accordance with generally accepted
2527 accounting principles. Audit reports must be provided to the
2528 Auditor General and the Department of Education within 180 days
2529 after completion of the eligible nonprofit scholarship-funding
2530 organization's fiscal year. The Auditor General shall review all
2531 audit reports submitted pursuant to this paragraph. The Auditor
2532 General shall request any significant items that were omitted in
2533 violation of a rule adopted by the Auditor General. The items
2534 must be provided within 45 days after the date of the request.
2535 If the scholarship-funding organization does not comply with the
2536 Auditor General's request, the Auditor General shall notify the
2537 Legislative Auditing Committee.

2538 (g)1.a. Must use agreed-upon procedures that uniformly
2539 apply to all private schools and determine, at a minimum,
2540 whether the private school has been verified as eligible by the
2541 Department of Education under s. 1002.421; has an adequate
2542 accounting system, system of financial controls, and process for
2543 deposit and classification of scholarship funds; and has
2544 properly expended scholarship funds for education-related
2545 expenses.

2546 b. Must participate in a joint review of the agreed-upon
2547 procedures and guidelines under sub-subparagraph a., by February
2548 of each biennium, if the scholarship-funding organization
2549 provided more than \$250,000 in scholarship funds to an eligible
2550 private school under this chapter during the state fiscal year
2551 preceding the biennial review. If the procedures and guidelines
2552 are revised, the revisions must be provided to private schools

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2553 and the Commissioner of Education by March 15 of the year in
2554 which the revisions were completed. The revised agreed-upon
2555 procedures take effect the subsequent school year.

2556 c. Must monitor the compliance of a private school with s.
2557 1002.421(1)(q) if the scholarship-funding organization provided
2558 the majority of the scholarship funding to the school. For each
2559 private school subject to s. 1002.421(1)(q), the appropriate
2560 scholarship-funding organization shall annually notify the
2561 Commissioner of Education by October 30 of:

2562 (I) A private school's failure to submit a report required
2563 under s. 1002.421(1)(q); or

2564 (II) Any material exceptions set forth in the report
2565 required under s. 1002.421(1)(q).

2566 2. Must seek input from the accrediting associations that
2567 are members of the Florida Association of Academic Nonpublic
2568 Schools and the Department of Education when conducting a joint
2569 review of the procedures and guidelines under sub-subparagraph
2570 1.b.

2571 (h) Must establish a date by which the parent of a
2572 participating student must confirm continuing participation in
2573 the program.

2574 (i)~~(a)~~ Shall verify the household income level of students
2575 pursuant to subparagraph (3)(a)1. and submit the verified list
2576 of students and related documentation to the department.

2577 (j)~~(b)~~ Shall award initial and renewal scholarships to
2578 eligible students in ~~priority order~~ pursuant to subsection (3)
2579 and notify parents of their receipt of a scholarship ~~paragraph~~
2580 ~~(3)(d)~~. The eligible nonprofit scholarship-funding organization
2581 shall implement the deadlines established by the department

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2582 ~~pursuant to paragraphs (7) (d) and (e).~~

2583 ~~(k) (e) May, from eligible contributions received pursuant~~
2584 ~~to s. 1002.395(6) (j) 1., use an amount not to exceed 2.5 ±~~
2585 ~~percent of the total amount of all scholarships awarded under~~
2586 ~~this section for administrative expenses associated with~~
2587 ~~performing functions under this section. Such administrative~~
2588 ~~expense amount is considered within the 3 percent limit on the~~
2589 ~~total amount an organization may use to administer scholarships~~
2590 ~~under this chapter.~~

2591 (l) Must verify qualifying educational expenditures
2592 pursuant to the requirement of paragraph (8) (j) and must request
2593 the return of any funds used for unauthorized purposes.

2594 (m) Must return any remaining program funds to the
2595 department pursuant to paragraph (4) (b).

2596 (n) Must document each scholarship student's eligibility
2597 pursuant to subsection (3) for a fiscal year before granting a
2598 scholarship for that fiscal year. A student is ineligible for a
2599 scholarship if the student's account has been inactive for 2
2600 fiscal years and the student's account has been closed pursuant
2601 to paragraph (4) (b).

2602 (o) Must allow a student who meets the requirements of
2603 subparagraph (3) (a) 2. or a dependent child of a parent who is a
2604 member of the United States Armed Forces to apply for a
2605 scholarship at any time.

2606 ~~(p) (d)~~ Must, in a timely manner, submit any information
2607 requested by the department relating to the scholarship under
2608 this section.

2609 (q) Must establish a date by which the parent of a
2610 participating student must confirm continuing participation in

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2611 the program.

2612 (r) Must prepare and submit quarterly reports to the
2613 department pursuant to paragraph (8) (k).

2614 (s)~~(e)~~ Must notify the department about any violation of
2615 this section by a parent or a private school.

2616 (12)~~(11)~~ SCHOLARSHIP FUNDING AND PAYMENT.—

2617 (a) The scholarship is established for up to 18,000
2618 students annually beginning in the 2019-2020 school year.
2619 Beginning in the 2020-2021 school year, the maximum number of
2620 student FTE ~~students~~ participating in the scholarship program
2621 under this section shall annually increase by 1.0 percent of the
2622 state's total public school student FTE student enrollment. A
2623 student who received a Florida Tax Credit Scholarship or a Hope
2624 Scholarship in the 2020-2021 school year and who meets the
2625 eligibility requirements in subsection (3) in the 2021-2022
2626 school year is eligible for a Family Empowerment Scholarship in
2627 the 2021-2022 school year. The scholarship may not be included
2628 in the maximum number of student FTE authorized to participate
2629 in the program under this paragraph.

2630 ~~(b) The scholarship amount provided to a student for any~~
2631 ~~single school year shall be for tuition and fees for an eligible~~
2632 ~~private school, not to exceed annual limits, which shall be~~
2633 ~~determined in accordance with this paragraph.~~ The calculated
2634 scholarship amount for a student participating in the program
2635 must ~~to attend an eligible private school~~ shall be based upon
2636 the grade level and school district in which the student was
2637 assigned as 97.5 ~~95~~ percent of the funds per unweighted full-
2638 time equivalent in the Florida Education Finance Program for a
2639 student in the basic program established pursuant to s.

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2640 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
2641 for all categorical programs, as provided in the General
2642 Appropriations Act ~~except for the Exceptional Student Education~~
2643 ~~Guaranteed Allocation.~~

2644 (c) A student who is eligible for a Family Empowerment
2645 Scholarship is eligible for a transportation award limited to
2646 \$750, if the student is enrolled in a Florida public school that
2647 is different from the school to which the student was assigned
2648 pursuant to s. 1002.31 or is enrolled in a lab school as defined
2649 in s. 1002.32 ~~The amount of the Family Empowerment Scholarship~~
2650 ~~shall be the calculated amount or the amount of the private~~
2651 ~~school's tuition and fees, whichever is less. The amount of any~~
2652 ~~assessment fee required by the participating private school may~~
2653 ~~be paid from the total amount of the scholarship.~~

2654 (d) At the time of each Florida Education Finance Program
2655 student membership survey, the scholarship-funding organization
2656 shall report to the Department of Education student enrollment,
2657 FTE, and total award amounts by county, delineated by FEFP
2658 program, and grade for ~~The school district shall report all~~
2659 ~~students who are participating in attending a private school~~
2660 ~~under this program. The students attending private schools on~~
2661 ~~Family Empowerment Scholarships shall be reported separately~~
2662 ~~from other students reported~~ For the purposes of this paragraph,
2663 an FTE shall be equal to four quarterly scholarship payments ~~the~~
2664 ~~Florida Education Finance Program.~~

2665 (e) Following notification on July 1, September 1, December
2666 1, and ~~or~~ February 1 of the number of program participants, the
2667 department shall transfer, from general revenue funds only, the
2668 amount calculated pursuant to paragraph (b) to a separate

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2669 account for the scholarship program for quarterly disbursement
2670 to parents of participating students. ~~For a student exiting a~~
2671 ~~Department of Juvenile Justice commitment program who chooses to~~
2672 ~~participate in the scholarship program, the amount of the Family~~
2673 ~~Empowerment Scholarship calculated pursuant to paragraph (b)~~
2674 ~~must be transferred from the school district in which the~~
2675 ~~student last attended a public school before commitment to the~~
2676 ~~Department of Juvenile Justice. When a student enters the~~
2677 ~~scholarship program, the department must receive all~~
2678 ~~documentation required for the student's participation,~~
2679 ~~including the private school's and the student's fee schedules,~~
2680 ~~at least 30 days before the first quarterly scholarship payment~~
2681 ~~is made for the student.~~

2682 (f) Upon notification from the organization that an
2683 application has been approved for the program, the department
2684 shall release the student's scholarship funds to the
2685 organization, to be deposited into the student's account ~~by the~~
2686 ~~department that it has received the documentation required under~~
2687 ~~paragraph (c), the Chief Financial Officer shall make~~
2688 ~~scholarship payments in four equal amounts no later than~~
2689 ~~September 1, November 1, February 1, and April 1 of each school~~
2690 ~~year in which the scholarship is in force. The initial payment~~
2691 ~~shall be made after department verification of admission~~
2692 ~~acceptance, and subsequent payments shall be made upon~~
2693 ~~verification of continued enrollment and attendance at the~~
2694 ~~private school. Payment must be by individual warrant made~~
2695 ~~payable to the student's parent and mailed by the department to~~
2696 ~~the private school of the parent's choice, and the parent shall~~
2697 ~~restrictively endorse the warrant to the private school for~~

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2698 ~~deposit into the account of the private school.~~

2699 (g) Accrued interest in the student's account is in
2700 addition to, and not part of, the awarded funds. Program funds
2701 include both the awarded funds and accrued interest ~~Subsequent~~
2702 ~~to each scholarship payment, the department shall request from~~
2703 ~~the Department of Financial Services a sample of endorsed~~
2704 ~~warrants to review and confirm compliance with endorsement~~
2705 ~~requirements.~~

2706 (h) The organization may develop a system for payment of
2707 benefits by funds transfer, including, but not limited to, debit
2708 cards, electronic payment cards, or any other means of payment
2709 that the department deems to be commercially viable or cost-
2710 effective. A student's scholarship award may not be reduced for
2711 debit card or electronic payment fees. Commodities or services
2712 related to the development of such a system must be procured by
2713 competitive solicitation unless they are purchased from a state
2714 term contract pursuant to s. 287.056.

2715 (i) Moneys received pursuant to this section do not
2716 constitute taxable income to the qualified student or parent of
2717 the qualified student.

2718 (13) OBLIGATIONS OF THE AUDITOR GENERAL.-

2719 (a) At least once every 3 years, the Auditor General shall
2720 conduct an operational audit of accounts and records of each
2721 organization that participates in the program. As part of this
2722 audit, the Auditor General shall verify, at a minimum, the total
2723 number of students served and the eligibility of reimbursements
2724 made by the organization and transmit that information to the
2725 department. The Auditor General shall provide the commissioner
2726 with a copy of each annual operational audit performed pursuant

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2727 to this subsection within 10 days after the audit is finalized.

2728 (b) The Auditor General shall notify the department of any
2729 organization that fails to comply with a request for
2730 information.

2731 (14) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
2732 APPLICATION.—In order to participate in the scholarship program
2733 created under this section, a charitable organization that seeks
2734 to be a nonprofit scholarship-funding organization shall submit
2735 an application for initial approval or renewal to the Office of
2736 Independent Education and Parental Choice no later than
2737 September 1 of each year before the school year for which the
2738 organization intends to offer scholarships.

2739 (a) An application for initial approval must include:

2740 1. A copy of the organization's incorporation documents and
2741 registration with the Division of Corporations of the Department
2742 of State.

2743 2. A copy of the organization's Internal Revenue Service
2744 determination letter as an s. 501(c)(3) not-for-profit
2745 organization.

2746 3. A description of the organization's financial plan that
2747 demonstrates sufficient funds to operate throughout the school
2748 year.

2749 4. A description of the geographic region that the
2750 organization intends to serve and an analysis of the demand and
2751 unmet need for eligible students in that area.

2752 5. The organization's organizational chart.

2753 6. A description of the criteria and methodology that the
2754 organization will use to evaluate scholarship eligibility.

2755 7. A description of the application process, including

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2756 deadlines and any associated fees.

2757 8. A description of the deadlines for attendance
2758 verification and scholarship payments.

2759 9. A copy of the organization's policies on conflict of
2760 interest and whistleblowers.

2761 10. A copy of a surety bond or letter of credit to secure
2762 the faithful performance of the obligations of the eligible
2763 nonprofit scholarship-funding organization in accordance with
2764 this section in an amount equal to 25 percent of the scholarship
2765 funds anticipated for each school year or \$100,000, whichever is
2766 greater. The surety bond or letter of credit must specify that
2767 any claim against the bond or letter of credit may be made only
2768 by an eligible nonprofit scholarship-funding organization to
2769 provide scholarships to and on behalf of students who would have
2770 had scholarships funded if it were not for the diversion of
2771 funds giving rise to the claim against the bond or letter of
2772 credit.

2773 (b) In addition to the information required by
2774 subparagraphs (a)1.-10., an application for renewal must
2775 include:

2776 1. A surety bond or letter of credit to secure the faithful
2777 performance of the obligations of the eligible nonprofit
2778 scholarship-funding organization in accordance with this section
2779 equal to the amount of undisbursed donations held by the
2780 organization based on the annual report submitted pursuant to
2781 paragraph (11) (r). The amount of the surety bond or letter of
2782 credit must be at least \$100,000, but not more than \$25 million.
2783 The surety bond or letter of credit must specify that any claim
2784 against the bond or letter of credit may be made only by an

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2785 eligible nonprofit scholarship-funding organization to provide
2786 scholarships to and on behalf of students who would have had
2787 scholarships funded if it were not for the diversion of funds
2788 giving rise to the claim against the bond or letter of credit.

2789 2. The organization's completed Internal Revenue Service
2790 Form 990 submitted no later than November 30 of the year before
2791 the school year that the organization intends to offer the
2792 scholarships, notwithstanding the September 1 application
2793 deadline.

2794 3. A copy of the statutorily required audit to the
2795 Department of Education and Auditor General.

2796 4. An annual report that includes:

2797 a. The number of students who completed applications, by
2798 county and by grade.

2799 b. The number of students who were approved for
2800 scholarships, by county and by grade.

2801 c. The number of students who received funding for
2802 scholarships within each funding category, by county and by
2803 grade.

2804 d. The amount of funds received, the amount of funds
2805 distributed in scholarships, and an accounting of remaining
2806 funds and the obligation of those funds.

2807 e. A detailed accounting of how the organization spent the
2808 administrative funds allowable under paragraph (11)(k).

2809 (c) In consultation with the Department of Revenue and the
2810 Chief Financial Officer, the Office of Independent Education and
2811 Parental Choice shall review the application. The Department of
2812 Education shall notify the organization in writing of any
2813 deficiencies within 30 days after receipt of the application and

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2814 allow the organization 30 days to correct any deficiencies.

