

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Fine offered the following:

**Amendment**

Remove lines 498-1160 and insert:

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

10 (d) ~~(e)~~ Upon reasonable notice to the organization  
11 ~~department~~, the student's parent may move the student from one  
12 participating private school to another participating private  
13 school.

14 (6) ~~(5)~~ SCHOLARSHIP PROHIBITIONS.—A student is not eligible  
15 for a Family Empowerment Scholarship while he or she is:

16 (a) Enrolled in a public school, including, but not

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17 limited to, the Florida School for the Deaf and the Blind, the  
 18 College-Preparatory Boarding Academy, a developmental research  
 19 school authorized under s. 1002.32, or a charter school  
 20 authorized under this chapter. For purposes of this paragraph, a  
 21 3- or 4-year-old child who receives services funded through the  
 22 Florida Education Finance Program is considered to be a student  
 23 enrolled in a public school;

24 (b) Enrolled in a school operating for the purpose of  
 25 providing educational services to youth in a Department of  
 26 Juvenile Justice commitment program;

27 (c) Receiving any other educational scholarship pursuant  
 28 to this chapter;

29 (d) Not having regular and direct contact with his or her  
 30 private school teachers pursuant to s. 1002.421(1)(i), unless he  
 31 or she is eligible pursuant to paragraph (3)(b) and enrolled in  
 32 the private school's transition-to-work program pursuant to  
 33 subsection (16) or a home education program pursuant to s.  
 34 1002.41;

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

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

40 (f) Participating in a virtual instruction pursuant to s.  
 41 1002.455 school, correspondence school, or distance learning

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42 ~~program that receives state funding pursuant to the student's~~  
43 ~~participation.~~

44 ~~(7)(6)~~ SCHOOL DISTRICT OBLIGATIONS.—

45 (a) By ~~January~~ July 15, 2019, and by ~~April~~ 1 of each year  
46 ~~thereafter~~, a school district shall inform all households within  
47 the district receiving free or reduced-priced meals under the  
48 National School Lunch Act of their eligibility to apply to the  
49 department for a Family Empowerment Scholarship. The form of  
50 such notice shall be provided by the department, and the school  
51 district shall include the provided form in any normal  
52 correspondence with eligible households. Such notice is limited  
53 to once a year.

54 (b)1. The parent of a student with a disability who does  
55 not have an IEP in accordance with subparagraph (3)(b)4. or who  
56 seeks a reevaluation of an existing IEP may request an IEP  
57 meeting and evaluation from the school district in order to  
58 obtain or revise a matrix of services. The school district shall  
59 notify a parent who has made a request for an IEP that the  
60 district is required to complete the IEP and matrix of services  
61 within 30 days after receiving notice of the parent's request.  
62 The school district shall conduct a meeting and develop an IEP  
63 and a matrix of services within 30 days after receipt of the  
64 parent's request in accordance with State Board of Education  
65 rules. The district must accept the diagnosis, and consider the  
66 service plan of the licensed professional providing the

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67 diagnosis pursuant to subparagraph (3)(b)4. The school district  
68 must complete a matrix that assigns the student to one of the  
69 levels of service as they existed before the 2000-2001 school  
70 year.

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

74 b. The department shall notify the parent and the  
75 organization of the amount of the funds awarded within 10 days  
76 after receiving the school district's notification of the  
77 student's matrix level.

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

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

86 2. The parent is not required to accept the offer of  
87 enrolling the student in another public school in lieu of  
88 requesting a scholarship. However, if the parent chooses the  
89 public school option, the student may continue attending the  
90 public school chosen by the parent until the student graduates  
91 from high school.

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92           3. The parent may choose another public school in the  
 93 school district and the school district shall provide  
 94 transportation to the public school selected by the parent.

95           4. The parent may choose, as an alternative, to enroll the  
 96 student in and transport the student to a public school in an  
 97 adjacent school district that has available space and has a  
 98 program with the services agreed to in the student's IEP already  
 99 in place, and that school district shall accept the student and  
 100 report the student for purposes of the school district's funding  
 101 pursuant to the Florida Education Finance Program.

