

1 A bill to be entitled
2 An act relating to school choice; amending s. 11.45,
3 F.S.; revising the frequency with which the Auditor
4 General must conduct certain operational audits;
5 repealing s. 1002.385, F.S., relating to the Gardiner
6 Scholarship; amending s. 1002.39, F.S.; revising
7 provisions relating to the calculation of the maximum
8 amount of scholarship funds granted to an eligible
9 student with a disability under the John M. McKay
10 Scholarships for Students with Disabilities Program;
11 providing for future repeal of the program; amending
12 s. 1002.394, F.S.; providing definitions; revising
13 student eligibility requirements under the Family
14 Empowerment Scholarship Program; providing
15 requirements for the use of funds under the program;
16 revising provisions relating to the term of
17 scholarships under the program; providing that certain
18 students are not eligible for a scholarship under the
19 program under certain circumstances; providing
20 exceptions; revising the obligations of school
21 districts, the Department of Education, private
22 schools, and eligible scholarship-funding
23 organizations under the program; revising the
24 responsibilities of parents and students relating to
25 program participation; revising provisions relating to

26 | the funding and payment of scholarships awarded under
 27 | the program; requiring specified state agencies to
 28 | work with an organization to provide access to lists
 29 | of approved licensed service providers; providing that
 30 | certain students with disabilities are eligible for
 31 | enrollment in transition-to-work programs at certain
 32 | participating private schools; providing requirements
 33 | for such students, private schools, and businesses
 34 | under transition-to-work programs; revising provisions
 35 | relating to the State Board of Education's rulemaking
 36 | authority; removing obsolete provisions; amending s.
 37 | 1002.395, F.S.; revising student eligibility criteria
 38 | based on household income level for the Florida Tax
 39 | Credit Scholarship Program; amending ss. 1002.40,
 40 | 1009.971, 1009.98, 1009.981, 1011.61, and 1011.62,
 41 | F.S.; conforming provisions to changes made by the
 42 | act; providing effective dates.

44 | Be It Enacted by the Legislature of the State of Florida:

46 | Section 1. Paragraph (1) of subsection (2) of section
 47 | 11.45, Florida Statutes, is amended to read:

48 | 11.45 Definitions; duties; authorities; reports; rules.—

49 | (2) DUTIES.—The Auditor General shall:

50 | (1) At least once every 3 years, ~~Annually~~ conduct

51 operational audits of the accounts and records of eligible
52 nonprofit scholarship-funding organizations receiving eligible
53 contributions under s. 1002.395, including any contracts for
54 services with related entities, to determine compliance with the
55 provisions of that section. Such audits shall include, but not
56 be limited to, a determination of the eligible nonprofit
57 scholarship-funding organization's compliance with s.
58 1002.395(6)(j). The Auditor General shall provide its report on
59 the results of the audits to the Governor, the President of the
60 Senate, the Speaker of the House of Representatives, the Chief
61 Financial Officer, and the Legislative Auditing Committee,
62 within 30 days of completion of the audit.

63
64 The Auditor General shall perform his or her duties
65 independently but under the general policies established by the
66 Legislative Auditing Committee. This subsection does not limit
67 the Auditor General's discretionary authority to conduct other
68 audits or engagements of governmental entities as authorized in
69 subsection (3).

70 Section 2. Section 1002.385, Florida Statutes, is
71 repealed.

72 Section 3. Subsection (10) of section 1002.39, Florida
73 Statutes, is amended, and subsection (14) is added to that
74 section, to read:

75 1002.39 The John M. McKay Scholarships for Students with

76 Disabilities Program.—There is established a program that is
77 separate and distinct from the Opportunity Scholarship Program
78 and is named the John M. McKay Scholarships for Students with
79 Disabilities Program.

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

81 (a) ~~1.~~ The maximum scholarship granted for an eligible
82 student with disabilities shall be calculated in accordance with
83 s. 1002.394(12)(b) equivalent to the base student allocation in
84 the Florida Education Finance Program multiplied by the
85 appropriate cost factor for the educational program that would
86 have been provided for the student in the district school to
87 which he or she was assigned, multiplied by the district cost
88 differential.

89 ~~2.~~ ~~In addition, a share of the guaranteed allocation for~~
90 ~~exceptional students shall be determined and added to the amount~~
91 ~~in subparagraph 1. The calculation shall be based on the~~
92 ~~methodology and the data used to calculate the guaranteed~~
93 ~~allocation for exceptional students for each district in chapter~~
94 ~~2000-166, Laws of Florida. Except as provided in subparagraphs~~
95 ~~3. and 4., the calculation shall be based on the student's~~
96 ~~grade, matrix level of services, and the difference between the~~
97 ~~2000-2001 basic program and the appropriate level of services~~
98 ~~cost factor, multiplied by the 2000-2001 base student allocation~~
99 ~~and the 2000-2001 district cost differential for the sending~~
100 ~~district. The calculated amount shall include the per-student~~

101 ~~share of supplemental academic instruction funds, instructional~~
102 ~~materials funds, technology funds, and other categorical funds~~
103 ~~as provided in the General Appropriations Act.~~

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

109 ~~4. Until the school district completes the matrix required~~
110 ~~by paragraph (5)(b), the calculation shall be based on the~~
111 ~~matrix that assigns the student to support Level I of service as~~
112 ~~it existed prior to the 2000-2001 school year. When the school~~
113 ~~district completes the matrix, the amount of the payment shall~~
114 ~~be adjusted as needed.~~

115 ~~5. The scholarship amount for a student eligible under s.~~
116 ~~504 of the Rehabilitation Act of 1973 shall be based on the~~
117 ~~program cost factor the student currently generates through the~~
118 ~~Florida Education Finance Program.~~

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

122 (b) The amount of the John M. McKay Scholarship shall be
123 the calculated amount or the amount of the private school's
124 tuition and fees, whichever is less. The amount of any
125 assessment fee required by the participating private school may

126 | be paid from the total amount of the scholarship.