2815 (d) Within 30 days after receipt of the finalized
2816 application by the Office of Independent Education and Parental
2817 Choice, the Commissioner of Education shall recommend approval
2818 or disapproval of the application to the State Board of
2819 Education. The State Board of Education shall consider the
2820 application and recommendation at the next scheduled meeting,
2821 adhering to appropriate meeting notice requirements. If the
2822 State Board of Education disapproves the organization's
2823 application, it shall provide the organization with a written
2824 explanation of that determination. The State Board of
2825 Education's action is not subject to chapter 120.

2826 (e) If the State Board of Education disapproves the renewal
2827 of a nonprofit scholarship-funding organization, the
2828 organization must notify the affected eligible students and
2829 parents of the decision within 15 days after disapproval. An
2830 eligible student affected by the disapproval of an
2831 organization's participation remains eligible under this section
2832 until the end of the school year in which the organization was
2833 disapproved. The student must apply and be accepted by another
2834 eligible nonprofit scholarship-funding organization for the
2835 upcoming school year. The student must be given priority in
2836 accordance with paragraph (3) (d).

2837 (f) All remaining eligible student accounts with funds held
2838 by a nonprofit scholarship-funding organization that is
2839 disapproved for participation must be transferred to the
2840 student's account established at the eligible nonprofit
2841 scholarship-funding organization accepting the student. All
2842 transferred funds must be deposited by each eligible nonprofit

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2843 scholarship-funding organization receiving such funds into the
2844 student's scholarship account. All other remaining funds must be
2845 transferred to the department. All transferred amounts received
2846 by any eligible nonprofit scholarship-funding organization must
2847 be separately disclosed in the annual financial audit required
2848 under subsection (11).

2849 (g) A nonprofit scholarship-funding organization is a
2850 renewing organization if it maintains continuous approval and
2851 participation in the program. An organization that chooses not
2852 to participate for 1 year or more or is disapproved to
2853 participate for 1 year or more must submit an application for
2854 initial approval in order to participate in the program again.

2855 (h) The State Board of Education shall adopt rules
2856 providing guidelines for receiving, reviewing, and approving
2857 applications for new and renewing nonprofit scholarship-funding
2858 organizations. The rules must include a process for compiling
2859 input and recommendations from the Chief Financial Officer, the
2860 Department of Revenue, and the Department of Education. The
2861 rules must also require that the nonprofit scholarship-funding
2862 organization make a brief presentation to assist the State Board
2863 of Education in its decision.

2864 (i) A state university or an independent college or
2865 university that is eligible to participate in the William L.
2866 Boyd, IV, Effective Access to Student Education Grant Program,
2867 is located and chartered in this state, is not for profit, and
2868 is accredited by the Commission on Colleges of the Southern
2869 Association of Colleges and Schools is exempt from the initial
2870 or renewal application process, but must file a registration
2871 notice with the Department of Education to be an eligible

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2872 nonprofit scholarship-funding organization. The State Board of
2873 Education shall adopt rules that identify the procedure for
2874 filing the registration notice with the department. The rules
2875 must identify appropriate reporting requirements for fiscal,
2876 programmatically, and performance accountability purposes consistent
2877 with this section, but may not exceed the requirements for
2878 eligible nonprofit scholarship-funding organizations for
2879 charitable organizations.

2880 (15)~~(12)~~ LIABILITY.—No liability shall arise on the part of
2881 the state based on the award or use of a Family Empowerment
2882 Scholarship.

2883 (16)~~(13)~~ SCOPE OF AUTHORITY.—The inclusion of eligible
2884 private schools and private providers within the options
2885 available to Florida public school students does not expand the
2886 regulatory authority of the state, its officers, or any school
2887 district to impose any additional regulation of private schools
2888 beyond those reasonably necessary to enforce requirements
2889 expressly set forth in this section.

2890 (17)~~(14)~~ RULES.—The State Board of Education shall adopt
2891 rules pursuant to ss. 120.536(1) and 120.54 to administer this
2892 section. The state board rules must include a requirement that
2893 the department work collaboratively with an approved
2894 scholarship-funding organization to expedite the process for the
2895 verification and reporting obligations specified under
2896 subsection (11) ~~(10)~~.

2897 ~~(15) IMPLEMENTATION SCHEDULE FOR THE 2019-2020 SCHOOL~~
2898 ~~YEAR. Notwithstanding the provisions of this section related to~~
2899 ~~notification requirements and eligibility timelines, for the~~
2900 ~~2019-2020 school year:~~

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2901 ~~(a) A student is eligible for a Family Empowerment~~
2902 ~~Scholarship under this section if the student's parent has~~
2903 ~~obtained acceptance of the student's admission to a private~~
2904 ~~school that is eligible for the program under subsection (8),~~
2905 ~~and the parent has requested a scholarship from the Department~~
2906 ~~of Education no later than August 15, 2019. The request must be~~
2907 ~~communicated directly to the department in a manner that creates~~
2908 ~~a written or electronic record of the request and the date of~~
2909 ~~receipt of the request.~~

2910 ~~(b) The department shall expedite the publication of~~
2911 ~~information relevant to the Family Empowerment Scholarship~~
2912 ~~Program on the department's website, including, but not limited~~
2913 ~~to, the eligibility criteria for students to qualify for the~~
2914 ~~scholarship under this section and how parents may request the~~
2915 ~~scholarship. The department must immediately notify the school~~
2916 ~~district of the parent's intent upon receipt of the parent's~~
2917 ~~request.~~

2918 ~~(c) Upon notification by the department that it has~~
2919 ~~received the documentation required under paragraph (10) (a), the~~
2920 ~~Chief Financial Officer shall make the first quarter payment of~~
2921 ~~scholarships no later than October 1, 2019.~~

2922
2923 ~~This subsection shall expire June 30, 2020.~~

2924 Section 20. Section 1002.395, Florida Statutes, is amended
2925 to read:

2926 1002.395 Florida K-12 Education Funding Tax Credit
2927 Scholarship Program.—

2928 (1) FINDINGS AND PURPOSE.—

2929 (a) The Legislature finds that:

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2930 1. It has the inherent power to determine subjects of
2931 taxation for general or particular public purposes.

2932 2. Expanding educational opportunities and improving the
2933 quality of educational services within the state are valid
2934 public purposes that the Legislature may promote using its
2935 sovereign power to determine subjects of taxation and exemptions
2936 from taxation.

2937 3. Ensuring that all parents, regardless of means, may
2938 exercise and enjoy their basic right to educate their children
2939 as they see fit is a valid public purpose that the Legislature
2940 may promote using its sovereign power to determine subjects of
2941 taxation and exemptions from taxation.

2942 4. Expanding educational opportunities and the healthy
2943 competition they promote are critical to improving the quality
2944 of education in the state and to ensuring that all children
2945 receive the high-quality education to which they are entitled.

2946 (b) The purpose of this section is to:

2947 1. Enable taxpayers to designate portions of certain tax
2948 payments as ~~make private, voluntary contributions to K-12~~
2949 education funding to nonprofit scholarship-funding organizations
2950 in order to promote the general welfare.

2951 2. Provide taxpayers who wish to help parents with limited
2952 resources exercise their basic right to educate their children
2953 as they see fit with a means to do so.

2954 3. Promote the general welfare by expanding educational
2955 opportunities for children of families that have limited
2956 financial resources.

2957 4. Enable children in this state to achieve a greater level
2958 of excellence in their education.

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2959 5. Improve the quality of education in this state, both by
2960 expanding educational opportunities for children and by creating
2961 incentives for schools to achieve excellence.

2962 (c) The purpose of this section is not to prescribe the
2963 standards or curriculum for private schools. A private school
2964 retains the authority to determine its own standards and
2965 curriculum.

2966 (2) DEFINITIONS.—As used in this section, the term:

2967 (a) ~~“Annual tax credit amount” means, for any state fiscal~~
2968 ~~year, the sum of the amount of tax credits approved under~~
2969 ~~paragraph (5) (b), including tax credits to be taken under s.~~
2970 ~~220.1875 or s. 624.51055, which are approved for a taxpayer~~
2971 ~~whose taxable year begins on or after January 1 of the calendar~~
2972 ~~year preceding the start of the applicable state fiscal year.~~

2973 ~~(b) “Department” means the Department of Revenue.~~

2974 ~~(c) “Direct certification list” means the certified list of~~
2975 ~~children who qualify for the food assistance program, the~~
2976 ~~Temporary Assistance to Needy Families Program, or the Food~~
2977 ~~Distribution Program on Indian Reservations provided to the~~
2978 ~~Department of Education by the Department of Children and~~
2979 ~~Families.~~

2980 (b) (d) “Division” means the Division of Alcoholic Beverages
2981 and Tobacco of the Department of Business and Professional
2982 Regulation.

2983 (c) (e) “Eligible contribution” means the taxes, or a
2984 portion thereof, remitted by the taxpayer to the department or
2985 the division which the taxpayer elects to designate for K-12
2986 education funding ~~a monetary contribution from a taxpayer,~~
2987 subject to the restrictions provided in this section, ~~to an~~

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2988 ~~eligible nonprofit scholarship funding organization. The~~
2989 ~~taxpayer making the contribution may not designate a specific~~
2990 ~~child as the beneficiary of the contribution.~~

2991 ~~(f) "Eligible nonprofit scholarship funding organization"~~
2992 ~~means a state university; or an independent college or~~
2993 ~~university that is eligible to participate in the William L.~~
2994 ~~Boyd, IV, Effective Access to Student Education Grant Program,~~
2995 ~~located and chartered in this state, is not for profit, and is~~
2996 ~~accredited by the Commission on Colleges of the Southern~~
2997 ~~Association of Colleges and Schools; or is a charitable~~
2998 ~~organization that:~~

2999 ~~1. Is exempt from federal income tax pursuant to s.~~
3000 ~~501(c) (3) of the Internal Revenue Code;~~

3001 ~~2. Is a Florida entity formed under chapter 605, chapter~~
3002 ~~607, or chapter 617 and whose principal office is located in the~~
3003 ~~state; and~~

3004 ~~3. Complies with subsections (6) and (15).~~

3005 ~~(g) "Eligible private school" means a private school, as~~
3006 ~~defined in s. 1002.01(2), located in Florida which offers an~~
3007 ~~education to students in any grades K-12 and that meets the~~
3008 ~~requirements in subsection (8).~~

3009 ~~(h) "Household income" has the same meaning as the term~~
3010 ~~"income" as defined in the Income Eligibility Guidelines for~~
3011 ~~free and reduced price meals under the National School Lunch~~
3012 ~~Program in 7 C.F.R. part 210 as published in the Federal~~
3013 ~~Register by the United States Department of Agriculture.~~

3014 ~~(i) "Owner or operator" includes:~~

3015 ~~1. An owner, president, officer, or director of an eligible~~
3016 ~~nonprofit scholarship funding organization or a person with~~

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3017 ~~equivalent decisionmaking authority over an eligible nonprofit~~
3018 ~~scholarship funding organization.~~

3019 ~~2. An owner, operator, superintendent, or principal of an~~
3020 ~~eligible private school or a person with equivalent~~
3021 ~~decisionmaking authority over an eligible private school.~~

3022 ~~(j) "Tax credit cap amount" means the maximum annual tax~~
3023 ~~credit amount that the department may approve for a state fiscal~~
3024 ~~year.~~

3025 ~~(k) "Unweighted FTE funding amount" means the statewide~~
3026 ~~average total funds per unweighted full-time equivalent funding~~
3027 ~~amount that is incorporated by reference in the General~~
3028 ~~Appropriations Act, or any subsequent special appropriations~~
3029 ~~act, for the applicable state fiscal year.~~

3030 ~~(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—~~

3031 ~~(a) The Florida Tax Credit Scholarship Program is~~
3032 ~~established.~~

3033 ~~(b) A student is eligible for a Florida tax credit~~
3034 ~~scholarship under this section if the student meets one or more~~
3035 ~~of the following criteria:~~

3036 ~~1. The student is on the direct certification list or the~~
3037 ~~student's household income level does not exceed 260 percent of~~
3038 ~~the federal poverty level; or~~

3039 ~~2. The student is currently placed, or during the previous~~
3040 ~~state fiscal year was placed, in foster care or in out-of-home~~
3041 ~~care as defined in s. 39.01.~~

3042
3043 ~~Priority must be given to a student whose household income level~~
3044 ~~does not exceed 185 percent of the federal poverty level or who~~
3045 ~~is in foster care or out-of-home care. A student who initially~~

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3046 ~~receives a scholarship based on eligibility under this paragraph~~
3047 ~~remains eligible to participate until he or she graduates from~~
3048 ~~high school or attains the age of 21 years, whichever occurs~~
3049 ~~first, regardless of the student's household income level. A~~
3050 ~~sibling of a student who is participating in the scholarship~~
3051 ~~program under this subsection is eligible for a scholarship if~~
3052 ~~the student resides in the same household as the sibling.~~

3053 ~~(4) SCHOLARSHIP PROHIBITIONS. A student is not eligible for~~
3054 ~~a scholarship while he or she is:~~

3055 ~~(a) Enrolled in a school operating for the purpose of~~
3056 ~~providing educational services to youth in Department of~~
3057 ~~Juvenile Justice commitment programs;~~

3058 ~~(b) Receiving a scholarship from another eligible nonprofit~~
3059 ~~scholarship funding organization under this section;~~

3060 ~~(c) Receiving an educational scholarship pursuant to~~
3061 ~~chapter 1002;~~

3062 ~~(d) Participating in a home education program as defined in~~
3063 ~~s. 1002.01(1);~~

3064 ~~(e) Participating in a private tutoring program pursuant to~~
3065 ~~s. 1002.43;~~

3066 ~~(f) Participating in a virtual school, correspondence~~
3067 ~~school, or distance learning program that receives state funding~~
3068 ~~pursuant to the student's participation unless the participation~~
3069 ~~is limited to no more than two courses per school year; or~~

3070 ~~(g) Enrolled in the Florida School for the Deaf and the~~
3071 ~~Blind.~~

3072 ~~(5) K-12 EDUCATION SCHOLARSHIP FUNDING TAX CREDITS;~~
3073 ~~LIMITATIONS.-~~

3074 ~~(a)1. The tax credit cap amount is \$229 million in the~~

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3075 ~~2012-2013 state fiscal year.~~

3076 ~~2. In the 2013-2014 state fiscal year and each state fiscal~~
3077 ~~year thereafter, the tax credit cap amount is the tax credit cap~~
3078 ~~amount in the prior state fiscal year. However, in any state~~
3079 ~~fiscal year when the annual tax credit amount for the prior~~
3080 ~~state fiscal year is equal to or greater than 90 percent of the~~
3081 ~~tax credit cap amount applicable to that state fiscal year, the~~
3082 ~~tax credit cap amount shall increase by 25 percent. The~~
3083 ~~Department of Education and Department of Revenue shall publish~~
3084 ~~on their websites information identifying the tax credit cap~~
3085 ~~amount when it is increased pursuant to this subparagraph.~~

3086 ~~(a)~~ (b) A taxpayer may elect to make eligible contributions
3087 submit an application to the department or the division for a
3088 tax credit or credits under one or more of s. 211.0251, s.
3089 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055. For
3090 elections related to taxes imposed under chapter 211, chapter
3091 212, or chapter 561, the taxpayer shall make the election on a
3092 return filed with the department or the division. For elections
3093 related to taxes imposed under chapter 200 or chapter 624, the
3094 taxpayer shall make the election when making the estimated
3095 payment.