102           (d) ~~(b)~~ The school district in which a participating  
 103 student resides must notify the student and his or her parent  
 104 about the locations and times to take all statewide assessments  
 105 under s. 1008.22 if the student chooses to participate in such  
 106 assessments. Upon the request of the department, a school  
 107 district shall coordinate with the department to provide to a  
 108 participating private school the statewide assessments  
 109 administered under s. 1008.22 and any related materials for  
 110 administering the assessments. For a student who participates in  
 111 the Family Empowerment Scholarship Program whose parent requests  
 112 that the student take the statewide assessments under s.  
 113 1008.22, the district in which the student attends a private  
 114 school shall provide locations and times to take all statewide  
 115 assessments. A school district is responsible for implementing  
 116 test administrations at a participating private school,

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117 including the:

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

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

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

122 4. Provision of the required format for a private school  
123 to submit information to the district for test administration  
124 and enrollment purposes; and

125 5. Provision of any required assistance, monitoring, or  
126 investigation at a private school.

127 ~~(e)~~ (e) Each school district must publish information about  
128 the Family Empowerment Scholarship Program on the district's  
129 website homepage. At a minimum, the published information must  
130 include a website link to the Family Empowerment Scholarship  
131 Program published on the Department of Education website as well  
132 as a telephone number and e-mail that students and parents may  
133 use to contact relevant personnel in the school district to  
134 obtain information about the scholarship.

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

139 (g) A school district shall be held harmless for students  
140 who are receiving a scholarship under this program from the  
141 weighted enrollment ceiling for group 2 programs in s.

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142 1011.62(1)(d)3.b. during the first school year in which the  
143 students are reported.

144 (8)-(7) DEPARTMENT OF EDUCATION OBLIGATIONS. ~~The department~~  
145 ~~shall:~~

146 (a) The department shall:

147 1. Publish and update, as necessary, information on the  
148 department website about the Family Empowerment Scholarship  
149 Program, including, but not limited to, student eligibility  
150 criteria, parental responsibilities, and relevant data.

151 2.-(b) Cross-check before each distribution of funds the  
152 list of participating scholarship students with the public  
153 school enrollment lists before each scholarship payment to avoid  
154 duplication.

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

160 4.-(d) Notify eligible nonprofit scholarship-funding  
161 organizations of the deadlines for submitting the verified list  
162 of students determined to be eligible for a ~~an initial or~~  
163 ~~renewal~~ scholarship.

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

166 6. Deny or terminate program participation upon a parent's

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167 failure to comply with subsection (10).

168 7. Notify the parent and the organization when a  
169 scholarship account is closed and program funds revert to the  
170 state.

171 8. Notify an eligible nonprofit scholarship-funding  
172 organization of any of the organization's or other  
173 organization's identified students who are receiving  
174 scholarships under this chapter.

175 9. Maintain on its website a list of approved providers as  
176 required by s. 1002.66, eligible postsecondary educational  
177 institutions, eligible private schools, and eligible  
178 organizations and may identify or provide links to lists of  
179 other approved providers.

180 10. Require each organization to verify eligible  
181 expenditures before the distribution of funds for any  
182 expenditures made pursuant to subparagraphs (4) (b)1. and 2.  
183 Review of expenditures made for services specified in  
184 subparagraphs (4) (b)3.-15. may be completed after the purchase  
185 is made.

186 11. Investigate any written complaint of a violation of  
187 this section by a parent, a student, a private school, a public  
188 school, a school district, an organization, a provider, or  
189 another appropriate party in accordance with the process  
190 established under s. 1002.421.

191 12. Require quarterly reports by an organization, which



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192 must include, at a minimum, the number of students participating  
 193 in the program; the demographics of program participants; the  
 194 disability category of program participants; the matrix level of  
 195 services, if known; the program award amount per student; the  
 196 total expenditures for the purposes specified in paragraph  
 197 (4) (b); the types of providers of services to students; and any  
 198 other information deemed necessary by the department.

199 13. Notify eligible nonprofit scholarship funding  
 200 organizations that scholarships may not be awarded in a school  
 201 district in which the award will exceed 99 percent of the school  
 202 district's share of state funding through the Florida Education  
 203 Finance Program as calculated by the department.

204 (b) At the direction of the Commissioner of Education, the  
 205 department may:

206 1. Suspend or revoke program participation or use of  
 207 program funds by the student or participation or eligibility of  
 208 an organization, eligible postsecondary educational institution,  
 209 approved provider, or other party for a violation of this  
 210 section.

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

213 3. Recover unexpended program funds or withhold payment of  
 214 an equal amount of program funds to recover program funds that  
 215 were not authorized for use.