127 | (c)1. The school district shall report all students who
128 | are attending a private school under this program. The students
129 | with disabilities attending private schools on ~~John M. McKay~~
130 | scholarships shall be reported separately from other students
131 | reported for purposes of the Florida Education Finance Program.

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

136 | ~~a. Report to the department all such students who are~~
137 | ~~attending a private school under this program.~~

138 | ~~2.b.~~ The school district shall be held harmless for such
139 | students from the weighted enrollment ceiling for group 2
140 | programs in s. 1011.62(1)(d)3.b. during the first school year in
141 | which the students are reported.

142 | (d) Following notification on July 1, September 1,
143 | December 1, or February 1 of the number of program participants,
144 | the department shall transfer, from General Revenue funds only,
145 | the amount calculated under paragraph (a) ~~(b)~~ from the school
146 | district's total funding entitlement under the Florida Education
147 | Finance Program and from authorized categorical accounts to a
148 | separate account for the scholarship program for quarterly
149 | disbursement to the parents of participating students. Funds may
150 | not be transferred from any funding provided to the Florida

151 School for the Deaf and the Blind for program participants who
152 are eligible under sub-subparagraph (2)(a)2.b. For a student
153 exiting a Department of Juvenile Justice commitment program who
154 chooses to participate in the scholarship program, the amount of
155 the ~~John M. McKay~~ scholarship calculated pursuant to paragraph
156 (a) ~~(b)~~ shall be transferred from the school district in which
157 the student last attended a public school before commitment to
158 the Department of Juvenile Justice. When a student enters the
159 scholarship program, the department must receive all
160 documentation required for the student's participation,
161 including the private school's and the student's fee schedules,
162 at least 30 days before the first quarterly scholarship payment
163 is made for the student.

164 (e) Upon notification by the department that it has
165 received the documentation required under paragraph (d), the
166 Chief Financial Officer shall make scholarship payments in four
167 equal amounts no later than September 1, November 1, February 1,
168 and April 1 of each academic year in which the scholarship is in
169 force. The initial payment shall be made after department
170 verification of admission acceptance, and subsequent payments
171 shall be made upon verification of continued enrollment and
172 attendance at the private school. Payment must be made by
173 individual warrant made payable to the student's parent and
174 mailed by the department to the private school of the parent's
175 choice, and the parent shall restrictively endorse the warrant

176 to the private school for deposit into the account of the
177 private school.

178 (f) Subsequent to each scholarship payment, the department
179 shall request from the Department of Financial Services a sample
180 of endorsed warrants to review and confirm compliance with
181 endorsement requirements.

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

183 Section 4. Section 1002.394, Florida Statutes, is amended
184 to read:

185 1002.394 The Family Empowerment Scholarship Program.—

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

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

191 (a) "Approved provider" means a provider approved by the
192 Agency for Persons with Disabilities, a health care practitioner
193 as defined in s. 456.001, or a provider approved by the
194 department pursuant to s. 1002.66.

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

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

199 (d) "Disability" means, for a 3- or 4-year-old child or
200 for a student in kindergarten to grade 12, autism spectrum

201 disorder, as defined in the Diagnostic and Statistical Manual of
202 Mental Disorders, Fifth Edition, published by the American
203 Psychiatric Association; cerebral palsy, as defined in s.
204 393.063; Down syndrome, as defined in s. 393.063; an
205 intellectual disability, as defined in s. 393.063; a speech
206 impairment; a language impairment; an orthopedic impairment; an
207 other health impairment; an emotional or a behavioral
208 disability; a specific learning disability, including, but not
209 limited to, dyslexia, dyscalculia, or developmental aphasia;
210 Phelan-McDermid syndrome, as defined in s. 393.063; Prader-Willi
211 syndrome, as defined in s. 393.063; spina bifida, as defined in
212 s. 393.063; being a high-risk child, as defined in s.
213 393.063(23)(a); muscular dystrophy; Williams syndrome; rare
214 diseases which affect patient populations of fewer than 200,000
215 individuals in the United States, as defined by the National
216 Organization for Rare Disorders; anaphylaxis; a hearing
217 impairment, including deafness; a visual impairment, including
218 blindness; traumatic brain injury; hospital or homebound; or
219 identification as dual sensory impaired, as defined by rules of
220 the State Board of Education and evidenced by reports from local
221 school districts. The term "hospital or homebound" includes a
222 student who has a medically diagnosed physical or psychiatric
223 condition or illness, as defined by the state board in rule, and
224 who is confined to the home or hospital for more than 6 months.
225 (e) ~~(b)~~ "Eligible nonprofit scholarship-funding

226 organization" or "organization" has the same meaning as provided
227 in s. 1002.395(2) (f).

228 (f) "Eligible postsecondary educational institution" means
229 a Florida College System institution; a state university; a
230 school district technical center; a school district adult
231 general education center; an independent college or university
232 that is eligible to participate in the William L. Boyd, IV,
233 Effective Access to Student Education Grant Program under s.
234 1009.89; or an accredited independent postsecondary educational
235 institution, as defined in s. 1005.02, which is licensed to
236 operate in this state under part III of chapter 1005.

237 (g)~~(e)~~ "Eligible private school" has the same meaning as
238 provided in s. 1002.395(2) (g).

239 (h) "IEP" means an individual education plan, regardless
240 of whether the plan has been reviewed or revised within the last
241 12 months.

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

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

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

249 (l)~~(e)~~ "Program" means the Family Empowerment Scholarship
250 Program.