3096 (b) The taxpayer shall specify the amount of the eligible
3097 contribution, which amount may not exceed:

3098 1. For elections under s. 211.0251, 50 percent of the tax
3099 due on the return on which the election is made.

3100 2. For elections under s. 212.1831, 100 percent of the tax
3101 due on the return on which the election is made.

3102 3. For elections under s. 220.1875, 25 percent of the final
3103 tax liability shown on the taxpayer's Florida Corporate Income

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3104 Tax Return for the prior taxable year.

3105 4. For elections under s. 561.1211, 90 percent of the tax
3106 due on the return on which the election is made.

3107 5. For elections under s. 624.51055, 33 percent of the tax
3108 due for the prior taxable year under s. 624.509(1) after
3109 deducting from such tax the prior year's deductions for
3110 assessments made pursuant to s. 440.51; credits for taxes paid
3111 under ss. 175.101 and 185.08; credits for income taxes paid
3112 under chapter 220; and the credit allowed under s. 624.509(5),
3113 as such credit is limited by s. 624.509(6).

3114 ~~1. The taxpayer shall specify in the application each tax~~
3115 ~~for which the taxpayer requests a credit and the applicable~~
3116 ~~taxable year for a credit under s. 220.1875 or s. 624.51055 or~~
3117 ~~the applicable state fiscal year for a credit under s. 211.0251,~~
3118 ~~s. 212.1831, or s. 561.1211. For purposes of s. 220.1875, a~~
3119 ~~taxpayer may apply for a credit to be used for a prior taxable~~
3120 ~~year before the date the taxpayer is required to file a return~~
3121 ~~for that year pursuant to s. 220.222. For purposes of s.~~
3122 ~~624.51055, a taxpayer may apply for a credit to be used for a~~
3123 ~~prior taxable year before the date the taxpayer is required to~~
3124 ~~file a return for that prior taxable year pursuant to ss.~~
3125 ~~624.509 and 624.5092. The department shall approve tax credits~~
3126 ~~on a first come, first served basis and must obtain the~~
3127 ~~division's approval before approving a tax credit under s.~~
3128 ~~561.1211.~~

3129 ~~2. Within 10 days after approving or denying an~~
3130 ~~application, the department shall provide a copy of its approval~~
3131 ~~or denial letter to the eligible nonprofit scholarship-funding~~
3132 ~~organization specified by the taxpayer in the application.~~

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3133 ~~(c) If a tax credit approved under paragraph (b) is not~~
3134 ~~fully used within the specified state fiscal year for credits~~
3135 ~~under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes~~
3136 ~~due for the specified taxable year for credits under s. 220.1875~~
3137 ~~or s. 624.51055 because of insufficient tax liability on the~~
3138 ~~part of the taxpayer, the unused amount shall be carried forward~~
3139 ~~for a period not to exceed 10 years. For purposes of s.~~
3140 ~~220.1875, a credit carried forward may be used in a subsequent~~
3141 ~~year after applying the other credits and unused carryovers in~~
3142 ~~the order provided in s. 220.02(8).~~

3143 ~~(d) A taxpayer may not convey, assign, or transfer an~~
3144 ~~approved tax credit or a carryforward tax credit to another~~
3145 ~~entity unless all of the assets of the taxpayer are conveyed,~~
3146 ~~assigned, or transferred in the same transaction. However, a tax~~
3147 ~~credit under s. 211.0251, s. 212.1831, s. 220.1875, s. 561.1211,~~
3148 ~~or s. 624.51055 may be conveyed, transferred, or assigned~~
3149 ~~between members of an affiliated group of corporations if the~~
3150 ~~type of tax credit under s. 211.0251, s. 212.1831, s. 220.1875,~~
3151 ~~s. 561.1211, or s. 624.51055 remains the same. A taxpayer shall~~
3152 ~~notify the department of its intent to convey, transfer, or~~
3153 ~~assign a tax credit to another member within an affiliated group~~
3154 ~~of corporations. The amount conveyed, transferred, or assigned~~
3155 ~~is available to another member of the affiliated group of~~
3156 ~~corporations upon approval by the department. The department~~
3157 ~~shall obtain the division's approval before approving a~~
3158 ~~conveyance, transfer, or assignment of a tax credit under s.~~
3159 ~~561.1211.~~

3160 ~~(e) Within any state fiscal year, a taxpayer may rescind~~
3161 ~~all or part of a tax credit approved under paragraph (b). The~~

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3162 ~~amount rescinded shall become available for that state fiscal~~
3163 ~~year to another eligible taxpayer as approved by the department~~
3164 ~~if the taxpayer receives notice from the department that the~~
3165 ~~rescindment has been accepted by the department. The department~~
3166 ~~must obtain the division's approval prior to accepting the~~
3167 ~~rescindment of a tax credit under s. 561.1211. Any amount~~
3168 ~~rescinded under this paragraph shall become available to an~~
3169 ~~eligible taxpayer on a first-come, first-served basis based on~~
3170 ~~tax credit applications received after the date the rescindment~~
3171 ~~is accepted by the department.~~

3172 ~~(f) Within 10 days after approving or denying the~~
3173 ~~conveyance, transfer, or assignment of a tax credit under~~
3174 ~~paragraph (d), or the rescindment of a tax credit under~~
3175 ~~paragraph (e), the department shall provide a copy of its~~
3176 ~~approval or denial letter to the eligible nonprofit scholarship-~~
3177 ~~funding organization specified by the taxpayer. The department~~
3178 ~~shall also include the eligible nonprofit scholarship funding~~
3179 ~~organization specified by the taxpayer on all letters or~~
3180 ~~correspondence of acknowledgment for tax credits under s.~~
3181 ~~212.1831.~~

3182 ~~(g) For purposes of calculating the underpayment of~~
3183 ~~estimated corporate income taxes pursuant to s. 220.34 and tax~~
3184 ~~installment payments for taxes on insurance premiums or~~
3185 ~~assessments under s. 624.5092, the final amount due is the~~
3186 ~~amount after credits earned under s. 220.1875 or s. 624.51055~~
3187 ~~for contributions to eligible nonprofit scholarship funding~~
3188 ~~organizations are deducted.~~

3189 ~~1. For purposes of determining if a penalty or interest~~
3190 ~~shall be imposed for underpayment of estimated corporate income~~

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3191 tax pursuant to ~~s. 220.34(2)(d)1.~~, a taxpayer may, after earning
3192 a credit under ~~s. 220.1875~~, reduce any estimated payment in that
3193 taxable year by the amount of the credit. This subparagraph
3194 applies to contributions made on or after July 1, 2014.

3195 ~~2. For purposes of determining if a penalty under s.~~
3196 ~~624.5092 shall be imposed, an insurer, after earning a credit~~
3197 ~~under s. 624.51055 for a taxable year, may reduce any~~
3198 ~~installment payment for such taxable year of 27 percent of the~~
3199 ~~amount of the net tax due as reported on the return for the~~
3200 ~~preceding year under s. 624.5092(2)(b) by the amount of the~~
3201 ~~credit. This subparagraph applies to contributions made on or~~
3202 ~~after July 1, 2014.~~

3203 ~~(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP FUNDING~~
3204 ~~ORGANIZATIONS. An eligible nonprofit scholarship funding~~
3205 ~~organization:~~

3206 ~~(a) Must comply with the antidiscrimination provisions of~~
3207 ~~42 U.S.C. s. 2000d.~~

3208 ~~(b) Must comply with the following background check~~
3209 ~~requirements:~~

3210 ~~1. All owners and operators as defined in subparagraph~~
3211 ~~(2)(i)1. are, before employment or engagement to provide~~
3212 ~~services, subject to level 2 background screening as provided~~
3213 ~~under chapter 435. The fingerprints for the background screening~~
3214 ~~must be electronically submitted to the Department of Law~~
3215 ~~Enforcement and can be taken by an authorized law enforcement~~
3216 ~~agency or by an employee of the eligible nonprofit scholarship-~~
3217 ~~funding organization or a private company who is trained to take~~
3218 ~~fingerprints. However, the complete set of fingerprints of an~~
3219 ~~owner or operator may not be taken by the owner or operator. The~~

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3220 ~~results of the state and national criminal history check shall~~
3221 ~~be provided to the Department of Education for screening under~~
3222 ~~chapter 435. The cost of the background screening may be borne~~
3223 ~~by the eligible nonprofit scholarship funding organization or~~
3224 ~~the owner or operator.~~

3225 ~~2. Every 5 years following employment or engagement to~~
3226 ~~provide services or association with an eligible nonprofit~~
3227 ~~scholarship funding organization, each owner or operator must~~
3228 ~~meet level 2 screening standards as described in s. 435.04, at~~
3229 ~~which time the nonprofit scholarship funding organization shall~~
3230 ~~request the Department of Law Enforcement to forward the~~
3231 ~~fingerprints to the Federal Bureau of Investigation for level 2~~
3232 ~~screening. If the fingerprints of an owner or operator are not~~
3233 ~~retained by the Department of Law Enforcement under subparagraph~~
3234 ~~3., the owner or operator must electronically file a complete~~
3235 ~~set of fingerprints with the Department of Law Enforcement. Upon~~
3236 ~~submission of fingerprints for this purpose, the eligible~~
3237 ~~nonprofit scholarship funding organization shall request that~~
3238 ~~the Department of Law Enforcement forward the fingerprints to~~
3239 ~~the Federal Bureau of Investigation for level 2 screening, and~~
3240 ~~the fingerprints shall be retained by the Department of Law~~
3241 ~~Enforcement under subparagraph 3.~~

3242 ~~3. Fingerprints submitted to the Department of Law~~
3243 ~~Enforcement as required by this paragraph must be retained by~~
3244 ~~the Department of Law Enforcement in a manner approved by rule~~
3245 ~~and entered in the statewide automated biometric identification~~
3246 ~~system authorized by s. 943.05(2)(b). The fingerprints must~~
3247 ~~thereafter be available for all purposes and uses authorized for~~
3248 ~~arrest fingerprints entered in the statewide automated biometric~~

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3249 ~~identification system pursuant to s. 943.051.~~

3250 ~~4. The Department of Law Enforcement shall search all~~
3251 ~~arrest fingerprints received under s. 943.051 against the~~
3252 ~~fingerprints retained in the statewide automated biometric~~
3253 ~~identification system under subparagraph 3. Any arrest record~~
3254 ~~that is identified with an owner's or operator's fingerprints~~
3255 ~~must be reported to the Department of Education. The Department~~
3256 ~~of Education shall participate in this search process by paying~~
3257 ~~an annual fee to the Department of Law Enforcement and by~~
3258 ~~informing the Department of Law Enforcement of any change in the~~
3259 ~~employment, engagement, or association status of the owners or~~
3260 ~~operators whose fingerprints are retained under subparagraph 3.~~
3261 ~~The Department of Law Enforcement shall adopt a rule setting the~~
3262 ~~amount of the annual fee to be imposed upon the Department of~~
3263 ~~Education for performing these services and establishing the~~
3264 ~~procedures for the retention of owner and operator fingerprints~~
3265 ~~and the dissemination of search results. The fee may be borne by~~
3266 ~~the owner or operator of the nonprofit scholarship funding~~
3267 ~~organization.~~

3268 ~~5. A nonprofit scholarship funding organization whose owner~~
3269 ~~or operator fails the level 2 background screening is not~~
3270 ~~eligible to provide scholarships under this section.~~

3271 ~~6. A nonprofit scholarship funding organization whose owner~~
3272 ~~or operator in the last 7 years has filed for personal~~
3273 ~~bankruptcy or corporate bankruptcy in a corporation of which he~~
3274 ~~or she owned more than 20 percent shall not be eligible to~~
3275 ~~provide scholarships under this section.~~

3276 ~~7. In addition to the offenses listed in s. 435.04, a~~
3277 ~~person required to undergo background screening pursuant to this~~

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3278 ~~part or authorizing statutes must not have an arrest awaiting~~
3279 ~~final disposition for, must not have been found guilty of, or~~
3280 ~~entered a plea of nolo contendere to, regardless of~~
3281 ~~adjudication, and must not have been adjudicated delinquent, and~~
3282 ~~the record must not have been sealed or expunged for, any of the~~
3283 ~~following offenses or any similar offense of another~~
3284 ~~jurisdiction:~~

3285 ~~a. Any authorizing statutes, if the offense was a felony.~~

3286 ~~b. This chapter, if the offense was a felony.~~

3287 ~~c. Section 409.920, relating to Medicaid provider fraud.~~

3288 ~~d. Section 409.9201, relating to Medicaid fraud.~~

3289 ~~e. Section 741.28, relating to domestic violence.~~

3290 ~~f. Section 817.034, relating to fraudulent acts through~~
3291 ~~mail, wire, radio, electromagnetic, photoelectronic, or~~
3292 ~~photooptical systems.~~

3293 ~~g. Section 817.234, relating to false and fraudulent~~
3294 ~~insurance claims.~~

3295 ~~h. Section 817.505, relating to patient brokering.~~

3296 ~~i. Section 817.568, relating to criminal use of personal~~
3297 ~~identification information.~~

3298 ~~j. Section 817.60, relating to obtaining a credit card~~
3299 ~~through fraudulent means.~~

3300 ~~k. Section 817.61, relating to fraudulent use of credit~~
3301 ~~cards, if the offense was a felony.~~

3302 ~~l. Section 831.01, relating to forgery.~~

3303 ~~m. Section 831.02, relating to uttering forged instruments.~~

3304 ~~n. Section 831.07, relating to forging bank bills, checks,~~
3305 ~~drafts, or promissory notes.~~

3306 ~~o. Section 831.09, relating to uttering forged bank bills,~~

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3307 ~~checks, drafts, or promissory notes.~~

3308 ~~p. Section 831.30, relating to fraud in obtaining medicinal~~
3309 ~~drugs.~~

3310 ~~q. Section 831.31, relating to the sale, manufacture,~~
3311 ~~delivery, or possession with the intent to sell, manufacture, or~~
3312 ~~deliver any counterfeit controlled substance, if the offense was~~
3313 ~~a felony.~~

3314 ~~(c) Must not have an owner or operator who owns or operates~~
3315 ~~an eligible private school that is participating in the~~
3316 ~~scholarship program.~~