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217 In determining whether to suspend or revoke participation or  
 218 lift a suspension or revocation in accordance with this  
 219 paragraph, the department may consider factors that include, but  
 220 are not limited to, acts or omissions that led to a previous  
 221 suspension or revocation of participation in a state or federal  
 222 program or an education scholarship program; failure to  
 223 reimburse the organization for funds improperly received or  
 224 retained; failure to reimburse government funds improperly  
 225 received or retained; imposition of a prior criminal sanction  
 226 related to the person or entity or its officers or employees;  
 227 imposition of a civil fine or administrative fine, license  
 228 revocation or suspension, or program eligibility suspension,  
 229 termination, or revocation related to a person's or entity's  
 230 management or operation; or other types of criminal proceedings  
 231 in which the person or entity or its officers or employees were  
 232 found guilty of, regardless of adjudication, or entered a plea  
 233 of nolo contendere or guilty to, any offense involving fraud,  
 234 deceit, dishonesty, or moral turpitude.

235 ~~(c) Establish deadlines for the receipt of initial~~  
 236 ~~applications and renewal notifications in order to implement the~~  
 237 ~~priority order for scholarship awards pursuant to paragraph~~  
 238 ~~(3)(d).~~

239 (9)(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
 240 eligible to participate in the Family Empowerment Scholarship  
 241 Program, a private school may be sectarian or nonsectarian and

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242 must:

243 (a) Comply with all requirements for private schools  
244 participating in state school choice scholarship programs  
245 pursuant to s. 1002.421.

246 (b) Provide to the organization ~~department~~ all  
247 documentation required for a student's participation, including  
248 the private school's and student's fee schedules, at least 30  
249 days before any quarterly scholarship payment is made for the  
250 student pursuant to paragraph (12)(a) ~~(11)(f)~~. A student is not  
251 eligible to receive a quarterly scholarship payment if the  
252 private school fails to meet this deadline.

253 (c)1. Annually administer or make provision for students  
254 participating in the program in grades 3 through 10 to take one  
255 of the nationally norm-referenced tests that are identified by  
256 the department pursuant to paragraph (8)(a) ~~(7)(e)~~ or to take  
257 the statewide assessments pursuant to s. 1008.22. Students with  
258 disabilities for whom the physician or psychologist who issued  
259 the diagnosis or the IEP team determines that standardized  
260 testing is not appropriate are exempt from this requirement. A  
261 participating private school shall report a student's scores to  
262 his or her parent. By August 15 of each year, a participating  
263 private school must report the scores of all participating  
264 students to a state university as described in s.  
265 1002.395(9)(f).

266 2. Administer the statewide assessments pursuant to s.

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267 1008.22 if the private school chooses to offer the statewide  
 268 assessments. A participating private school may choose to offer  
 269 and administer the statewide assessments to all students who  
 270 attend the private school in grades 3 through 10 and must submit  
 271 a request in writing to the department by March 1 of each year  
 272 in order to administer the statewide assessments in the  
 273 subsequent school year.

274

275 If a private school fails to meet the requirements of this  
 276 subsection or s. 1002.421, the commissioner may determine that  
 277 the private school is ineligible to participate in the  
 278 scholarship program.

279 (10)~~(9)~~ PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 280 PARTICIPATION.—

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

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

287 2. (b) ~~The parent must~~ Request the scholarship by a date  
 288 established by the organization, in a manner that creates a  
 289 written or electronic record of the request and the date of  
 290 receipt of the request at least 60 days before the date of the  
 291 first scholarship payment.

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

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

298 ~~5.(e) Before enrolling in a private school, a student and~~  
299 ~~his or her parent or guardian must~~ Meet with the private  
300 school's principal or the principal's designee to review the  
301 school's academic programs and policies, customized educational  
302 programs, code of student conduct, and attendance policies prior  
303 to enrollment.

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

309 ~~(g)~~ If the parent requests that the student participating  
310 in the program take all statewide assessments required pursuant  
311 to s. 1008.22, the parent is responsible for transporting the  
312 student to the assessment site designated by the school  
313 district.

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

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317 subparagraph (12) (a) 6., to the private school for deposit into  
318 the private school's account. The parent may not designate any  
319 entity or individual associated with the participating private  
320 school as the parent's attorney in fact to endorse a scholarship  
321 warrant. A participant who fails to comply with this paragraph  
322 forfeits the scholarship.