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

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

256 (4) (a) if:

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

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

263 3. The student's household income level does not exceed
264 300 percent of the federal poverty level or an adjusted maximum
265 percent of the federal poverty level that is increased by 25
266 percentage points in the fiscal year following any fiscal year
267 in which more than 5 percent of the available scholarships
268 authorized under paragraph (12) (a) have not been funded;

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

272 5. The student is a dependent child of a member of the
273 United States Armed Forces.

274
275 Priority must be given to a student whose household income level

276 does not exceed 185 percent of the federal poverty level or who
277 is in foster care or out-of-home care as established pursuant to
278 paragraph (c). A student who initially receives a scholarship
279 based on eligibility under subparagraph 2. remains eligible to
280 participate until the student graduates from high school or
281 attains the age of 21 years, whichever occurs first, regardless
282 of the student's household income level. A sibling of a student
283 who is participating in the scholarship program under this
284 subsection is eligible for a scholarship if the student resides
285 in the same household as the sibling.

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

- 289 1. Is a resident of this state;
- 290 2. Is 3 or 4 years of age on or before September 1 of the
291 year in which the student applies for program participation, or
292 is eligible to enroll in kindergarten through grade 12 in a
293 public school in this state;
- 294 3. Has a disability as defined in subsection (2); and
- 295 4. Is the subject of an IEP written in accordance with
296 rules of the State Board of Education or with the applicable
297 rules of another state or has received a diagnosis of a
298 disability from a physician who is licensed under chapter 458 or
299 chapter 459, a psychologist who is licensed under chapter 490,
300 or a physician who holds an active license issued by another

301 state or territory of the United States, the District of
302 Columbia, or the Commonwealth of Puerto Rico.

303 (c) An approved student who does not receive a scholarship
304 must be placed on the wait list in the order in which the
305 student is approved. An eligible student who does not receive a
306 scholarship within the fiscal year must be retained on the wait
307 list for the subsequent year.

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

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

311 ~~3. Beginning with the 2020-2021 school year, the student~~
312 ~~received a scholarship pursuant to s. 1002.395 during the~~
313 ~~previous school year but did not receive a renewal scholarship~~
314 ~~based solely on the eligible nonprofit scholarship-funding~~
315 ~~organization's lack of available funds after the organization~~
316 ~~fully exhausts its efforts to use funds available for awards~~
317 ~~under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit~~
318 ~~scholarship-funding organizations with students who meet the~~
319 ~~eligibility criterion of this subparagraph must annually notify~~
320 ~~the department in a format and by a date established by the~~
321 ~~department.~~

322
323 ~~For purposes of this paragraph, the term "prior school year in~~
324 ~~attendance" means that the student was enrolled full time and~~
325 ~~reported by a school district for funding during the preceding~~

326 ~~October and February Florida Education Finance Program surveys~~
327 ~~in kindergarten through grade 12, which includes time spent in a~~
328 ~~Department of Juvenile Justice commitment program if funded~~
329 ~~under the Florida Education Finance Program. However, a~~
330 ~~dependent child of a member of the United States Armed Forces~~
331 ~~who transfers to a school in this state from out of state or~~
332 ~~from a foreign country due to a parent's permanent change of~~
333 ~~station orders or a foster child is exempt from the prior public~~
334 ~~school attendance requirement under this paragraph, but must~~
335 ~~meet the other eligibility requirements specified under this~~
336 ~~section to participate in the program.~~

337 ~~(c) The parent has obtained acceptance for admission of~~
338 ~~the student to a private school that is eligible for the program~~
339 ~~under subsection (8), and the parent has requested a scholarship~~
340 ~~from the Department of Education by a date established by the~~
341 ~~department pursuant to paragraph (7)(c), but no later than at~~
342 ~~least 60 days before the date of the first scholarship payment.~~
343 ~~The request must be communicated directly to the department in a~~
344 ~~manner that creates a written or electronic record of the~~
345 ~~request and the date of receipt of the request. The department~~
346 ~~must notify the school district of the parent's intent upon~~
347 ~~receipt of the parent's request.~~

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

350 ~~1. An eligible student who received a Family Empowerment~~

351 ~~Scholarship during the previous school year and requested a~~
352 ~~renewal scholarship award.~~

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

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

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

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

364 ~~(c) The student's household income level does not exceed~~
365 ~~an adjusted maximum percent of the federal poverty level that is~~
366 ~~increased by 25 percent in the fiscal year following any fiscal~~
367 ~~year in which more than 5 percent of the available scholarships~~
368 ~~authorized under subsection (11) have not been awarded.~~

369 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

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

373 2. Transportation to a Florida public school in which a
374 student is enrolled and that is different from the school to
375 which the student was assigned or to a lab school as defined in

376 s. 1002.32 if the student is determined eligible pursuant to
377 subparagraph (3) (a)1. or 2.

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

381 1. Instructional materials, including digital devices,
382 digital periphery devices, and assistive technology devices that
383 allow a student to access instruction or instructional content
384 and training on the use of and maintenance agreements for these
385 devices.

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

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

390 a. Applied behavior analysis services as provided in ss.
391 627.6686 and 641.31098.

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

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

395 d. Services provided by physical therapists as defined in
396 s. 486.021(8).

397 e. Services provided by listening and spoken language
398 specialists and an appropriate acoustical environment for a
399 child who has a hearing impairment, including deafness, and who
400 has received an implant or assistive hearing device.