3317 ~~(d) Must provide scholarships, from eligible contributions,~~
3318 ~~to eligible students for the cost of:~~

- 3319 ~~1. Tuition and fees for an eligible private school; or~~
3320 ~~2. Transportation to a Florida public school in which a~~
3321 ~~student is enrolled and that is different from the school to~~
3322 ~~which the student was assigned or to a lab school as defined in~~
3323 ~~s. 1002.32.~~

3324 ~~(e) Must give first priority to eligible renewal students~~
3325 ~~who received a scholarship from an eligible nonprofit~~
3326 ~~scholarship funding organization or from the State of Florida~~
3327 ~~during the previous school year. The eligible nonprofit~~
3328 ~~scholarship funding organization must fully apply and exhaust~~
3329 ~~all funds available under this section and s. 1002.40(11)(i) for~~
3330 ~~renewal scholarship awards before awarding any initial~~
3331 ~~scholarships.~~

3332 ~~(f) Must provide a renewal or initial scholarship to an~~
3333 ~~eligible student on a first-come, first-served basis unless the~~
3334 ~~student qualifies for priority pursuant to paragraph (e). Each~~
3335 ~~eligible nonprofit scholarship funding organization must refer~~

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3336 ~~any student eligible for a scholarship pursuant to this section~~
3337 ~~who did not receive a renewal or initial scholarship based~~
3338 ~~solely on the lack of available funds under this section and s.~~
3339 ~~1002.40(11)(i) to another eligible nonprofit scholarship funding~~
3340 ~~organization that may have funds available.~~

3341 ~~(g) May not restrict or reserve scholarships for use at a~~
3342 ~~particular private school or provide scholarships to a child of~~
3343 ~~an owner or operator.~~

3344 ~~(h) Must allow a student in foster care or out-of-home care~~
3345 ~~or a dependent child of a parent who is a member of the United~~
3346 ~~States Armed Forces to apply for a scholarship at any time.~~

3347 ~~(i) Must allow an eligible student to attend any eligible~~
3348 ~~private school and must allow a parent to transfer a scholarship~~
3349 ~~during a school year to any other eligible private school of the~~
3350 ~~parent's choice.~~

3351 ~~(j)1. May use eligible contributions received pursuant to~~
3352 ~~this section and ss. 212.099, 212.1832, and 1002.40 during the~~
3353 ~~state fiscal year in which such contributions are collected for~~
3354 ~~administrative expenses if the organization has operated as an~~
3355 ~~eligible nonprofit scholarship funding organization for at least~~
3356 ~~the preceding 3 fiscal years and did not have any findings of~~
3357 ~~material weakness or material noncompliance in its most recent~~
3358 ~~audit under paragraph (m). Administrative expenses from eligible~~
3359 ~~contributions may not exceed 3 percent of the total amount of~~
3360 ~~all scholarships awarded by an eligible scholarship funding~~
3361 ~~organization under this chapter. Such administrative expenses~~
3362 ~~must be reasonable and necessary for the organization's~~
3363 ~~management and distribution of scholarships awarded under this~~
3364 ~~chapter. No funds authorized under this subparagraph shall be~~

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3365 ~~used for lobbying or political activity or expenses related to~~
3366 ~~lobbying or political activity. Up to one-third of the funds~~
3367 ~~authorized for administrative expenses under this subparagraph~~
3368 ~~may be used for expenses related to the recruitment of~~
3369 ~~contributions from taxpayers. An eligible nonprofit scholarship-~~
3370 ~~funding organization may not charge an application fee.~~

3371 ~~2. Must expend for annual or partial-year scholarships an~~
3372 ~~amount equal to or greater than 75 percent of the net eligible~~
3373 ~~contributions remaining after administrative expenses during the~~
3374 ~~state fiscal year in which such contributions are collected. No~~
3375 ~~more than 25 percent of such net eligible contributions may be~~
3376 ~~carried forward to the following state fiscal year. All amounts~~
3377 ~~carried forward, for audit purposes, must be specifically~~
3378 ~~identified for particular students, by student name and the name~~
3379 ~~of the school to which the student is admitted, subject to the~~
3380 ~~requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,~~
3381 ~~and the applicable rules and regulations issued pursuant~~
3382 ~~thereto. Any amounts carried forward shall be expended for~~
3383 ~~annual or partial-year scholarships in the following state~~
3384 ~~fiscal year. No later than September 30 of each year, net~~
3385 ~~eligible contributions remaining on June 30 of each year that~~
3386 ~~are in excess of the 25 percent that may be carried forward~~
3387 ~~shall be used to provide scholarships to eligible students or~~
3388 ~~transferred to other eligible nonprofit scholarship-funding~~
3389 ~~organizations to provide scholarships for eligible students. All~~
3390 ~~transferred funds must be deposited by each eligible nonprofit~~
3391 ~~scholarship-funding organization receiving such funds into its~~
3392 ~~scholarship account. All transferred amounts received by any~~
3393 ~~eligible nonprofit scholarship-funding organization must be~~

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3394 ~~separately disclosed in the annual financial audit required~~
3395 ~~under paragraph (m).~~

3396 ~~3. Must, before granting a scholarship for an academic~~
3397 ~~year, document each scholarship student's eligibility for that~~
3398 ~~academic year. A scholarship funding organization may not grant~~
3399 ~~multiyear scholarships in one approval process.~~

3400 ~~(k) Must maintain separate accounts for scholarship funds~~
3401 ~~and operating funds.~~

3402 ~~(l) With the prior approval of the Department of Education,~~
3403 ~~may transfer funds to another eligible nonprofit scholarship-~~
3404 ~~funding organization if additional funds are required to meet~~
3405 ~~scholarship demand at the receiving nonprofit scholarship-~~
3406 ~~funding organization. A transfer is limited to the greater of~~
3407 ~~\$500,000 or 20 percent of the total contributions received by~~
3408 ~~the nonprofit scholarship funding organization making the~~
3409 ~~transfer. All transferred funds must be deposited by the~~
3410 ~~receiving nonprofit scholarship funding organization into its~~
3411 ~~scholarship accounts. All transferred amounts received by any~~
3412 ~~nonprofit scholarship funding organization must be separately~~
3413 ~~disclosed in the annual financial and compliance audit required~~
3414 ~~in this section.~~

3415 ~~(m) Must provide to the Auditor General and the Department~~
3416 ~~of Education a report on the results of an annual financial~~
3417 ~~audit of its accounts and records conducted by an independent~~
3418 ~~certified public accountant in accordance with auditing~~
3419 ~~standards generally accepted in the United States, government~~
3420 ~~auditing standards, and rules promulgated by the Auditor~~
3421 ~~General. The audit report must include a report on financial~~
3422 ~~statements presented in accordance with generally accepted~~

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3423 ~~accounting principles. Audit reports must be provided to the~~
3424 ~~Auditor General and the Department of Education within 180 days~~
3425 ~~after completion of the eligible nonprofit scholarship-funding~~
3426 ~~organization's fiscal year. The Auditor General shall review all~~
3427 ~~audit reports submitted pursuant to this paragraph. The Auditor~~
3428 ~~General shall request any significant items that were omitted in~~
3429 ~~violation of a rule adopted by the Auditor General. The items~~
3430 ~~must be provided within 45 days after the date of the request.~~
3431 ~~If the scholarship-funding organization does not comply with the~~
3432 ~~Auditor General's request, the Auditor General shall notify the~~
3433 ~~Legislative Auditing Committee.~~

3434 ~~(n) Must prepare and submit quarterly reports to the~~
3435 ~~Department of Education pursuant to paragraph (9)(i). In~~
3436 ~~addition, an eligible nonprofit scholarship-funding organization~~
3437 ~~must submit in a timely manner any information requested by the~~
3438 ~~Department of Education relating to the scholarship program.~~

3439 ~~(o)1.a. Must participate in the joint development of~~
3440 ~~agreed-upon procedures during the 2009-2010 state fiscal year.~~
3441 ~~The agreed-upon procedures must uniformly apply to all private~~
3442 ~~schools and must determine, at a minimum, whether the private~~
3443 ~~school has been verified as eligible by the Department of~~
3444 ~~Education under s. 1002.421; has an adequate accounting system,~~
3445 ~~system of financial controls, and process for deposit and~~
3446 ~~classification of scholarship funds; and has properly expended~~
3447 ~~scholarship funds for education-related expenses. During the~~
3448 ~~development of the procedures, the participating scholarship-~~
3449 ~~funding organizations shall specify guidelines governing the~~
3450 ~~materiality of exceptions that may be found during the~~
3451 ~~accountant's performance of the procedures. The procedures and~~

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3452 ~~guidelines shall be provided to private schools and the~~
3453 ~~Commissioner of Education by March 15, 2011.~~

3454 ~~b. Must participate in a joint review of the agreed-upon~~
3455 ~~procedures and guidelines developed under sub-subparagraph a.,~~
3456 ~~by February of each biennium, if the scholarship funding~~
3457 ~~organization provided more than \$250,000 in scholarship funds to~~
3458 ~~an eligible private school under this chapter during the state~~
3459 ~~fiscal year preceding the biennial review. If the procedures and~~
3460 ~~guidelines are revised, the revisions must be provided to~~
3461 ~~private schools and the Commissioner of Education by March 15 of~~
3462 ~~the year in which the revisions were completed. The revised~~
3463 ~~agreed-upon procedures shall take effect the subsequent school~~
3464 ~~year. For the 2018-2019 school year only, the joint review of~~
3465 ~~the agreed-upon procedures must be completed and the revisions~~
3466 ~~submitted to the commissioner no later than September 15, 2018.~~
3467 ~~The revised procedures are applicable to the 2018-2019 school~~
3468 ~~year.~~

3469 ~~e. Must monitor the compliance of a private school with s.~~
3470 ~~1002.421(1)(q) if the scholarship funding organization provided~~
3471 ~~the majority of the scholarship funding to the school. For each~~
3472 ~~private school subject to s. 1002.421(1)(q), the appropriate~~
3473 ~~scholarship funding organization shall annually notify the~~
3474 ~~Commissioner of Education by October 30 of:~~

3475 ~~(I) A private school's failure to submit a report required~~
3476 ~~under s. 1002.421(1)(q); or~~

3477 ~~(II) Any material exceptions set forth in the report~~
3478 ~~required under s. 1002.421(1)(q).~~

3479 ~~2. Must seek input from the accrediting associations that~~
3480 ~~are members of the Florida Association of Academic Nonpublic~~

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3481 ~~Schools and the Department of Education when jointly developing~~
3482 ~~the agreed-upon procedures and guidelines under sub-subparagraph~~
3483 ~~1.a. and conducting a review of those procedures and guidelines~~
3484 ~~under sub-subparagraph 1.b.~~

3485 ~~(p) Must maintain the surety bond or letter of credit~~
3486 ~~required by subsection (15). The amount of the surety bond or~~
3487 ~~letter of credit may be adjusted quarterly to equal the actual~~
3488 ~~amount of undisbursed funds based upon submission by the~~
3489 ~~organization of a statement from a certified public accountant~~
3490 ~~verifying the amount of undisbursed funds. The requirements of~~
3491 ~~this paragraph are waived if the cost of acquiring a surety bond~~
3492 ~~or letter of credit exceeds the average 10-year cost of~~
3493 ~~acquiring a surety bond or letter of credit by 200 percent. The~~
3494 ~~requirements of this paragraph are waived for a state~~
3495 ~~university; or an independent college or university which is~~
3496 ~~eligible to participate in the William L. Boyd, IV, Effective~~
3497 ~~Access to Student Education Grant Program, located and chartered~~
3498 ~~in this state, is not for profit, and is accredited by the~~
3499 ~~Commission on Colleges of the Southern Association of Colleges~~
3500 ~~and Schools.~~

3501 ~~(q) Must provide to the Auditor General any information or~~
3502 ~~documentation requested in connection with an operational audit~~
3503 ~~of a scholarship funding organization conducted pursuant to s.~~
3504 ~~11.45.~~

3505
3506 ~~Information and documentation provided to the Department of~~
3507 ~~Education and the Auditor General relating to the identity of a~~
3508 ~~taxpayer that provides an eligible contribution under this~~
3509 ~~section shall remain confidential at all times in accordance~~

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3510 with ~~s. 213.053.~~

3511 ~~(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM~~
3512 ~~PARTICIPATION.—~~

3513 ~~(a) The parent must select an eligible private school and~~
3514 ~~apply for the admission of his or her child.~~

3515 ~~(b) The parent must inform the child's school district when~~
3516 ~~the parent withdraws his or her child to attend an eligible~~
3517 ~~private school.~~

3518 ~~(c) Any student participating in the scholarship program~~
3519 ~~must remain in attendance throughout the school year unless~~
3520 ~~excused by the school for illness or other good cause.~~

3521 ~~(d) Each parent and each student has an obligation to the~~
3522 ~~private school to comply with the private school's published~~
3523 ~~policies.~~

3524 ~~(e) The parent shall ensure that the student participating~~
3525 ~~in the scholarship program takes the norm-referenced assessment~~
3526 ~~offered by the private school. The parent may also choose to~~
3527 ~~have the student participate in the statewide assessments~~
3528 ~~pursuant to s. 1008.22. If the parent requests that the student~~
3529 ~~participating in the scholarship program take statewide~~
3530 ~~assessments pursuant to s. 1008.22 and the private school has~~
3531 ~~not chosen to offer and administer the statewide assessments,~~
3532 ~~the parent is responsible for transporting the student to the~~
3533 ~~assessment site designated by the school district.~~

3534 ~~(f) Upon receipt of a scholarship warrant from the eligible~~
3535 ~~nonprofit scholarship funding organization, the parent to whom~~
3536 ~~the warrant is made must restrictively endorse the warrant to~~
3537 ~~the private school for deposit into the account of the private~~
3538 ~~school. If payments are made by funds transfer, the parent must~~

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3539 ~~approve each payment before the scholarship funds may be~~
3540 ~~deposited. The parent may not designate any entity or individual~~
3541 ~~associated with the participating private school as the parent's~~
3542 ~~attorney in fact to endorse a scholarship warrant or approve a~~
3543 ~~funds transfer. A participant who fails to comply with this~~
3544 ~~paragraph forfeits the scholarship.~~

3545 ~~(g) The parent shall authorize the nonprofit scholarship-~~
3546 ~~funding organization to access information needed for income~~
3547 ~~eligibility determination and verification held by other state~~
3548 ~~or federal agencies, including the Department of Revenue, the~~
3549 ~~Department of Children and Families, the Department of~~
3550 ~~Education, the Department of Economic Opportunity, and the~~
3551 ~~Agency for Health Care Administration.~~

3552 ~~(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. An eligible~~
3553 ~~private school may be sectarian or nonsectarian and must:~~

3554 ~~(a) Comply with all requirements for private schools~~
3555 ~~participating in state school choice scholarship programs~~
3556 ~~pursuant to s. 1002.421.~~