323 ~~(i) The parent must annually renew participation in the~~  
324 ~~program by the date established by the department pursuant to~~  
325 ~~paragraph (7) (e).~~

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

330 1. Apply to an eligible nonprofit scholarship-funding  
331 organization to participate in the program by a date set by the  
332 organization. The request must be communicated directly to the  
333 organization in a manner that creates a written or electronic  
334 record of the request and the date of receipt of the request.

335 2. Sign an agreement with the organization and annually  
336 submit a sworn compliance statement to the organization to  
337 satisfy or maintain program eligibility, including eligibility  
338 to receive and spend program payments by:

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

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342 b. Affirming that the program funds are used only for  
 343 authorized purposes serving the student's educational needs, as  
 344 described in paragraph (4) (b); that any prepaid college plan or  
 345 college savings plan funds contributed pursuant to subparagraph  
 346 (4) (b) 6. will not be transferred to another beneficiary while  
 347 the plan contains funds contributed pursuant to this section;  
 348 and that they will not receive a payment, refund, or rebate of  
 349 any funds provided under this section.

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

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

355 (II) Providing an annual evaluation in accordance with s.  
 356 1002.41(1) (f); or

357 (III) Requiring the child to take any preassessments and  
 358 postassessments selected by the provider if the child is 4 years  
 359 of age and is enrolled in a program provided by an eligible  
 360 Voluntary Prekindergarten Education Program provider. A student  
 361 with disabilities for whom the physician or psychologist who  
 362 issued the diagnosis or the IEP team determines that a  
 363 preassessment and postassessment is not appropriate is exempt  
 364 from this requirement. A participating provider shall report a  
 365 student's scores to the parent.

366 d. Affirming that the student remains in good standing

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367 with the provider or school if those options are selected by the  
 368 parent.

369 e. Enrolling his or her child in a program from a  
 370 Voluntary Prekindergarten Education Program provider authorized  
 371 under s. 1002.55, a school readiness provider authorized under  
 372 s. 1002.88, or an eligible private school if either option is  
 373 selected by the parent.

374 f. Renewing participation in the program each year. A  
 375 student whose participation in the program is not renewed may  
 376 continue to spend scholarship funds that are in his or her  
 377 account from prior years unless the account must be closed  
 378 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to  
 379 the student's IEP, a student who was previously eligible for  
 380 participation in the program shall remain eligible to apply for  
 381 renewal. However, for a high-risk child to continue to  
 382 participate in the program in the school year after he or she  
 383 reaches 6 years of age, the child's application for renewal of  
 384 program participation must contain documentation that the child  
 385 has a disability defined in paragraph (2)(d) other than high-  
 386 risk status.

387 g. Procuring the services necessary to educate the  
 388 student. If a parent does not procure the necessary educational  
 389 services for the student and the student's account has been  
 390 inactive for 2 consecutive fiscal years, the student is  
 391 ineligible for additional scholarship payments until the



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392 scholarship funding organization verifies that expenditures from  
 393 the account have occurred. When the student receives a  
 394 scholarship, the district school board is not obligated to  
 395 provide the student with a free appropriate public education.  
 396 For purposes of s. 1003.57 and the Individuals with Disabilities  
 397 in Education Act, a participating student has only those rights  
 398 that apply to all other unilaterally parentally placed students,  
 399 except that, when requested by the parent, school district  
 400 personnel must develop an IEP or matrix level of services.

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

403 (11)(10) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING  
 404 ORGANIZATIONS.—

405 (a) An eligible nonprofit scholarship-funding organization  
 406 awarding scholarships to eligible students pursuant to paragraph  
 407 (3) (a):

408 1.(a) Must receive applications, determine student  
 409 eligibility, notify parents in accordance with the requirements  
 410 of this section and provide the department with information on  
 411 the student to enable the department to determine student  
 412 funding in accordance with paragraph (12) (a).

413 2. Shall verify the household income level of students  
 414 pursuant to subparagraph (3) (a)1. and submit the verified list  
 415 of students and related documentation to the department.

416 3.(b) Shall award initial and renewal scholarships in

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417 priority order pursuant to paragraph (3) (a) ~~(3) (d)~~. ~~The eligible~~  
418 ~~nonprofit scholarship funding organization shall implement the~~  
419 ~~deadlines established by the department pursuant to paragraphs~~  
420 ~~(7) (d) and (e)~~.