401 4. Tuition or fees associated with full-time or part-time
402 enrollment in a home education program, an eligible private
403 school, an eligible postsecondary educational institution or a
404 program offered by the postsecondary educational institution, a
405 private tutoring program authorized under s. 1002.43, a virtual
406 program offered by a department-approved private online provider
407 that meets the provider qualifications specified in s.
408 1002.45(2)(a), the Florida Virtual School as a private paying
409 student, or an approved online course offered pursuant to s.
410 1003.499 or s. 1004.0961.

411 5. Fees for nationally standardized, norm-referenced
412 achievement tests, Advanced Placement Examinations, industry
413 certification examinations, assessments related to postsecondary
414 education, or other assessments.

415 6. Contributions to the Stanley G. Tate Florida Prepaid
416 College Program pursuant to s. 1009.98 or the Florida College
417 Savings Program pursuant to s. 1009.981 for the benefit of the
418 eligible student.

419 7. Contracted services provided by a public school or
420 school district, including classes. A student who receives
421 services under a contract under this paragraph is not considered
422 enrolled in a public school for eligibility purposes as
423 specified in subsection (6).

424 8. Tuition and fees for part-time tutoring services
425 provided by a person who holds a valid Florida educator's

426 certificate pursuant to s. 1012.56, a person who holds an
427 adjunct teaching certificate pursuant to s. 1012.57, a person
428 who has a bachelor's degree or a graduate degree in the subject
429 area in which instruction is given, a person who has
430 demonstrated a mastery of subject area knowledge pursuant to s.
431 1012.56(5), or a person certified by a nationally or
432 internationally recognized research-based training program as
433 approved by the department. As used in this paragraph, the term
434 "part-time tutoring services" does not qualify as regular school
435 attendance as defined in s. 1003.01(13)(e).

- 436 9. Fees for specialized summer education programs.
437 10. Fees for specialized after-school education programs.
438 11. Transition services provided by job coaches.
439 12. Fees for an annual evaluation of educational progress
440 by a state-certified teacher under s. 1002.41(1)(f), if this
441 option is chosen for a home education student.
442 13. Tuition and fees associated with programs offered by
443 Voluntary Prekindergarten Education Program providers approved
444 pursuant to s. 1002.55 and school readiness providers approved
445 pursuant to s. 1002.88.
446 14. Fees for services provided at a center that is a
447 member of the Professional Association of Therapeutic
448 Horsemanship International.
449 15. Fees for services provided by a therapist who is
450 certified by the Certification Board for Music Therapists or

451 credentialed by the Art Therapy Credentials Board, Inc.

452 (5)~~(4)~~ TERM OF SCHOLARSHIP.—

453 ~~(a) For purposes of continuity of educational choice;—a~~
454 ~~Family Empowerment Scholarship~~

455 (a) A scholarship awarded to an eligible student pursuant
456 to paragraph (3) (a) shall remain in force until the student
457 returns to a public school, graduates from high school, or
458 reaches the age of 21, whichever occurs first. A scholarship
459 student who enrolls in a public school or public school program
460 is considered to have returned to a public school for the
461 purpose of determining the end of the scholarship's term.
462 However, if a student enters a Department of Juvenile Justice
463 detention center for a period of no more than 21 days, the
464 student is not considered to have returned to a public school
465 for that purpose.

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

468 a. The parent does not renew program eligibility;

469 b. The organization determines that the student is not
470 eligible for program renewal;

471 c. The Commissioner of Education suspends or revokes
472 program participation or use of funds;

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

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

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

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

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

486 a. Denial or revocation of program eligibility by the
487 commissioner for fraud or abuse, including, but not limited to,
488 the student or student's parent accepting any payment, refund,
489 or rebate, in any manner, from a provider of any services
490 received pursuant to subsection (4);

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

495 c. Two consecutive fiscal years in which an account has
496 been inactive.

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

501 (d)~~(e)~~ Upon reasonable notice to the organization
 502 ~~department~~, the student's parent may move the student from one
 503 participating private school to another participating private
 504 school.

505 (6)~~(5)~~ SCHOLARSHIP PROHIBITIONS.—A student is not eligible
 506 for a Family Empowerment Scholarship while he or she is:

507 (a) Enrolled in a public school, including, but not
 508 limited to, the Florida School for the Deaf and the Blind, the
 509 College-Preparatory Boarding Academy, a developmental research
 510 school authorized under s. 1002.32, or a charter school
 511 authorized under this chapter. For purposes of this paragraph, a
 512 3- or 4-year-old child who receives services funded through the
 513 Florida Education Finance Program is considered to be a student
 514 enrolled in a public school;

515 (b) Enrolled in a school operating for the purpose of
 516 providing educational services to youth in a Department of
 517 Juvenile Justice commitment program;

518 (c) Receiving any other educational scholarship pursuant
 519 to this chapter;

520 (d) Not having regular and direct contact with his or her
 521 private school teachers pursuant to s. 1002.421(1)(i), unless he
 522 or she is eligible pursuant to paragraph (3)(b) and enrolled in
 523 the private school's transition-to-work program pursuant to
 524 subsection (16) or a home education program pursuant to s.
 525 1002.41;

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

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

531 (f) Participating in a virtual instruction pursuant to s.
532 1002.455 school, correspondence school, or distance learning
533 program that receives state funding pursuant to the student's
534 participation.

535 (7)(6) SCHOOL DISTRICT OBLIGATIONS.—

536 (a) By January ~~July 15, 2019,~~ and by ~~April~~ 1 of each year
537 ~~thereafter,~~ a school district shall inform all households within
538 the district receiving free or reduced-priced meals under the
539 National School Lunch Act of their eligibility to apply to the
540 department for a Family Empowerment Scholarship. The form of
541 such notice shall be provided by the department, and the school
542 district shall include the provided form in any normal
543 correspondence with eligible households. Such notice is limited
544 to once a year.