3557 ~~(b)1. Annually administer or make provision for students~~
3558 ~~participating in the scholarship program in grades 3 through 10~~
3559 ~~to take one of the nationally norm-referenced tests identified~~
3560 ~~by the Department of Education or the statewide assessments~~
3561 ~~pursuant to s. 1008.22. Students with disabilities for whom~~
3562 ~~standardized testing is not appropriate are exempt from this~~
3563 ~~requirement. A participating private school must report a~~
3564 ~~student's scores to the parent. A participating private school~~
3565 ~~must annually report by August 15 the scores of all~~
3566 ~~participating students to a state university described in~~
3567 ~~paragraph (9)(f).~~

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3568 ~~2. Administer the statewide assessments pursuant to s.~~
3569 ~~1008.22 if a private school chooses to offer the statewide~~
3570 ~~assessments. A participating private school may choose to offer~~
3571 ~~and administer the statewide assessments to all students who~~
3572 ~~attend the private school in grades 3 through 10 and must submit~~
3573 ~~a request in writing to the Department of Education by March 1~~
3574 ~~of each year in order to administer the statewide assessments in~~
3575 ~~the subsequent school year.~~

3576
3577 ~~If a private school fails to meet the requirements of this~~
3578 ~~subsection or s. 1002.421, the commissioner may determine that~~
3579 ~~the private school is ineligible to participate in the~~
3580 ~~scholarship program.~~

3581 ~~(9) DEPARTMENT OF EDUCATION OBLIGATIONS. The Department of~~
3582 ~~Education shall:~~

3583 ~~(a) Annually submit to the department and division, by~~
3584 ~~March 15, a list of eligible nonprofit scholarship funding~~
3585 ~~organizations that meet the requirements of paragraph (2) (f).~~

3586 ~~(b) Annually verify the eligibility of nonprofit~~
3587 ~~scholarship funding organizations that meet the requirements of~~
3588 ~~paragraph (2) (f).~~

3589 ~~(c) Annually verify the eligibility of expenditures as~~
3590 ~~provided in paragraph (6) (d) using the audit required by~~
3591 ~~paragraph (6) (m) and s. 11.45(2) (1).~~

3592 ~~(d) Cross-check the list of participating scholarship~~
3593 ~~students with the public school enrollment lists to avoid~~
3594 ~~duplication.~~

3595 ~~(e) Maintain a list of nationally norm-referenced tests~~
3596 ~~identified for purposes of satisfying the testing requirement in~~

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3597 ~~subparagraph (8) (b) 1. The tests must meet industry standards of~~
3598 ~~quality in accordance with State Board of Education rule.~~

3599 ~~(f) Issue a project grant award to a state university, to~~
3600 ~~which participating private schools must report the scores of~~
3601 ~~participating students on the nationally norm-referenced tests~~
3602 ~~or the statewide assessments administered by the private school~~
3603 ~~in grades 3 through 10. The project term is 2 years, and the~~
3604 ~~amount of the project is up to \$250,000 per year. The project~~
3605 ~~grant award must be reissued in 2-year intervals in accordance~~
3606 ~~with this paragraph.~~

3607 ~~1. The state university must annually report to the~~
3608 ~~Department of Education on the student performance of~~
3609 ~~participating students:~~

3610 ~~a. On a statewide basis. The report shall also include, to~~
3611 ~~the extent possible, a comparison of scholarship students'~~
3612 ~~performance to the statewide student performance of public~~
3613 ~~school students with socioeconomic backgrounds similar to those~~
3614 ~~of students participating in the scholarship program. To~~
3615 ~~minimize costs and reduce time required for the state~~
3616 ~~university's analysis and evaluation, the Department of~~
3617 ~~Education shall coordinate with the state university to provide~~
3618 ~~data to the state university in order to conduct analyses of~~
3619 ~~matched students from public school assessment data and~~
3620 ~~calculate control group student performance using an agreed-upon~~
3621 ~~methodology with the state university; and~~

3622 ~~b. On an individual school basis. The annual report must~~
3623 ~~include student performance for each participating private~~
3624 ~~school in which at least 51 percent of the total enrolled~~
3625 ~~students in the private school participated in the Florida Tax~~

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3626 ~~Credit Scholarship Program in the prior school year. The report~~
3627 ~~shall be according to each participating private school, and for~~
3628 ~~participating students, in which there are at least 30~~
3629 ~~participating students who have scores for tests administered.~~
3630 ~~If the state university determines that the 30 participating~~
3631 ~~student cell size may be reduced without disclosing personally~~
3632 ~~identifiable information, as described in 34 C.F.R. s. 99.12, of~~
3633 ~~a participating student, the state university may reduce the~~
3634 ~~participating student cell size, but the cell size must not be~~
3635 ~~reduced to less than 10 participating students. The department~~
3636 ~~shall provide each private school's prior school year's student~~
3637 ~~enrollment information to the state university no later than~~
3638 ~~June 15 of each year, or as requested by the state university.~~

3639 ~~2. The sharing and reporting of student performance data~~
3640 ~~under this paragraph must be in accordance with requirements of~~
3641 ~~ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family~~
3642 ~~Educational Rights and Privacy Act, and the applicable rules and~~
3643 ~~regulations issued pursuant thereto, and shall be for the sole~~
3644 ~~purpose of creating the annual report required by subparagraph~~
3645 ~~1. All parties must preserve the confidentiality of such~~
3646 ~~information as required by law. The annual report must not~~
3647 ~~disaggregate data to a level that will identify individual~~
3648 ~~participating schools, except as required under sub-subparagraph~~
3649 ~~1.b., or disclose the academic level of individual students.~~

3650 ~~3. The annual report required by subparagraph 1. shall be~~
3651 ~~published by the Department of Education on its website.~~

3652 ~~(g) Notify an eligible nonprofit scholarship funding~~
3653 ~~organization of any of the organization's identified students~~
3654 ~~who are receiving educational scholarships pursuant to chapter~~

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3655 ~~1002.~~

3656 ~~(h) Notify an eligible nonprofit scholarship funding~~
3657 ~~organization of any of the organization's identified students~~
3658 ~~who are receiving tax credit scholarships from other eligible~~
3659 ~~nonprofit scholarship funding organizations.~~

3660 ~~(i) Require quarterly reports by an eligible nonprofit~~
3661 ~~scholarship funding organization regarding the number of~~
3662 ~~students participating in the scholarship program, the private~~
3663 ~~schools at which the students are enrolled, and other~~
3664 ~~information deemed necessary by the Department of Education.~~

3665 ~~(j) Provide a process to match the direct certification~~
3666 ~~list with the scholarship application data submitted by any~~
3667 ~~nonprofit scholarship funding organization eligible to receive~~
3668 ~~the 3 percent administrative allowance under paragraph (6)(j).~~

3669 ~~(10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.~~

3670 ~~(a) Upon the request of any eligible nonprofit scholarship-~~
3671 ~~funding organization, a school district shall inform all~~
3672 ~~households within the district receiving free or reduced priced~~
3673 ~~meals under the National School Lunch Act of their eligibility~~
3674 ~~to apply for a tax credit scholarship. The form of such notice~~
3675 ~~shall be provided by the eligible nonprofit scholarship funding~~
3676 ~~organization, and the district shall include the provided form,~~
3677 ~~if requested by the organization, in any normal correspondence~~
3678 ~~with eligible households. If an eligible nonprofit scholarship-~~
3679 ~~funding organization requests a special communication to be~~
3680 ~~issued to households within the district receiving free or~~
3681 ~~reduced-price meals under the National School Lunch Act, the~~
3682 ~~organization shall reimburse the district for the cost of~~
3683 ~~postage. Such notice is limited to once a year.~~

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3684 ~~(b) Upon the request of the Department of Education, a~~
3685 ~~school district shall coordinate with the department to provide~~
3686 ~~to a participating private school the statewide assessments~~
3687 ~~administered under s. 1008.22 and any related materials for~~
3688 ~~administering the assessments. A school district is responsible~~
3689 ~~for implementing test administrations at a participating private~~
3690 ~~school, including the:~~

- 3691 ~~1. Provision of training for private school staff on test~~
3692 ~~security and assessment administration procedures;~~
3693 ~~2. Distribution of testing materials to a private school;~~
3694 ~~3. Retrieval of testing materials from a private school;~~
3695 ~~4. Provision of the required format for a private school to~~
3696 ~~submit information to the district for test administration and~~
3697 ~~enrollment purposes; and~~
3698 ~~5. Provision of any required assistance, monitoring, or~~
3699 ~~investigation at a private school.~~

3700 ~~(11) SCHOLARSHIP AMOUNT AND PAYMENT.—~~

3701 ~~(a) The scholarship amount provided to any student for any~~
3702 ~~single school year by an eligible nonprofit scholarship funding~~
3703 ~~organization from eligible contributions shall be for total~~
3704 ~~costs authorized under paragraph (6) (d), not to exceed annual~~
3705 ~~limits, which shall be determined as follows:~~

3706 ~~1. For a student who received a scholarship in the 2018-~~
3707 ~~2019 school year, who remains eligible, and who is enrolled in~~
3708 ~~an eligible private school, the amount shall be the greater~~
3709 ~~amount calculated pursuant to subparagraph 2. or a percentage of~~
3710 ~~the unweighted FTE funding amount for the 2018-2019 state fiscal~~
3711 ~~year and thereafter as follows:~~

- 3712 ~~a. Eighty eight percent for a student enrolled in~~

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3713 ~~kindergarten through grade 5.~~

3714 ~~b. Ninety two percent for a student enrolled in grade 6~~

3715 ~~through grade 8.~~

3716 ~~e. Ninety six percent for a student enrolled in grade 9~~

3717 ~~through grade 12.~~

3718 ~~2. For students initially eligible in the 2019-2020 school~~

3719 ~~year or thereafter, the calculated amount for a student to~~

3720 ~~attend an eligible private school shall be based upon the grade~~

3721 ~~level and school district in which the student resides as 95~~

3722 ~~percent of the funds per unweighted full-time equivalent in the~~

3723 ~~Florida Education Finance Program for a student in the basic~~

3724 ~~program established pursuant to s. 1011.62(1)(c)1., plus a per-~~

3725 ~~full-time equivalent share of funds for all categorical~~

3726 ~~programs, except for the Exceptional Student Education~~

3727 ~~Guaranteed Allocation.~~

3728 ~~3. The scholarship amount awarded to a student enrolled in~~

3729 ~~a Florida public school in which a student is enrolled and that~~

3730 ~~is different from the school to which the student was assigned~~

3731 ~~or in a lab school as defined in s. 1002.32, is limited to \$750.~~

3732 ~~(b) Payment of the scholarship by the eligible nonprofit~~

3733 ~~scholarship funding organization shall be by individual warrant~~

3734 ~~made payable to the student's parent or by funds transfer,~~

3735 ~~including, but not limited to, debit cards, electronic payment~~

3736 ~~cards, or any other means of payment that the department deems~~

3737 ~~to be commercially viable or cost-effective. If the payment is~~

3738 ~~made by warrant, the warrant must be delivered by the eligible~~

3739 ~~nonprofit scholarship funding organization to the private school~~

3740 ~~of the parent's choice, and the parent shall restrictively~~

3741 ~~endorse the warrant to the private school. An eligible nonprofit~~

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3742 ~~scholarship funding organization shall ensure that the parent to~~
3743 ~~whom the warrant is made restrictively endorsed the warrant to~~
3744 ~~the private school for deposit into the account of the private~~
3745 ~~school or that the parent has approved a funds transfer before~~
3746 ~~any scholarship funds are deposited.~~

3747 ~~(c) An eligible nonprofit scholarship funding organization~~
3748 ~~shall obtain verification from the private school of a student's~~
3749 ~~continued attendance at the school for each period covered by a~~
3750 ~~scholarship payment.~~

3751 ~~(d) Payment of the scholarship shall be made by the~~
3752 ~~eligible nonprofit scholarship funding organization no less~~
3753 ~~frequently than on a quarterly basis.~~

3754 ~~(12) ADMINISTRATION; RULES.—~~

3755 ~~(a) The department, the division, and the Department of~~
3756 ~~Education shall develop a cooperative agreement to assist in the~~
3757 ~~administration of this section.~~

3758 ~~(b) The department shall adopt rules necessary to~~
3759 ~~administer this section and ss. 211.0251, 212.1831, 220.1875,~~
3760 ~~561.1211, and 624.51055, including rules establishing~~
3761 ~~application forms, procedures governing the approval of tax~~
3762 ~~credits and carryforward tax credits under subsection (5), and~~
3763 ~~procedures to be followed by taxpayers when claiming approved~~
3764 ~~tax credits on their returns.~~

3765 ~~(c) The division shall adopt rules necessary to administer~~
3766 ~~its responsibilities under this section and s. 561.1211.~~

3767 ~~(d) The State Board of Education shall adopt rules to~~
3768 ~~administer the responsibilities of the Department of Education~~
3769 ~~and the Commissioner of Education under this section.~~

3770 ~~(4)~~ (13) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.—All eligible

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3771 contributions received by the department and the division must
3772 ~~by an eligible nonprofit scholarship funding organization shall~~
3773 be deposited into a designated student fund and used for K-12
3774 education funding in a manner consistent with s. 17.57(2).