421 4.(e) May, from eligible contributions received pursuant  
422 to s. 1002.395(6) (j)1., use an amount not to exceed 2.5 ±  
423 percent of the total amount of all scholarships funded ~~awarded~~  
424 under this section for administrative expenses associated with  
425 performing functions under this section. Such administrative  
426 expense amount is considered within the 3 percent limit on the  
427 total amount an organization may use to administer scholarships  
428 under this chapter.

429 5.(d) Must, in a timely manner, submit any information  
430 requested by the department relating to the scholarship under  
431 this section.

432 6.(e) Must notify the department about any violation of  
433 this section by a parent or a private school.

434 (b) An eligible nonprofit scholarship-funding organization  
435 awarding scholarships to eligible students pursuant to paragraph  
436 (3) (b) shall:

437 1. Receive applications, determine student eligibility,  
438 and notify parents in accordance with the requirements of this  
439 section. When an application is approved, the organization must  
440 provide the department with information on the student to enable  
441 the department to determine student funding in accordance with

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442 paragraph (12) (b) .

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

445 3. Review applications and award scholarships using the  
 446 following priorities:

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

450 b. Renewing students from the previous school year.

451 c. Students retained on the previous school year's wait  
 452 list.

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

455  
 456 An approved student who does not receive a scholarship must be  
 457 placed on the wait list in the order in which his or her  
 458 application is approved. A student who does not receive a  
 459 scholarship within the fiscal year shall be retained on the wait  
 460 list for the subsequent fiscal year.

461 4. Establish and maintain separate accounts for each  
 462 eligible student. For each account, the organization must  
 463 maintain a record of accrued interest that is retained in the  
 464 student's account and available only for authorized program  
 465 expenditures.

466 5. Verify qualifying educational expenditures pursuant to

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467 the requirements of paragraph (4) (b).

468 6. Return any remaining program funds to the department  
 469 pursuant to paragraph (6) (b).

470 7. Notify the parent about the availability of, and the  
 471 requirements associated with requesting, an initial IEP or IEP  
 472 reevaluation every 3 years for each student participating in the  
 473 program.

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

475 9. Document each scholarship student's eligibility for a  
 476 fiscal year before granting a scholarship for that fiscal year  
 477 pursuant to paragraph (3) (b). A student is ineligible for a  
 478 scholarship if the student's account has been inactive for 2  
 479 consecutive fiscal years.

480 (12)-(11) SCHOLARSHIP FUNDING AND PAYMENT.-

481 (a) 1. Scholarships for students determined eligible  
 482 pursuant to paragraph (3) (a) are ~~The scholarship is established~~  
 483 ~~for up to 18,000 students annually beginning in the 2019-2020~~  
 484 ~~school year. Beginning in the 2020-2021 school year, the maximum~~  
 485 ~~number of students participating in the scholarship program~~  
 486 ~~under this section shall annually increase by 1.0 percent of the~~  
 487 ~~state's total public school student enrollment. An eligible~~  
 488 ~~student who meets any of the following requirements shall be~~  
 489 ~~excluded from the maximum number of students if the student:~~

490 a. Received a scholarship pursuant to s. 1002.395 during  
 491 the previous school year but did not receive a renewal

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492 scholarship based solely on the eligible nonprofit scholarship-  
 493 funding organization's lack of available funds after the  
 494 organization fully exhausted its efforts to use funds available  
 495 for awards under ss. 1002.395 and 1002.40(11) (i). Eligible  
 496 nonprofit scholarship-funding organizations with students who  
 497 meet the criterion in this subparagraph must annually notify the  
 498 department in a format and by a date established by the  
 499 department. The maximum number of scholarships awarded pursuant  
 500 to this subparagraph shall not exceed 15,000 per school year;

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

503 c. Is determined eligible pursuant to subparagraph  
 504 (3) (a) 1. or 2. and either spent the prior school year in  
 505 attendance at a Florida public school or, beginning with the  
 506 2022-2023 school year, is eligible to enroll in kindergarten.  
 507 For purposes of this subparagraph, the term "prior school year  
 508 in attendance" means that the student was enrolled and reported  
 509 by a school district for funding during either the preceding  
 510 October or February Florida Education Finance Program surveys in  
 511 kindergarten through grade 12, which includes time spent in a  
 512 Department of Juvenile Justice commitment program if funded  
 513 under the Florida Education Finance Program.