545 (b)1. The parent of a student with a disability who does
546 not have an IEP in accordance with subparagraph (3) (b)4. or who
547 seeks a reevaluation of an existing IEP may request an IEP
548 meeting and evaluation from the school district in order to
549 obtain or revise a matrix of services. The school district shall
550 notify a parent who has made a request for an IEP that the

551 district is required to complete the IEP and matrix of services
552 within 30 days after receiving notice of the parent's request.
553 The school district shall conduct a meeting and develop an IEP
554 and a matrix of services within 30 days after receipt of the
555 parent's request in accordance with State Board of Education
556 rules. The district must accept the diagnosis, and consider the
557 service plan of the licensed professional providing the
558 diagnosis pursuant to subparagraph (3)(b)4. The school district
559 must complete a matrix that assigns the student to one of the
560 levels of service as they existed before the 2000-2001 school
561 year.

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

565 b. The department shall notify the parent and the
566 organization of the amount of the funds awarded within 10 days
567 after receiving the school district's notification of the
568 student's matrix level.

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

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

576 public school in the school district.

577 2. The parent is not required to accept the offer of
578 enrolling the student in another public school in lieu of
579 requesting a scholarship. However, if the parent chooses the
580 public school option, the student may continue attending the
581 public school chosen by the parent until the student graduates
582 from high school.

583 3. The parent may choose another public school in the
584 school district and the school district shall provide
585 transportation to the public school selected by the parent.

586 4. The parent may choose, as an alternative, to enroll the
587 student in and transport the student to a public school in an
588 adjacent school district that has available space and has a
589 program with the services agreed to in the student's IEP already
590 in place, and that school district shall accept the student and
591 report the student for purposes of the school district's funding
592 pursuant to the Florida Education Finance Program.

593 (d) ~~(b)~~ The school district in which a participating
594 student resides must notify the student and his or her parent
595 about the locations and times to take all statewide assessments
596 under s. 1008.22 if the student chooses to participate in such
597 assessments. Upon the request of the department, a school
598 district shall coordinate with the department to provide to a
599 participating private school the statewide assessments
600 administered under s. 1008.22 and any related materials for

601 administering the assessments. For a student who participates in
602 the Family Empowerment Scholarship Program whose parent requests
603 that the student take the statewide assessments under s.
604 1008.22, the district in which the student attends a private
605 school shall provide locations and times to take all statewide
606 assessments. A school district is responsible for implementing
607 test administrations at a participating private school,
608 including the:

- 609 1. Provision of training for private school staff on test
610 security and assessment administration procedures;
- 611 2. Distribution of testing materials to a private school;
- 612 3. Retrieval of testing materials from a private school;
- 613 4. Provision of the required format for a private school
614 to submit information to the district for test administration
615 and enrollment purposes; and
- 616 5. Provision of any required assistance, monitoring, or
617 investigation at a private school.

618 (e)~~(e)~~ Each school district must publish information about
619 the Family Empowerment Scholarship Program on the district's
620 website homepage. At a minimum, the published information must
621 include a website link to the Family Empowerment Scholarship
622 Program published on the Department of Education website as well
623 as a telephone number and e-mail that students and parents may
624 use to contact relevant personnel in the school district to
625 obtain information about the scholarship.

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

630 (g) A school district shall be held harmless for students
631 who are receiving a scholarship under this program from the
632 weighted enrollment ceiling for group 2 programs in s.
633 1011.62(1)(d)3.b. during the first school year in which the
634 students are reported.

635 (8)(7) DEPARTMENT OF EDUCATION OBLIGATIONS. ~~The department~~
636 ~~shall:~~

637 (a) The department shall:

638 1. Publish and update, as necessary, information on the
639 department website about the Family Empowerment Scholarship
640 Program, including, but not limited to, student eligibility
641 criteria, parental responsibilities, and relevant data.

642 2.(b) Cross-check before each distribution of funds the
643 list of participating scholarship students with the public
644 school enrollment lists before each scholarship payment to avoid
645 duplication.

646 3.(e) Maintain and publish a list of nationally norm-
647 referenced tests identified for purposes of satisfying the
648 testing requirement in subparagraph (9)(c)1. (8)(e)1. The tests
649 must meet industry standards of quality in accordance with state
650 board rule.

651 4.~~(d)~~ Notify eligible nonprofit scholarship-funding
652 organizations of the deadlines for submitting the verified list
653 of students determined to be eligible for a ~~an initial or~~
654 ~~renewal~~ scholarship.

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

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

659 7. Notify the parent and the organization when a
660 scholarship account is closed and program funds revert to the
661 state.

662 8. Notify an eligible nonprofit scholarship-funding
663 organization of any of the organization's or other
664 organization's identified students who are receiving
665 scholarships under this chapter.

666 9. Maintain on its website a list of approved providers as
667 required by s. 1002.66, eligible postsecondary educational
668 institutions, eligible private schools, and eligible
669 organizations and may identify or provide links to lists of
670 other approved providers.

671 10. Require each organization to verify eligible
672 expenditures before the distribution of funds for any
673 expenditures made pursuant to subparagraphs (4) (b)1. and 2.
674 Review of expenditures made for services specified in
675 subparagraphs (4) (b)3.-15. may be completed after the purchase

676 is made.

677 11. Investigate any written complaint of a violation of
678 this section by a parent, a student, a private school, a public
679 school, a school district, an organization, a provider, or
680 another appropriate party in accordance with the process
681 established under s. 1002.421.

682 12. Require quarterly reports by an organization, which
683 must include, at a minimum, the number of students participating
684 in the program; the demographics of program participants; the
685 disability category of program participants; the matrix level of
686 services, if known; the program award amount per student; the
687 total expenditures for the purposes specified in paragraph
688 (4) (b); the types of providers of services to students; and any
689 other information deemed necessary by the department.