3775 ~~(14) PRESERVATION OF CREDIT. If any provision or portion of~~
3776 ~~this section, s. 211.0251, s. 212.1831, s. 220.1875, s.~~
3777 ~~561.1211, or s. 624.51055 or the application thereof to any~~
3778 ~~person or circumstance is held unconstitutional by any court or~~
3779 ~~is otherwise declared invalid, the unconstitutionality or~~
3780 ~~invalidity shall not affect any credit earned under s. 211.0251,~~
3781 ~~s. 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055 by any~~
3782 ~~taxpayer with respect to any contribution paid to an eligible~~
3783 ~~nonprofit scholarship funding organization before the date of a~~
3784 ~~determination of unconstitutionality or invalidity. Such credit~~
3785 ~~shall be allowed at such time and in such a manner as if a~~
3786 ~~determination of unconstitutionality or invalidity had not been~~
3787 ~~made, provided that nothing in this subsection by itself or in~~
3788 ~~combination with any other provision of law shall result in the~~
3789 ~~allowance of any credit to any taxpayer in excess of one dollar~~
3790 ~~of credit for each dollar paid to an eligible nonprofit~~
3791 ~~scholarship funding organization.~~

3792 ~~(15) NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS;~~
3793 ~~APPLICATION. In order to participate in the scholarship program~~
3794 ~~created under this section, a charitable organization that seeks~~
3795 ~~to be a nonprofit scholarship funding organization must submit~~
3796 ~~an application for initial approval or renewal to the Office of~~
3797 ~~Independent Education and Parental Choice no later than~~
3798 ~~September 1 of each year before the school year for which the~~
3799 ~~organization intends to offer scholarships.~~

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- 3800 ~~(a) An application for initial approval must include:~~
- 3801 ~~1. A copy of the organization's incorporation documents and~~
- 3802 ~~registration with the Division of Corporations of the Department~~
- 3803 ~~of State.~~
- 3804 ~~2. A copy of the organization's Internal Revenue Service~~
- 3805 ~~determination letter as a s. 501(c)(3) not-for-profit~~
- 3806 ~~organization.~~
- 3807 ~~3. A description of the organization's financial plan that~~
- 3808 ~~demonstrates sufficient funds to operate throughout the school~~
- 3809 ~~year.~~
- 3810 ~~4. A description of the geographic region that the~~
- 3811 ~~organization intends to serve and an analysis of the demand and~~
- 3812 ~~unmet need for eligible students in that area.~~
- 3813 ~~5. The organization's organizational chart.~~
- 3814 ~~6. A description of the criteria and methodology that the~~
- 3815 ~~organization will use to evaluate scholarship eligibility.~~
- 3816 ~~7. A description of the application process, including~~
- 3817 ~~deadlines and any associated fees.~~
- 3818 ~~8. A description of the deadlines for attendance~~
- 3819 ~~verification and scholarship payments.~~
- 3820 ~~9. A copy of the organization's policies on conflict of~~
- 3821 ~~interest and whistleblowers.~~
- 3822 ~~10. A copy of a surety bond or letter of credit to secure~~
- 3823 ~~the faithful performance of the obligations of the eligible~~
- 3824 ~~nonprofit scholarship-funding organization in accordance with~~
- 3825 ~~this section in an amount equal to 25 percent of the scholarship~~
- 3826 ~~funds anticipated for each school year or \$100,000, whichever is~~
- 3827 ~~greater. The surety bond or letter of credit must specify that~~
- 3828 ~~any claim against the bond or letter of credit may be made only~~

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3829 ~~by an eligible nonprofit scholarship funding organization to~~
3830 ~~provide scholarships to and on behalf of students who would have~~
3831 ~~had scholarships funded if it were not for the diversion of~~
3832 ~~funds giving rise to the claim against the bond or letter of~~
3833 ~~credit.~~

3834 ~~(b) In addition to the information required by~~
3835 ~~subparagraphs (a)1.-9., an application for renewal must include:~~

3836 ~~1. A surety bond or letter of credit to secure the faithful~~
3837 ~~performance of the obligations of the eligible nonprofit~~
3838 ~~scholarship funding organization in accordance with this section~~
3839 ~~equal to the amount of undisbursed donations held by the~~
3840 ~~organization based on the annual report submitted pursuant to~~
3841 ~~paragraph (6)(m). The amount of the surety bond or letter of~~
3842 ~~credit must be at least \$100,000, but not more than \$25 million.~~
3843 ~~The surety bond or letter of credit must specify that any claim~~
3844 ~~against the bond or letter of credit may be made only by an~~
3845 ~~eligible nonprofit scholarship funding organization to provide~~
3846 ~~scholarships to and on behalf of students who would have had~~
3847 ~~scholarships funded if it were not for the diversion of funds~~
3848 ~~giving rise to the claim against the bond or letter of credit.~~

3849 ~~2. The organization's completed Internal Revenue Service~~
3850 ~~Form 990 submitted no later than November 30 of the year before~~
3851 ~~the school year that the organization intends to offer the~~
3852 ~~scholarships, notwithstanding the September 1 application~~
3853 ~~deadline.~~

3854 ~~3. A copy of the statutorily required audit to the~~
3855 ~~Department of Education and Auditor General.~~

3856 ~~4. An annual report that includes:~~

3857 ~~a. The number of students who completed applications, by~~

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3858 ~~county and by grade.~~

3859 ~~b. The number of students who were approved for~~
3860 ~~scholarships, by county and by grade.~~

3861 ~~e. The number of students who received funding for~~
3862 ~~scholarships within each funding category, by county and by~~
3863 ~~grade.~~

3864 ~~d. The amount of funds received, the amount of funds~~
3865 ~~distributed in scholarships, and an accounting of remaining~~
3866 ~~funds and the obligation of those funds.~~

3867 ~~e. A detailed accounting of how the organization spent the~~
3868 ~~administrative funds allowable under paragraph (6) (j).~~

3869 ~~(c) In consultation with the Department of Revenue and the~~
3870 ~~Chief Financial Officer, the Office of Independent Education and~~
3871 ~~Parental Choice shall review the application. The Department of~~
3872 ~~Education shall notify the organization in writing of any~~
3873 ~~deficiencies within 30 days after receipt of the application and~~
3874 ~~allow the organization 30 days to correct any deficiencies.~~

3875 ~~(d) Within 30 days after receipt of the finalized~~
3876 ~~application by the Office of Independent Education and Parental~~
3877 ~~Choice, the Commissioner of Education shall recommend approval~~
3878 ~~or disapproval of the application to the State Board of~~
3879 ~~Education. The State Board of Education shall consider the~~
3880 ~~application and recommendation at the next scheduled meeting,~~
3881 ~~adhering to appropriate meeting notice requirements. If the~~
3882 ~~State Board of Education disapproves the organization's~~
3883 ~~application, it shall provide the organization with a written~~
3884 ~~explanation of that determination. The State Board of~~
3885 ~~Education's action is not subject to chapter 120.~~

3886 ~~(e) If the State Board of Education disapproves the renewal~~

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3887 ~~of a nonprofit scholarship funding organization, the~~
3888 ~~organization must notify the affected eligible students and~~
3889 ~~parents of the decision within 15 days after disapproval. An~~
3890 ~~eligible student affected by the disapproval of an~~
3891 ~~organization's participation remains eligible under this section~~
3892 ~~until the end of the school year in which the organization was~~
3893 ~~disapproved. The student must apply and be accepted by another~~
3894 ~~eligible nonprofit scholarship funding organization for the~~
3895 ~~upcoming school year. The student shall be given priority in~~
3896 ~~accordance with paragraph (6) (f).~~

3897 ~~(f) All remaining funds held by a nonprofit scholarship-~~
3898 ~~funding organization that is disapproved for participation must~~
3899 ~~be transferred to other eligible nonprofit scholarship funding~~
3900 ~~organizations to provide scholarships for eligible students. All~~
3901 ~~transferred funds must be deposited by each eligible nonprofit~~
3902 ~~scholarship funding organization receiving such funds into its~~
3903 ~~scholarship account. All transferred amounts received by any~~
3904 ~~eligible nonprofit scholarship funding organization must be~~
3905 ~~separately disclosed in the annual financial audit required~~
3906 ~~under subsection (6).~~

3907 ~~(g) A nonprofit scholarship funding organization is a~~
3908 ~~renewing organization if it maintains continuous approval and~~
3909 ~~participation in the program. An organization that chooses not~~
3910 ~~to participate for 1 year or more or is disapproved to~~
3911 ~~participate for 1 year or more must submit an application for~~
3912 ~~initial approval in order to participate in the program again.~~

3913 ~~(h) The State Board of Education shall adopt rules~~
3914 ~~providing guidelines for receiving, reviewing, and approving~~
3915 ~~applications for new and renewing nonprofit scholarship funding~~

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3916 ~~organizations. The rules must include a process for compiling~~
3917 ~~input and recommendations from the Chief Financial Officer, the~~
3918 ~~Department of Revenue, and the Department of Education. The~~
3919 ~~rules must also require that the nonprofit scholarship funding~~
3920 ~~organization make a brief presentation to assist the State Board~~
3921 ~~of Education in its decision.~~

3922 ~~(i) A state university; or an independent college or~~
3923 ~~university which is eligible to participate in the William L.~~
3924 ~~Boyd, IV, Effective Access to Student Education Grant Program,~~
3925 ~~located and chartered in this state, is not for profit, and is~~
3926 ~~accredited by the Commission on Colleges of the Southern~~
3927 ~~Association of Colleges and Schools, is exempt from the initial~~
3928 ~~or renewal application process, but must file a registration~~
3929 ~~notice with the Department of Education to be an eligible~~
3930 ~~nonprofit scholarship funding organization. The State Board of~~
3931 ~~Education shall adopt rules that identify the procedure for~~
3932 ~~filing the registration notice with the department. The rules~~
3933 ~~must identify appropriate reporting requirements for fiscal,~~
3934 ~~programmatic, and performance accountability purposes consistent~~
3935 ~~with this section, but shall not exceed the requirements for~~
3936 ~~eligible nonprofit scholarship funding organizations for~~
3937 ~~charitable organizations.~~

3938 Section 21. Section 1002.40, Florida Statutes, is amended
3939 to read:

3940 1002.40 ~~The Hope Scholarship~~ Florida K-12 Education Funding
3941 Tax Credit Program.—

3942 (1) ~~PURPOSE. The Hope Scholarship Program is established to~~
3943 ~~provide the parent of a public school student who was subjected~~
3944 ~~to an incident listed in subsection (3) an opportunity to~~

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3945 ~~transfer the student to another public school or to request a~~
3946 ~~scholarship for the student to enroll in and attend an eligible~~
3947 ~~private school.~~

3948 ~~(2)~~ DEFINITIONS.—As used in this section, the term:

3949 (a) "Dealer" has the same meaning as provided in s. 212.06.

3950 (b) ~~"Department" means the Department of Education.~~

3951 ~~(c)~~ "Designated agent" has the same meaning as provided in
3952 s. 212.06(10).

3953 (c)~~(d)~~ "Eligible contribution" or "contribution" means the
3954 amount of tax paid by a monetary contribution from a person
3955 purchasing a motor vehicle, subject to the restrictions provided
3956 in this section, and designated by the purchaser to be used for
3957 K-12 education funding an eligible nonprofit scholarship-funding
3958 organization. ~~The person making the contribution may not~~
3959 ~~designate a specific student as the beneficiary of the~~
3960 ~~contribution.~~

3961 ~~(e)~~ ~~"Eligible nonprofit scholarship-funding organization"~~
3962 ~~or "organization" has the same meaning as provided in s.~~
3963 ~~1002.395(2)(f).~~

3964 ~~(f)~~ ~~"Eligible private school" has the same meaning as~~
3965 ~~provided in s. 1002.395(2)(g).~~

3966 (d)~~(g)~~ "Motor vehicle" has the same meaning as provided in
3967 s. 320.01(1)(a), but does not include a heavy truck, truck
3968 tractor, trailer, or motorcycle.

3969 ~~(h)~~ ~~"Parent" means a resident of this state who is a~~
3970 ~~parent, as defined in s. 1000.21, and whose student reported an~~
3971 ~~incident in accordance with subsection (6).~~

3972 ~~(i)~~ ~~"Program" means the Hope Scholarship Program.~~

3973 ~~(j)~~ ~~"School" means any educational program or activity~~

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3974 ~~conducted by a public K-12 educational institution, any school-~~
3975 ~~related or school-sponsored program or activity, and riding on a~~
3976 ~~school bus, as defined in s. 1006.25(1), including waiting at a~~
3977 ~~school bus stop.~~

3978 ~~(k) "Unweighted FTE funding amount" means the statewide~~
3979 ~~average total funds per unweighted full-time equivalent funding~~
3980 ~~amount that is incorporated by reference in the General~~
3981 ~~Appropriations Act, or by a subsequent special appropriations~~
3982 ~~act, for the applicable state fiscal year.~~

3983 ~~(3) PROGRAM ELIGIBILITY. Beginning with the 2018-2019~~
3984 ~~school year, contingent upon available funds, and on a first-~~
3985 ~~come, first-served basis, a student enrolled in a Florida public~~
3986 ~~school in kindergarten through grade 12 is eligible for a~~
3987 ~~scholarship under this program if the student reported an~~
3988 ~~incident in accordance with subsection (6). For purposes of this~~
3989 ~~section, the term "incident" means battery; harassment; hazing;~~
3990 ~~bullying; kidnapping; physical attack; robbery; sexual offenses,~~
3991 ~~harassment, assault, or battery; threat or intimidation; or~~
3992 ~~fighting at school, as defined by the department in accordance~~
3993 ~~with s. 1006.09(6).~~

3994 ~~(4) PROGRAM PROHIBITIONS. Payment of a scholarship to a~~
3995 ~~student enrolled in a private school may not be made if a~~
3996 ~~student is:~~

3997 ~~(a) Enrolled in a public school, including, but not limited~~
3998 ~~to, the Florida School for the Deaf and the Blind; the College-~~
3999 ~~Preparatory Boarding Academy; a developmental research school~~
4000 ~~authorized under s. 1002.32; or a charter school authorized~~
4001 ~~under s. 1002.33, s. 1002.331, or s. 1002.332;~~

4002 ~~(b) Enrolled in a school operating for the purpose of~~

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4003 ~~providing educational services to youth in the Department of~~
4004 ~~Juvenile Justice commitment programs;~~

4005 ~~(c) Participating in a virtual school, correspondence~~
4006 ~~school, or distance learning program that receives state funding~~
4007 ~~pursuant to the student's participation unless the participation~~
4008 ~~is limited to no more than two courses per school year; or~~

4009 ~~(d) Receiving any other educational scholarship pursuant to~~
4010 ~~this chapter.~~

4011 ~~(5) TERM OF HOPE SCHOLARSHIP. For purposes of continuity of~~
4012 ~~educational choice, a Hope scholarship shall remain in force~~
4013 ~~until the student returns to public school or graduates from~~
4014 ~~high school, whichever occurs first. A scholarship student who~~
4015 ~~enrolls in a public school or public school program is~~
4016 ~~considered to have returned to a public school for the purpose~~
4017 ~~of determining the end of the scholarship's term.~~

4018 ~~(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—~~

4019 ~~(a) Upon receipt of a report of an incident, the school~~
4020 ~~principal, or his or her designee, shall provide a copy of the~~
4021 ~~report to the parent and investigate the incident to determine~~
4022 ~~if the incident must be reported as required by s. 1006.09(6).~~
4023 ~~Within 24 hours after receipt of the report, the principal or~~
4024 ~~his or her designee shall provide a copy of the report to the~~
4025 ~~parent of the alleged offender and to the superintendent. Upon~~
4026 ~~conclusion of the investigation or within 15 days after the~~
4027 ~~incident was reported, whichever occurs first, the school~~
4028 ~~district shall notify the parent of the program and offer the~~
4029 ~~parent an opportunity to enroll his or her student in another~~
4030 ~~public school that has capacity or to request and receive a~~
4031 ~~scholarship to attend an eligible private school, subject to~~

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4032 available funding. A parent who chooses to enroll his or her
4033 student in a public school located outside the district in which
4034 the student resides pursuant to s. 1002.31 shall be eligible for
4035 a scholarship to transport the student as provided in paragraph
4036 ~~(11) (b)~~.