514 2. ~~(b)~~ The scholarship amount provided to a student for any  
 515 single school year shall be for tuition and fees for an eligible  
 516 private school, not to exceed annual limits, which shall be

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517 determined in accordance with this subparagraph ~~paragraph~~. The  
 518 calculated amount for a participating student ~~to attend an~~  
 519 ~~eligible private school~~ shall be based upon the grade level and  
 520 school district in which the student was assigned as 100 ~~95~~  
 521 percent of the funds per unweighted full-time equivalent in the  
 522 Florida Education Finance Program for a student in the basic  
 523 program established pursuant to s. 1011.62(1)(c)1., plus a per-  
 524 full-time equivalent share of funds for all categorical  
 525 programs, except for the Exceptional Student Education  
 526 Guaranteed Allocation.

527 3.(e) The amount of the scholarship ~~Family Empowerment~~  
 528 ~~Scholarship~~ shall be the calculated amount or the amount of the  
 529 private school's tuition and fees, whichever is less. The amount  
 530 of any assessment fee required by the participating private  
 531 school and any costs to provide a digital device, including  
 532 internet access when necessary, to the student may be paid from  
 533 the total amount of the scholarship.

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

540 ~~(d)~~ ~~The school district shall report all students who are~~  
 541 ~~attending a private school under this program. The students~~

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542 ~~attending private schools on Family Empowerment Scholarships~~  
 543 ~~shall be reported separately from other students reported for~~  
 544 ~~purposes of the Florida Education Finance Program.~~

545 5.(c) Upon following notification from the organization on  
 546 July 1, September 1, December 1, and ~~or~~ February 1 that an  
 547 application has been approved for the program ~~of the number of~~  
 548 program participants, the department shall verify that the  
 549 student is not prohibited from receiving a scholarship pursuant  
 550 to subsection (6). The organization must provide the department  
 551 with the documentation necessary to verify the student's  
 552 participation. The department shall transfer, from state general  
 553 revenue funds only, the amount calculated pursuant to  
 554 subparagraph 2. ~~paragraph (b)~~ to the organization a separate  
 555 account for the scholarship program for quarterly disbursement  
 556 to parents of participating students each year in which the  
 557 scholarship is in force. For a student exiting a Department of  
 558 Juvenile Justice commitment program who chooses to participate  
 559 in the scholarship program, the amount of the Family Empowerment  
 560 Scholarship calculated pursuant to subparagraph 2. ~~paragraph (b)~~  
 561 must be transferred from the school district in which the  
 562 student last attended a public school before commitment to the  
 563 Department of Juvenile Justice. When a student enters the  
 564 scholarship program, the organization ~~department~~ must receive  
 565 all documentation required for the student's participation,  
 566 including the private school's and the student's fee schedules,

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567 at least 30 days before the first quarterly scholarship payment  
568 is made for the student.

569 ~~(f) Upon notification by the department that it has~~  
570 ~~received the documentation required under paragraph (e), the~~  
571 ~~Chief Financial Officer shall make scholarship payments in four~~  
572 ~~equal amounts no later than September 1, November 1, February 1,~~  
573 ~~and April 1 of each school year in which the scholarship is in~~  
574 ~~force. The initial payment shall be made after the~~  
575 organization's department verification of admission acceptance,  
576 and subsequent payments shall be made upon verification of  
577 continued enrollment and attendance at the private school.  
578 Payment must be by individual warrant made payable to the  
579 student's parent or by funds transfer or any other means of  
580 payment that the department deems to be commercially viable or  
581 cost-effective. and mailed by the department If the payment is  
582 made by warrant, the warrant must be delivered by the eligible  
583 nonprofit scholarship-funding organization to the private school  
584 of the parent's choice, and the parent shall restrictively  
585 endorse the warrant to the private school. An eligible nonprofit  
586 scholarship-funding organization shall ensure that the parent to  
587 whom the warrant is made restrictively endorsed the warrant to  
588 the private school for deposit into the account of the private  
589 school or that the parent has approved a funds transfer before  
590 any scholarship funds are deposited.