690 13. Notify eligible nonprofit scholarship funding
691 organizations that scholarships may not be awarded in a school
692 district in which the award will exceed 99 percent of the school
693 district's share of state funding through the Florida Education
694 Finance Program as calculated by the department.

695 (b) At the direction of the Commissioner of Education, the
696 department may:

697 1. Suspend or revoke program participation or use of
698 program funds by the student or participation or eligibility of
699 an organization, eligible postsecondary educational institution,
700 approved provider, or other party for a violation of this

701 section.

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

704 3. Recover unexpended program funds or withhold payment of
705 an equal amount of program funds to recover program funds that
706 were not authorized for use.

707

708 In determining whether to suspend or revoke participation or
709 lift a suspension or revocation in accordance with this
710 paragraph, the department may consider factors that include, but
711 are not limited to, acts or omissions that led to a previous
712 suspension or revocation of participation in a state or federal
713 program or an education scholarship program; failure to
714 reimburse the organization for funds improperly received or
715 retained; failure to reimburse government funds improperly
716 received or retained; imposition of a prior criminal sanction
717 related to the person or entity or its officers or employees;
718 imposition of a civil fine or administrative fine, license
719 revocation or suspension, or program eligibility suspension,
720 termination, or revocation related to a person's or entity's
721 management or operation; or other types of criminal proceedings
722 in which the person or entity or its officers or employees were
723 found guilty of, regardless of adjudication, or entered a plea
724 of nolo contendere or guilty to, any offense involving fraud,
725 deceit, dishonesty, or moral turpitude.

726 ~~(c) Establish deadlines for the receipt of initial~~
727 ~~applications and renewal notifications in order to implement the~~
728 ~~priority order for scholarship awards pursuant to paragraph~~
729 ~~(3)(d).~~

730 (9)(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
731 eligible to participate in the Family Empowerment Scholarship
732 Program, a private school may be sectarian or nonsectarian and
733 must:

734 (a) Comply with all requirements for private schools
735 participating in state school choice scholarship programs
736 pursuant to s. 1002.421.

737 (b) Provide to the organization ~~department~~ all
738 documentation required for a student's participation, including
739 the private school's and student's fee schedules, at least 30
740 days before any quarterly scholarship payment is made for the
741 student pursuant to paragraph (12)(a) ~~(11)(f)~~. A student is not
742 eligible to receive a quarterly scholarship payment if the
743 private school fails to meet this deadline.

744 (c)1. Annually administer or make provision for students
745 participating in the program in grades 3 through 10 to take one
746 of the nationally norm-referenced tests that are identified by
747 the department pursuant to paragraph (8)(a) ~~(7)(e)~~ or to take
748 the statewide assessments pursuant to s. 1008.22. Students with
749 disabilities for whom the physician or psychologist who issued
750 the diagnosis or the IEP team determines that standardized

751 testing is not appropriate are exempt from this requirement. A
752 participating private school shall report a student's scores to
753 his or her parent. By August 15 of each year, a participating
754 private school must report the scores of all participating
755 students to a state university as described in s.
756 1002.395(9)(f).

757 2. Administer the statewide assessments pursuant to s.
758 1008.22 if the private school chooses to offer the statewide
759 assessments. A participating private school may choose to offer
760 and administer the statewide assessments to all students who
761 attend the private school in grades 3 through 10 and must submit
762 a request in writing to the department by March 1 of each year
763 in order to administer the statewide assessments in the
764 subsequent school year.

765
766 If a private school fails to meet the requirements of this
767 subsection or s. 1002.421, the commissioner may determine that
768 the private school is ineligible to participate in the
769 scholarship program.

770 (10)~~(9)~~ PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
771 PARTICIPATION.—

772 (a) A parent who applies for program participation under
773 paragraph (3)(a) ~~a Family Empowerment Scholarship~~ is exercising
774 his or her parental option to place his or her child in a
775 private school and must:—

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

778 ~~2.(b) The parent must~~ Request the scholarship by a date
779 established by the organization, in a manner that creates a
780 written or electronic record of the request and the date of
781 receipt of the request at least 60 days before the date of the
782 first scholarship payment.

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

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

789 ~~5.(e) Before enrolling in a private school, a student and~~
790 ~~his or her parent or guardian must~~ Meet with the private
791 school's principal or the principal's designee to review the
792 school's academic programs and policies, customized educational
793 programs, code of student conduct, and attendance policies prior
794 to enrollment.

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

800 ~~(g)~~ If the parent requests that the student participating

801 in the program take all statewide assessments required pursuant
802 to s. 1008.22, the parent is responsible for transporting the
803 student to the assessment site designated by the school
804 district.

805 ~~7.(h) Upon receipt of a scholarship warrant, the parent to~~
806 ~~whom the warrant is issued must~~ Restrictively endorse the
807 warrant, issued in the name of the parent pursuant to
808 subparagraph (12)(a)6., to the private school for deposit into
809 the private school's account. The parent may not designate any
810 entity or individual associated with the participating private
811 school as the parent's attorney in fact to endorse a scholarship
812 warrant. ~~A participant who fails to comply with this paragraph~~
813 ~~forfeits the scholarship.~~

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

818 1. Apply to an eligible nonprofit scholarship-funding
819 organization to participate in the program by a date set by the
820 organization. The request must be communicated directly to the
821 organization in a manner that creates a written or electronic
822 record of the request and the date of receipt of the request.