4037 ~~(b) For each student participating in the program in an~~
4038 ~~eligible private school who chooses to participate in the~~
4039 ~~statewide assessments under s. 1008.22 or the Florida Alternate~~
4040 ~~Assessment, the school district in which the student resides~~
4041 ~~must notify the student and his or her parent about the~~
4042 ~~locations and times to take all statewide assessments.~~

4043 ~~(7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. An eligible~~
4044 ~~private school may be sectarian or nonsectarian and shall:~~

4045 ~~(a) Comply with all requirements for private schools~~
4046 ~~participating in state school choice scholarship programs~~
4047 ~~pursuant to this section and s. 1002.421.~~

4048 ~~(b)1. Annually administer or make provision for students~~
4049 ~~participating in the program in grades 3 through 10 to take one~~
4050 ~~of the nationally norm-referenced tests identified by the~~
4051 ~~department or the statewide assessments pursuant to s. 1008.22.~~
4052 ~~Students with disabilities for whom standardized testing is not~~
4053 ~~appropriate are exempt from this requirement. A participating~~
4054 ~~private school shall report a student's scores to his or her~~
4055 ~~parent.~~

4056 ~~2. Administer the statewide assessments pursuant to s.~~
4057 ~~1008.22 if a private school chooses to offer the statewide~~
4058 ~~assessments. A participating private school may choose to offer~~
4059 ~~and administer the statewide assessments to all students who~~
4060 ~~attend the private school in grades 3 through 10 and must submit~~

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4061 ~~a request in writing to the department by March 1 of each year~~
4062 ~~in order to administer the statewide assessments in the~~
4063 ~~subsequent school year.~~

4064
4065 ~~If a private school fails to meet the requirements of this~~
4066 ~~subsection or s. 1002.421, the commissioner may determine that~~
4067 ~~the private school is ineligible to participate in the program.~~

4068 ~~(8) DEPARTMENT OF EDUCATION OBLIGATIONS. The department~~
4069 ~~shall:~~

4070 ~~(a) Cross-check the list of participating scholarship~~
4071 ~~students with the public school enrollment lists to avoid~~
4072 ~~duplication.~~

4073 ~~(b) Maintain a list of nationally norm-referenced tests~~
4074 ~~identified for purposes of satisfying the testing requirement in~~
4075 ~~paragraph (9) (f). The tests must meet industry standards of~~
4076 ~~quality in accordance with State Board of Education rule.~~

4077 ~~(c) Require quarterly reports by an eligible nonprofit~~
4078 ~~scholarship funding organization regarding the number of~~
4079 ~~students participating in the program, the private schools in~~
4080 ~~which the students are enrolled, and other information deemed~~
4081 ~~necessary by the department.~~

4082 ~~(d) Contract with an independent entity to provide an~~
4083 ~~annual evaluation of the program by:~~

4084 ~~1. Reviewing the school bullying prevention education~~
4085 ~~program, climate, and code of student conduct of each public~~
4086 ~~school from which 10 or more students transferred to another~~
4087 ~~public school or private school using the Hope scholarship to~~
4088 ~~determine areas in the school or school district procedures~~
4089 ~~involving reporting, investigating, and communicating a parent's~~

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4090 and student's rights that are in need of improvement. At a
4091 minimum, the review must include:

4092 a. An assessment of the investigation time and quality of
4093 the response of the school and the school district.

4094 b. An assessment of the effectiveness of communication
4095 procedures with the students involved in an incident, the
4096 students' parents, and the school and school district personnel.

4097 c. An analysis of school incident and discipline data.

4098 d. The challenges and obstacles relating to implementing
4099 recommendations from the review.

4100 2. Reviewing the school bullying prevention education
4101 program, climate, and code of student conduct of each public
4102 school to which a student transferred if the student was from a
4103 school identified in subparagraph 1. in order to identify best
4104 practices and make recommendations to a public school at which
4105 the incidents occurred.

4106 3. Reviewing the performance of participating students
4107 enrolled in a private school in which at least 51 percent of the
4108 total enrolled students in the prior school year participated in
4109 the program and in which there are at least 10 participating
4110 students who have scores for tests administered.

4111 4. Surveying the parents of participating students to
4112 determine academic, safety, and school climate satisfaction and
4113 to identify any challenges to or obstacles in addressing the
4114 incident or relating to the use of the scholarship.

4115 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
4116 PARTICIPATION. A parent who applies for a Hope scholarship is
4117 exercising his or her parental option to place his or her
4118 student in an eligible private school.

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4119 ~~(a) The parent must select an eligible private school and~~
4120 ~~apply for the admission of his or her student.~~

4121 ~~(b) The parent must inform the student's school district~~
4122 ~~when the parent withdraws his or her student to attend an~~
4123 ~~eligible private school.~~

4124 ~~(c) Any student participating in the program must remain in~~
4125 ~~attendance throughout the school year unless excused by the~~
4126 ~~school for illness or other good cause.~~

4127 ~~(d) Each parent and each student has an obligation to the~~
4128 ~~private school to comply with such school's published policies.~~

4129 ~~(e) Upon reasonable notice to the department and the school~~
4130 ~~district, the parent may remove the student from the private~~
4131 ~~school and place the student in a public school in accordance~~
4132 ~~with this section.~~

4133 ~~(f) The parent must ensure that the student participating~~
4134 ~~in the program takes the norm-referenced assessment offered by~~
4135 ~~the private school. The parent may also choose to have the~~
4136 ~~student participate in the statewide assessments pursuant to s.~~
4137 ~~1008.22. If the parent requests that the student take the~~
4138 ~~statewide assessments pursuant to s. 1008.22 and the private~~
4139 ~~school has not chosen to offer and administer the statewide~~
4140 ~~assessments, the parent is responsible for transporting the~~
4141 ~~student to the assessment site designated by the school~~
4142 ~~district.~~

4143 ~~(g) Upon receipt of a scholarship warrant, the parent to~~
4144 ~~whom the warrant is made must restrictively endorse the warrant~~
4145 ~~to the private school for deposit into the account of such~~
4146 ~~school. If payment is made by funds transfer in accordance with~~
4147 ~~paragraph (11) (d), the parent must approve each payment before~~

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4148 ~~the scholarship funds may be deposited. The parent may not~~
4149 ~~designate any entity or individual associated with the~~
4150 ~~participating private school as the parent's attorney in fact to~~
4151 ~~endorse a scholarship warrant or approve a funds transfer. A~~
4152 ~~parent who fails to comply with this paragraph forfeits the~~
4153 ~~scholarship.~~

4154 ~~(10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP FUNDING~~
4155 ~~ORGANIZATIONS. An eligible nonprofit scholarship funding~~
4156 ~~organization may establish scholarships for eligible students~~
4157 ~~by:~~

4158 ~~(a) Receiving applications and determining student~~
4159 ~~eligibility in accordance with the requirements of this section.~~

4160 ~~(b) Notifying parents of their receipt of a scholarship on~~
4161 ~~a first come, first served basis, based upon available funds.~~

4162 ~~(c) Establishing a date by which the parent of a~~
4163 ~~participating student must confirm continuing participation in~~
4164 ~~the program.~~

4165 ~~(d) Awarding scholarship funds to eligible students, giving~~
4166 ~~priority to renewing students from the previous year.~~

4167 ~~(e) Preparing and submitting quarterly reports to the~~
4168 ~~department pursuant to paragraph (8) (c). In addition, an~~
4169 ~~eligible nonprofit scholarship funding organization must submit~~
4170 ~~in a timely manner any information requested by the department~~
4171 ~~relating to the program.~~

4172 ~~(f) Notifying the department of any violation of this~~
4173 ~~section.~~

4174 ~~(11) FUNDING AND PAYMENT.—~~

4175 ~~(a) For students initially eligible in the 2019-2020 school~~
4176 ~~year or thereafter, the calculated amount for a student to~~

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4177 ~~attend an eligible private school shall be based upon the grade~~
4178 ~~level and school district in which the student was assigned as~~
4179 ~~95 percent of the funds per unweighted full-time equivalent in~~
4180 ~~the Florida Education Finance Program for a student in the basic~~
4181 ~~program established pursuant to s. 1011.62(1)(c)1., plus a per-~~
4182 ~~full-time equivalent share of funds for all categorical~~
4183 ~~programs, except for the Exceptional Student Education~~
4184 ~~Guaranteed Allocation.~~

4185 ~~(b) The maximum amount awarded to a student enrolled in a~~
4186 ~~public school located outside of the district in which the~~
4187 ~~student resides shall be \$750.~~

4188 ~~(c) When a student enters the program, the eligible~~
4189 ~~nonprofit scholarship-funding organization must receive all~~
4190 ~~documentation required for the student's participation,~~
4191 ~~including a copy of the report of the incident received pursuant~~
4192 ~~to subsection (6) and the private school's and student's fee~~
4193 ~~schedules. The initial payment shall be made after verification~~
4194 ~~of admission acceptance, and subsequent payments shall be made~~
4195 ~~upon verification of continued enrollment and attendance at the~~
4196 ~~private school.~~

4197 ~~(d) Payment of the scholarship by the eligible nonprofit~~
4198 ~~scholarship-funding organization may be by individual warrant~~
4199 ~~made payable to the student's parent or by funds transfer,~~
4200 ~~including, but not limited to, debit cards, electronic payment~~
4201 ~~cards, or any other means of payment that the department deems~~
4202 ~~to be commercially viable or cost-effective. If payment is made~~
4203 ~~by warrant, the warrant must be delivered by the eligible~~
4204 ~~nonprofit scholarship-funding organization to the private school~~
4205 ~~of the parent's choice, and the parent shall restrictively~~

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4206 ~~endorse the warrant to the private school. If payments are made~~
4207 ~~by funds transfer, the parent must approve each payment before~~
4208 ~~the scholarship funds may be deposited. The parent may not~~
4209 ~~designate any entity or individual associated with the~~
4210 ~~participating private school as the parent's attorney in fact to~~
4211 ~~endorse a scholarship warrant or approve a funds transfer.~~

4212 ~~(c) An eligible nonprofit scholarship-funding organization~~
4213 ~~shall obtain verification from the private school of a student's~~
4214 ~~continued attendance at the school for each period covered by a~~
4215 ~~scholarship payment.~~

4216 ~~(f) Payment of the scholarship shall be made by the~~
4217 ~~eligible nonprofit scholarship-funding organization no less~~
4218 ~~frequently than on a quarterly basis.~~

4219 ~~(g) An eligible nonprofit scholarship-funding organization,~~
4220 ~~subject to the limitations of s. 1002.395(6)(j)1., may use~~
4221 ~~eligible contributions received during the state fiscal year in~~
4222 ~~which such contributions are collected for administrative~~
4223 ~~expenses.~~

4224 ~~(h) Moneys received pursuant to this section do not~~
4225 ~~constitute taxable income to the qualified student or his or her~~
4226 ~~parent.~~

4227 ~~(i) Notwithstanding s. 1002.395(6)(j)2., no more than 5~~
4228 ~~percent of net eligible contributions may be carried forward to~~
4229 ~~the following state fiscal year by an eligible scholarship-~~
4230 ~~funding organization. For audit purposes, all amounts carried~~
4231 ~~forward must be specifically identified for individual students~~
4232 ~~by student name and by the name of the school to which the~~
4233 ~~student is admitted, subject to the requirements of ss. 1002.21~~
4234 ~~and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and~~

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4235 ~~regulations issued pursuant to such requirements. Any amounts~~
4236 ~~carried forward shall be expended for annual scholarships or~~
4237 ~~partial-year scholarships in the following state fiscal year.~~
4238 ~~Net eligible contributions remaining on June 30 of each year~~
4239 ~~which are in excess of the 5 percent that may be carried forward~~
4240 ~~shall be transferred to other eligible nonprofit scholarship-~~
4241 ~~funding organizations participating in the Hope Scholarship~~
4242 ~~Program to provide scholarships for eligible students. All~~
4243 ~~transferred funds must be deposited by each eligible nonprofit~~
4244 ~~scholarship-funding organization receiving such funds into the~~
4245 ~~scholarship account of eligible students. All transferred~~
4246 ~~amounts received by an eligible nonprofit scholarship-funding~~
4247 ~~organization must be separately disclosed in the annual~~
4248 ~~financial audit requirement under s. 1002.395(6)(m). If no other~~
4249 ~~eligible nonprofit scholarship-funding organization participates~~
4250 ~~in the Hope Scholarship Program, net eligible contributions in~~
4251 ~~excess of the 5 percent may be used to fund scholarships for~~
4252 ~~students eligible under s. 1002.395 only after fully exhausting~~
4253 ~~all contributions made in support of scholarships under that~~
4254 ~~section in accordance with the priority established in s.~~
4255 ~~1002.395(6)(e) prior to awarding any initial scholarships.~~

4256 ~~(12) OBLIGATIONS OF THE AUDITOR GENERAL.—~~

4257 ~~(a) The Auditor General shall conduct an annual operational~~
4258 ~~audit of accounts and records of each organization that~~
4259 ~~participates in the program. As part of this audit, the Auditor~~
4260 ~~General shall verify, at a minimum, the total number of students~~
4261 ~~served and transmit that information to the department. The~~
4262 ~~Auditor General shall provide the commissioner with a copy of~~
4263 ~~each annual operational audit performed pursuant to this~~

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4264 ~~paragraph within 10 days after the audit is finalized.~~

4265 ~~(b) The Auditor General shall notify the department of any~~
4266 ~~organization that fails to comply with a request for~~
4267 ~~information.~~

4268 ~~(2) (13)~~ SCHOLARSHIP FUNDING TAX CREDITS.—

4269 (a) A tax credit is available under s. 212.1832(1) for use
4270 by a person that makes an eligible contribution. Eligible
4271 contributions shall be used for K-12 education funding ~~to fund~~
4272 ~~scholarships under this section and may be used to fund~~
4273 ~~scholarships~~ under s. 1002.395. Each eligible contribution is
4274 limited to a single designation payment of \$105 per motor
4275 vehicle purchased at the time of purchase of a motor vehicle or
4276 a single designation payment of \$105 per motor vehicle purchased
4277 at the time of registration of a motor vehicle that was not
4278 purchased from a dealer, except that a contribution may not
4279 exceed the state tax imposed under chapter 212 that would
4280 otherwise be collected from the purchaser by a dealer,
4281 designated agent, or private tag agent. ~~Payments of~~
4282 ~~contributions shall be made to a dealer at the time of purchase~~
4283 ~~of a motor vehicle or to a designated agent or private tag agent~~
4284 ~~at the time of registration of a motor vehicle that was not~~
4285 ~~purchased from a dealer.~~ An eligible contribution shall be
4286 accompanied by a contribution election form provided by the
4287 Department of Revenue, developed in collaboration with the
4288 Department of Education. The form shall include, at a minimum, a
4289 ~~the following~~ brief description of each scholarship program
4290 available under this chapter and the type of student served in
4291 each program ~~the Hope Scholarship Program and the Florida Tax~~
4292 ~~Credit Scholarship Program: "THE HOPE SCHOLARSHIP PROGRAM~~

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4293 ~~PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN~~
4294 ~~INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO~~
4295 ~~APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL~~
4296 ~~RATHER THAN REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT. THE FLORIDA~~
4297 ~~TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES A LOW INCOME STUDENT THE~~
4298 ~~OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE~~
4299 ~~PRIVATE SCHOOL." The form shall also include, at a minimum, a~~
4300 ~~section allowing the consumer to designate, from all~~
4301 ~~participating scholarship funding organizations, which~~
4302 ~~organization will receive his or her donation. For purposes of~~
4303 ~~this subsection, the term "purchase" does not include the lease~~
4304 ~~or rental of a motor vehicle.~~

4305 (b) A dealer, designated agent, or private tag agent shall:

4306 1. ~~Provide the purchaser the contribution election form, as~~
4307 ~~provided by the Department of Revenue, at the time of purchase~~
4308 ~~of a motor vehicle or at the time of registration of a motor~~
4309 ~~vehicle that was not purchased from a dealer.~~

4310 2. ~~Collect eligible contributions.~~

4311 3. ~~Using a form provided by the Department of Revenue,~~
4312 ~~which shall include the dealer's or agent's federal employer~~
4313 ~~identification number, remit to an organization no later than~~
4314 ~~the date the return filed pursuant to s. 212.11 is due the total~~
4315 ~~amount of contributions made to that organization and collected~~
4316 ~~during the preceding reporting period. Using the same form, the~~
4317 ~~dealer or agent shall also report this information to the~~
4318 ~~Department of Revenue no later than the date the return filed~~
4319 ~~pursuant to s. 212.11 is due.~~

4320 4. ~~report to the Department of Revenue on each return filed~~
4321 ~~pursuant to s. 212.11 the total amount of credits granted under~~

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4322 s. 212.1832 for the preceding reporting period.