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591 ~~(g) Subsequent to each scholarship payment, the department~~  
 592 ~~shall request from the Department of Financial Services a sample~~  
 593 ~~of endorsed warrants to review and confirm compliance with~~  
 594 ~~endorsement requirements.~~

595 (b)1. Scholarships for students determined eligible  
 596 pursuant to paragraph (3) (b) are established for up to 20,000  
 597 students annually beginning in the 2021-2022 school year.  
 598 Beginning in the 2022-2023 school year, the maximum number of  
 599 students participating in the scholarship program under this  
 600 section shall annually increase by 1.0 percent of the state's  
 601 total exceptional student education full-time equivalent student  
 602 enrollment, not including gifted students. An eligible student  
 603 who meets any of the following requirements shall be excluded  
 604 from the maximum number of students if the student:

605 a. Received specialized instructional services under the  
 606 Voluntary Prekindergarten Education Program pursuant to s.  
 607 1002.66 during the previous school year and the student has a  
 608 current IEP developed by the local school board in accordance  
 609 with rules of the State Board of Education;

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

612 c. Spent the prior school year in attendance at a Florida  
 613 public school or the Florida School for the Deaf and the Blind.

614 For purposes of this subparagraph, the term "prior school year

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615 in attendance" means that the student was enrolled and reported  
 616 by:

617 (I) A school district for funding during either the  
 618 preceding October or February Florida Education Finance Program  
 619 surveys in kindergarten through grade 12, which includes time  
 620 spent in a Department of Juvenile Justice commitment program if  
 621 funded under the Florida Education Finance Program;

622 (II) The Florida School for the Deaf and the Blind during  
 623 the preceding October or February student membership surveys in  
 624 kindergarten through grade 12;

625 (III) A school district for funding during the preceding  
 626 October or February Florida Education Finance Program surveys,  
 627 was at least 4 years of age when enrolled and reported, and was  
 628 eligible for services under s. 1003.21(1)(e); or

629 (IV) Received a John M. McKay Scholarship for Students  
 630 with Disabilities in the 2021-2022 school year.

631 2. For a student who has a Level I to Level III matrix of  
 632 services or a diagnosis by a physician or psychologist, the  
 633 calculated scholarship amount for a student participating in the  
 634 program must be based upon the grade level and school district  
 635 in which the student would have been enrolled as the total funds  
 636 per unweighted full-time equivalent in the Florida Education  
 637 Finance Program for a student in the basic exceptional student  
 638 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,  
 639 plus a per full-time equivalent share of funds for all

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640 categorical programs, as funded in the General Appropriations  
641 Act, except that for the exceptional student education  
642 guaranteed allocation as provided in s. 1011.62(1)(e)1.c. and  
643 2., the funds must be allocated based on the school district's  
644 average exceptional student education guaranteed allocation  
645 funds per exceptional student education full-time equivalent  
646 student.

647 3. For a student with a Level IV or Level V matrix of  
648 services, the calculated scholarship amount must be based upon  
649 the school district to which the student would have been  
650 assigned as the total funds per full-time equivalent for the  
651 Level IV or Level V exceptional student education program  
652 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time  
653 equivalent share of funds for all categorical programs, as  
654 funded in the General Appropriations Act.

655 4. For a student who received a Gardiner Scholarship  
656 pursuant to s. 1002.385 in the 2020-2021 school year, the amount  
657 shall be the greater of the amount calculated pursuant to  
658 subparagraph 2. or the amount the student received for the 2020-  
659 2021 school year.

660 5. For a student who received a McKay Scholarship pursuant  
661 to s. 1002.39 in the 2021-2022 school year, the amount shall be  
662 the greater of the amount calculated pursuant to subparagraph 2.  
663 or the amount the student received for the 2021-2022 school  
664 year.

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665 6. Upon notification from an organization on July 1,  
666 September 1, December 1, and February 1 that an application has  
667 been approved for the program, the department shall verify that  
668 the student is not prohibited from receiving a scholarship  
669 pursuant to subsection (6). The organization must provide the  
670 department with the documentation necessary to verify the  
671 student's participation.

672 7. Upon verification, the department shall release, from  
673 state funds only, the student's scholarship funds to the  
674 organization, to be deposited into the student's account in four  
675 equal amounts no later than September 1, November 1, February 1,  
676 and April 1 of each school year in which the scholarship is in  
677 force.

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

681 9. The organization may develop a system for payment of  
682 benefits by funds transfer, including, but not limited to, debit  
683 cards, electronic payment cards, or any other means of payment  
684 which the department deems to be commercially viable or cost-  
685 effective. A student's scholarship award may not be reduced for  
686 debit card or electronic payment fees. Commodities or services  
687 related to the development of such a system must be procured by  
688 competitive solicitation unless they are purchased from a state  
689 term contract pursuant to s. 287.056.

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690           10. Moneys received pursuant to this section do not  
691 constitute taxable income to the qualified student or the parent  
692 of the qualified student.