823 2. Sign an agreement with the organization and annually
824 submit a sworn compliance statement to the organization to
825 satisfy or maintain program eligibility, including eligibility

826 to receive and spend program payments by:

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

830 b. Affirming that the program funds are used only for
831 authorized purposes serving the student's educational needs, as
832 described in paragraph (4) (b); that any prepaid college plan or
833 college savings plan funds contributed pursuant to subparagraph
834 (4) (b) 6. will not be transferred to another beneficiary while
835 the plan contains funds contributed pursuant to this section;
836 and that they will not receive a payment, refund, or rebate of
837 any funds provided under this section.

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

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

843 (II) Providing an annual evaluation in accordance with s.
844 1002.41(1) (f); or

845 (III) Requiring the child to take any preassessments and
846 postassessments selected by the provider if the child is 4 years
847 of age and is enrolled in a program provided by an eligible
848 Voluntary Prekindergarten Education Program provider. A student
849 with disabilities for whom the physician or psychologist who
850 issued the diagnosis or the IEP team determines that a

851 preassessment and postassessment is not appropriate is exempt
852 from this requirement. A participating provider shall report a
853 student's scores to the parent.

854 d. Affirming that the student remains in good standing
855 with the provider or school if those options are selected by the
856 parent.

857 e. Enrolling his or her child in a program from a
858 Voluntary Prekindergarten Education Program provider authorized
859 under s. 1002.55, a school readiness provider authorized under
860 s. 1002.88, or an eligible private school if either option is
861 selected by the parent.

862 f. Renewing participation in the program each year. A
863 student whose participation in the program is not renewed may
864 continue to spend scholarship funds that are in his or her
865 account from prior years unless the account must be closed
866 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
867 the student's IEP, a student who was previously eligible for
868 participation in the program shall remain eligible to apply for
869 renewal. However, for a high-risk child to continue to
870 participate in the program in the school year after he or she
871 reaches 6 years of age, the child's application for renewal of
872 program participation must contain documentation that the child
873 has a disability defined in paragraph (2)(d) other than high-
874 risk status.

875 g. Procuring the services necessary to educate the

876 student. If a parent does not procure the necessary educational
 877 services for the student and the student's account has been
 878 inactive for 2 consecutive fiscal years, the student is
 879 ineligible for additional scholarship payments until the
 880 scholarship funding organization verifies that expenditures from
 881 the account have occurred. When the student receives a
 882 scholarship, the district school board is not obligated to
 883 provide the student with a free appropriate public education.
 884 For purposes of s. 1003.57 and the Individuals with Disabilities
 885 in Education Act, a participating student has only those rights
 886 that apply to all other unilaterally parentally placed students,
 887 except that, when requested by the parent, school district
 888 personnel must develop an IEP or matrix level of services.

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

891 ~~(i) The parent must annually renew participation in the~~
 892 ~~program by the date established by the department pursuant to~~
 893 ~~paragraph (7) (e).~~

894 ~~(11)(10)~~ OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
 895 ORGANIZATIONS.—

896 (a) An eligible nonprofit scholarship-funding organization
 897 awarding scholarships to eligible students pursuant to paragraph
 898 (3) (a):

899 1.(a) Must receive applications, determine student
 900 eligibility, notify parents in accordance with the requirements

901 of this section, and provide the department with information on
902 the student to enable the department to determine student
903 funding in accordance with paragraph (12) (a).

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

907 3.~~(b)~~ Shall award ~~initial and renewal~~ scholarships in
908 priority order pursuant to paragraph (3) (a) ~~(3) (d)~~. ~~The eligible~~
909 ~~nonprofit scholarship-funding organization shall implement the~~
910 ~~deadlines established by the department pursuant to paragraphs~~
911 ~~(7) (d) and (e).~~

912 4.~~(e)~~ May, from eligible contributions received pursuant
913 to s. 1002.395(6) (j)1., use an amount not to exceed 2.5 ~~±~~
914 percent of the total amount of all scholarships funded ~~awarded~~
915 under this section for administrative expenses associated with
916 performing functions under this section. Such administrative
917 expense amount is considered within the 3 percent limit on the
918 total amount an organization may use to administer scholarships
919 under this chapter.

920 5.~~(d)~~ Must, in a timely manner, submit any information
921 requested by the department relating to the scholarship under
922 this section.

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

925 (b) An eligible nonprofit scholarship-funding organization

926 awarding scholarships to eligible students pursuant to paragraph
927 (3) (b) shall:

928 1. Receive applications, determine student eligibility,
929 and notify parents in accordance with the requirements of this
930 section. When an application is approved, the organization must
931 provide the department with information on the student to enable
932 the department to determine student funding in accordance with
933 paragraph (12) (b).

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

936 3. Review applications and award scholarships using the
937 following priorities:

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

941 b. Renewing students from the previous school year.

942 c. Students retained on the previous school year's wait
943 list.

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

946
947 An approved student who does not receive a scholarship must be
948 placed on the wait list in the order in which his or her
949 application is approved. A student who does not receive a
950 scholarship within the fiscal year shall be retained on the wait

951 list for the subsequent fiscal year.

952 4. Establish and maintain separate accounts for each
953 eligible student. For each account, the organization must
954 maintain a record of accrued interest that is retained in the
955 student's account and available only for authorized program
956 expenditures.

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

959 6. Return any remaining program funds to the department
960 pursuant to paragraph (6) (b).

961 7. Notify the parent about the availability of, and the
962 requirements associated with requesting, an initial IEP or IEP
963 reevaluation every 3 years for each student participating in the
964 program.

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

966 9. Document each scholarship student's eligibility for a
967 fiscal year before granting a scholarship for that fiscal year
968 pursuant to paragraph (3) (b). A student is ineligible for a
969 scholarship if the student's account has been inactive for 2
970 consecutive fiscal years.