4323 (c) ~~An organization shall report to~~ The Department of
4324 Revenue shall deposit all receipts designated as eligible
4325 contributions into a designated student fund, ~~on or before the~~
4326 ~~20th day of each month, the total amount of contributions~~
4327 ~~received pursuant to paragraph (b) in the preceding calendar~~
4328 ~~month on a form provided by the Department of Revenue. Such~~
4329 ~~report shall include:~~

4330 1. ~~The federal employer identification number of each~~
4331 ~~designated agent, private tag agent, or dealer who remitted~~
4332 ~~contributions to the organization during that reporting period.~~

4333 2. ~~The amount of contributions received from each~~
4334 ~~designated agent, private tag agent, or dealer during that~~
4335 ~~reporting period.~~

4336 (d) ~~A person who, with the intent to unlawfully deprive or~~
4337 ~~defraud the program of its moneys or the use or benefit thereof,~~
4338 ~~fails to remit a contribution collected under this section is~~
4339 ~~guilty of theft, punishable as follows:~~

4340 1. ~~If the total amount stolen is less than \$300, the~~
4341 ~~offense is a misdemeanor of the second degree, punishable as~~
4342 ~~provided in s. 775.082 or s. 775.083. Upon a second conviction,~~
4343 ~~the offender is guilty of a misdemeanor of the first degree,~~
4344 ~~punishable as provided in s. 775.082 or s. 775.083. Upon a third~~
4345 ~~or subsequent conviction, the offender is guilty of a felony of~~
4346 ~~the third degree, punishable as provided in s. 775.082, s.~~
4347 ~~775.083, or s. 775.084.~~

4348 2. ~~If the total amount stolen is \$300 or more, but less~~
4349 ~~than \$20,000, the offense is a felony of the third degree,~~
4350 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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4351 ~~3. If the total amount stolen is \$20,000 or more, but less~~
4352 ~~than \$100,000, the offense is a felony of the second degree,~~
4353 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

4354 ~~4. If the total amount stolen is \$100,000 or more, the~~
4355 ~~offense is a felony of the first degree, punishable as provided~~
4356 ~~in s. 775.082, s. 775.083, or s. 775.084.~~

4357 ~~(c) A person convicted of an offense under paragraph (d)~~
4358 ~~shall be ordered by the sentencing judge to make restitution to~~
4359 ~~the organization in the amount that was stolen from the program.~~

4360 ~~(f) Upon a finding that a dealer failed to remit a~~
4361 ~~contribution under subparagraph (b)3. for which the dealer~~
4362 ~~claimed a credit pursuant to s. 212.1832(2), the Department of~~
4363 ~~Revenue shall notify the affected organizations of the dealer's~~
4364 ~~name, address, federal employer identification number, and~~
4365 ~~information related to differences between credits taken by the~~
4366 ~~dealer pursuant to s. 212.1832(2) and amounts remitted to the~~
4367 ~~eligible nonprofit scholarship funding organization under~~
4368 ~~subparagraph (b)3.~~

4369 ~~(g) Any dealer, designated agent, private tag agent, or~~
4370 ~~organization that fails to timely submit reports to the~~
4371 ~~Department of Revenue as required in paragraphs (b) and (c) is~~
4372 ~~subject to a penalty of \$1,000 for every month, or part thereof,~~
4373 ~~the report is not provided, up to a maximum amount of \$10,000.~~
4374 ~~Such penalty shall be collected by the Department of Revenue and~~
4375 ~~shall be transferred into the General Revenue Fund. Such penalty~~
4376 ~~must be settled or compromised if it is determined by the~~
4377 ~~Department of Revenue that the noncompliance is due to~~
4378 ~~reasonable cause and not due to willful negligence, willful~~
4379 ~~neglect, or fraud.~~

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4380 ~~(14) LIABILITY. The state is not liable for the award of or~~
4381 ~~any use of awarded funds under this section.~~

4382 ~~(15) SCOPE OF AUTHORITY. This section does not expand the~~
4383 ~~regulatory authority of this state, its officers, or any school~~
4384 ~~district to impose additional regulation on participating~~
4385 ~~private schools beyond those reasonably necessary to enforce~~
4386 ~~requirements expressly set forth in this section.~~

4387 ~~(3) (16) RULES. The State Board of Education shall adopt~~
4388 ~~rules to administer this section, except the Department of~~
4389 ~~Revenue shall adopt rules to administer this section subsection~~
4390 ~~(13).~~

4391 Section 22. Subsection (4) of section 1002.411, Florida
4392 Statutes, is amended to read:

4393 1002.411 Reading scholarship accounts.-

4394 (4) ADMINISTRATION.-An eligible nonprofit scholarship-
4395 funding organization participating in a scholarship program
4396 under this chapter ~~the Florida Tax Credit Scholarship Program~~
4397 ~~established by s. 1002.395~~ may establish reading scholarship
4398 accounts for eligible students in accordance with the
4399 requirements of eligible nonprofit scholarship-funding
4400 organizations under this chapter.

4401 Section 23. Paragraphs (i) and (q) of subsection (1) of
4402 section 1002.421, Florida Statutes, are amended to read:

4403 1002.421 State school choice scholarship program
4404 accountability and oversight.-

4405 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.-A private
4406 school participating in an educational scholarship program
4407 established pursuant to this chapter must be a private school as
4408 defined in s. 1002.01(2) in this state, be registered, and be in

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4409 compliance with all requirements of this section in addition to
4410 private school requirements outlined in s. 1002.42, specific
4411 requirements identified within respective scholarship program
4412 laws, and other provisions of Florida law that apply to private
4413 schools, and must:

4414 (i) Maintain a physical location in the state at which each
4415 student has regular and direct contact with teachers. A private
4416 virtual school with at least one administrative office located
4417 in this state which requires all of its administrative staff to
4418 be Florida residents meets this requirement.

4419 (q) Provide a report from an independent certified public
4420 accountant who performs the agreed-upon procedures ~~developed~~
4421 pursuant to s. 1002.394(11)(g) ~~s. 1002.395(6)(e)~~ if the private
4422 school receives more than \$250,000 in funds from scholarships
4423 awarded under this chapter in a state fiscal year. A private
4424 school subject to this subsection must annually submit the
4425 report by September 15 to the scholarship-funding organization
4426 that awarded the majority of the school's scholarship funds.
4427 However, for the 2020-2021 school year only, a school that
4428 receives more than \$250,000 in scholarship funds only through
4429 the John M. McKay Scholarship for Students with Disabilities
4430 Program pursuant to s. 1002.39 must submit the annual report by
4431 September 15 to the department. The agreed-upon procedures must
4432 be conducted in accordance with attestation standards
4433 established by the American Institute of Certified Public
4434 Accountants.

4435
4436 The department shall suspend the payment of funds to a private
4437 school that knowingly fails to comply with this subsection, and

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4438 shall prohibit the school from enrolling new scholarship
4439 students, for 1 fiscal year and until the school complies. If a
4440 private school fails to meet the requirements of this subsection
4441 or has consecutive years of material exceptions listed in the
4442 report required under paragraph (q), the commissioner may
4443 determine that the private school is ineligible to participate
4444 in a scholarship program.

4445 Section 24. Paragraph (aa) of subsection (4) of section
4446 1009.971, Florida Statutes, is amended to read:

4447 1009.971 Florida Prepaid College Board.—

4448 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
4449 board shall have the powers and duties necessary or proper to
4450 carry out the provisions of ss. 1009.97-1009.988, including, but
4451 not limited to, the power and duty to:

4452 (aa) Adopt rules relating to the purchase and use of a
4453 prepaid college plan authorized under s. 1009.98 or a college
4454 savings plan authorized under s. 1009.981 for the McKay-Gardiner
4455 Gardiner Scholarship Program pursuant to s. 1002.381 or the
4456 Family Empowerment Scholarship Program pursuant to s. 1002.394
4457 s. 1002.385, which may include, but need not be limited to:

4458 1. The use of such funds for postsecondary education
4459 programs for students with disabilities;

4460 2. Effective procedures that allow program funds to be used
4461 in conjunction with other funds used by a parent in the purchase
4462 of a prepaid college plan or a college savings plan;

4463 3. The tracking and accounting of program funds separately
4464 from other funds contributed to a prepaid college plan or a
4465 college savings plan;

4466 4. The reversion of program funds, including, but not

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4467 limited to, earnings from contributions to the Florida College
4468 Savings Plan;

4469 5. The use of program funds only after private payments
4470 have been used for prepaid college plan or college savings plan
4471 expenditures;

4472 6. Contracting with each eligible nonprofit scholarship-
4473 funding organization to establish mechanisms to implement ss.
4474 1002.381 and 1002.394 ~~s. 1002.385~~, including, but not limited
4475 to, identifying the source of funds being deposited in the
4476 plans; and

4477 7. The development of a written agreement that defines the
4478 owner and beneficiary of an account and outlines
4479 responsibilities for the use of the advance payment contract
4480 funds or savings program funds.

4481 Section 25. Subsection (11) of section 1009.98, Florida
4482 Statutes, is amended to read:

4483 1009.98 Stanley G. Tate Florida Prepaid College Program.—

4484 (11) IMPLEMENTATION PROCEDURES.—

4485 (a) A prepaid college plan may be purchased, accounted for,
4486 used, and terminated as provided in ss. 1002.381 and 1002.394 ~~s.~~
4487 ~~1002.385~~.

4488 (b) A qualified beneficiary may apply the benefits of an
4489 advance payment contract toward the program fees of a program
4490 designed for students with disabilities conducted by a state
4491 postsecondary institution. A transfer authorized under this
4492 subsection may not exceed the redemption value of the advance
4493 payment contract at a state postsecondary institution or the
4494 number of semester credit hours contracted on behalf of a
4495 qualified beneficiary. A qualified beneficiary may not be

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4496 changed while a prepaid college plan contains funds contributed
4497 under ss. 1002.381 and 1002.394 ~~s. 1002.385~~.

4498 Section 26. Subsection (10) of section 1009.981, Florida
4499 Statutes, is amended to read:

4500 1009.981 Florida College Savings Program.—

4501 (10) IMPLEMENTATION PROCEDURES.—

4502 (a) A college savings plan may be purchased, accounted for,
4503 used, and terminated as provided in ss. 1002.381 and 1002.394 ~~s.~~
4504 ~~1002.385~~.

4505 (b) A designated beneficiary may apply the benefits of a
4506 participation agreement toward the program fees of a program
4507 designed for students with disabilities conducted by a state
4508 postsecondary institution. A designated beneficiary may not be
4509 changed while a college savings plan contains funds contributed
4510 under ss. 1002.381 and 1002.394 ~~s. 1002.385~~.

4511 Section 27. Subsection (4) of section 1011.61, Florida
4512 Statutes, is amended to read:

4513 1011.61 Definitions.—Notwithstanding the provisions of s.
4514 1000.21, the following terms are defined as follows for the
4515 purposes of the Florida Education Finance Program:

4516 (4) The maximum value for funding a student in kindergarten
4517 through grade 12 or in a prekindergarten program for exceptional
4518 children as provided in s. 1003.21(1)(e) shall be the sum of the
4519 calculations in paragraphs (a), (b), and (c) as calculated by
4520 the department.

4521 (a) The sum of the student's full-time equivalent student
4522 membership value for the school year or the equivalent derived
4523 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
4524 subparagraphs (1)(c)2.b. and c., ~~subparagraph (1)(c)3.,~~ and

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4525 subsection (2). If the sum is greater than 1.0, the full-time
4526 equivalent student membership value for each program or course
4527 shall be reduced by an equal proportion so that the student's
4528 total full-time equivalent student membership value is equal to
4529 1.0.

4530 (b) If the result in paragraph (a) is less than 1.0 full-
4531 time equivalent student and the student has full-time equivalent
4532 student enrollment pursuant to sub-sub-subparagraph

4533 (1) (c) 1.b. (VIII), calculate an amount that is the lesser of the
4534 value in sub-sub-subparagraph (1) (c) 1.b. (VIII) or the value of
4535 1.0 less the value in paragraph (a).

4536 (c) The full-time equivalent student enrollment value in
4537 sub-subparagraph (1) (c) 2.a.

4538

4539 ~~A scholarship award provided to a student enrolled in the John~~
4540 ~~M. McKay Scholarships for Students with Disabilities Program~~
4541 ~~pursuant to s. 1002.39 is not subject to the maximum value for~~
4542 ~~funding a student under this subsection.~~

4543 Section 28. Paragraph (f) of subsection (18) of section
4544 1011.62, Florida Statutes, is amended to read:

4545 1011.62 Funds for operation of schools.—If the annual
4546 allocation from the Florida Education Finance Program to each
4547 district for operation of schools is not determined in the
4548 annual appropriations act or the substantive bill implementing
4549 the annual appropriations act, it shall be determined as
4550 follows:

4551 (18) TEACHER SALARY INCREASE ALLOCATION.—The Legislature
4552 may annually provide in the Florida Education Finance Program a
4553 teacher salary increase allocation to assist school districts in

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4554 their recruitment and retention of classroom teachers and other
4555 instructional personnel. The amount of the allocation shall be
4556 specified in the General Appropriations Act.

4557 ~~(f) Notwithstanding any other provision of law, funds~~
4558 ~~allocated under this subsection shall not be included in the~~
4559 ~~calculated amount for any scholarship awarded under chapter~~
4560 ~~1002.~~

4561 Section 29. This act shall take effect July 1, 2021.