971 (12)-(11) SCHOLARSHIP FUNDING AND PAYMENT.-

972 (a)1. Scholarships for students determined eligible
973 pursuant to paragraph (3) (a) are ~~The scholarship is~~ established
974 for up to 18,000 students annually beginning in the 2019-2020
975 school year. Beginning in the 2020-2021 school year, the maximum

976 | number of students participating in the scholarship program
977 | under this section shall annually increase by 1.0 percent of the
978 | state's total public school student enrollment. An eligible
979 | student who meets any of the following requirements shall be
980 | excluded from the maximum number of students if the student:
981 | a. Received a scholarship pursuant to s. 1002.395 during
982 | the previous school year but did not receive a renewal
983 | scholarship based solely on the eligible nonprofit scholarship-
984 | funding organization's lack of available funds after the
985 | organization fully exhausted its efforts to use funds available
986 | for awards under ss. 1002.395 and 1002.40(11)(i). Eligible
987 | nonprofit scholarship-funding organizations with students who
988 | meet the criterion in this subparagraph must annually notify the
989 | department in a format and by a date established by the
990 | department. The maximum number of scholarships awarded pursuant
991 | to this subparagraph shall not exceed 15,000 per school year;
992 | b. Is a dependent child of a member of the United States
993 | Armed Forces, a foster child, or an adopted child; or
994 | c. Is determined eligible pursuant to subparagraph
995 | (3)(a)1. or 2. and either spent the prior school year in
996 | attendance at a Florida public school or, beginning in the 2022-
997 | 2023 school year, is eligible to enroll in kindergarten. For
998 | purposes of this subparagraph, the term "prior school year in
999 | attendance" means that the student was enrolled and reported by
1000 | a school district for funding during either the preceding

1001 October or February Florida Education Finance Program surveys in
 1002 kindergarten through grade 12, which includes time spent in a
 1003 Department of Juvenile Justice commitment program if funded
 1004 under the Florida Education Finance Program.

1005 2.~~(b)~~ The scholarship amount provided to a student for any
 1006 single school year shall be for tuition and fees for an eligible
 1007 private school, not to exceed annual limits, which shall be
 1008 determined in accordance with this subparagraph ~~paragraph~~. The
 1009 calculated amount for a participating student ~~to attend an~~
 1010 ~~eligible private school~~ shall be based upon the grade level and
 1011 school district in which the student was assigned as 100 ~~95~~
 1012 percent of the funds per unweighted full-time equivalent in the
 1013 Florida Education Finance Program for a student in the basic
 1014 program established pursuant to s. 1011.62(1)(c)1., plus a per-
 1015 full-time equivalent share of funds for all categorical
 1016 programs, except for the Exceptional Student Education
 1017 Guaranteed Allocation.

1018 3.~~(e)~~ The amount of the scholarship ~~Family Empowerment~~
 1019 ~~Scholarship~~ shall be the calculated amount or the amount of the
 1020 private school's tuition and fees, whichever is less. The amount
 1021 of any assessment fee required by the participating private
 1022 school and any costs to provide a digital device, including
 1023 Internet access, if necessary, to the student may be paid from
 1024 the total amount of the scholarship.

1025 4. A scholarship of \$750 may be awarded to a student who

1026 is determined eligible pursuant to subparagraph (3)(a)1. or 2.
1027 and enrolled in a Florida public school that is different from
1028 the school to which the student was assigned or in a lab school
1029 as defined in s. 1002.32 if the school district does not provide
1030 the student with transportation to the school.

1031 ~~(d) The school district shall report all students who are~~
1032 ~~attending a private school under this program. The students~~
1033 ~~attending private schools on Family Empowerment Scholarships~~
1034 ~~shall be reported separately from other students reported for~~
1035 ~~purposes of the Florida Education Finance Program.~~

1036 5.(e) Upon following notification from the organization on
1037 July 1, September 1, December 1, and ~~or~~ February 1 that an
1038 application has been approved for the program ~~of the number of~~
1039 program participants, the department shall verify that the
1040 student is not prohibited from receiving a scholarship pursuant
1041 to subsection (6). The organization must provide the department
1042 with the documentation necessary to verify the student's
1043 participation. Upon verification, the department shall transfer,
1044 from state ~~general revenue~~ funds only, the amount calculated
1045 pursuant to subparagraph 2. ~~paragraph (b)~~ to the organization a
1046 separate account for the scholarship program for quarterly
1047 disbursement to parents of participating students each school
1048 year in which the scholarship is in force. For a student exiting
1049 a Department of Juvenile Justice commitment program who chooses
1050 to participate in the scholarship program, the amount of the

1051 Family Empowerment Scholarship calculated pursuant to
1052 subparagraph 2. ~~paragraph (b)~~ must be transferred from the
1053 school district in which the student last attended a public
1054 school before commitment to the Department of Juvenile Justice.
1055 When a student enters the scholarship program, the organization
1056 ~~department~~ must receive all documentation required for the
1057 student's participation, including the private school's and the
1058 student's fee schedules, at least 30 days before the first
1059 quarterly scholarship payment is made for the student.

1060 6.(f) ~~Upon notification by the department that it has~~
1061 ~~received the documentation required under paragraph (e), the~~
1062 ~~Chief Financial Officer shall make scholarship payments in four~~
1063 ~~equal amounts no later than September 1, November 1, February 1,~~
1064 ~~and April 1 of each school year in which the scholarship is in~~
1065 ~~force.~~ The initial payment shall be made after the
1066 organization's ~~department~~ verification of admission acceptance,
1067 and subsequent payments shall be made upon verification of
1068 continued enrollment and attendance at the private school.
1069 Payment must be by individual warrant made payable to the
1070 student's parent or by funds transfer or any other means of
1071 payment that the department deems to be commercially viable or
1072 cost-effective. If the payment is made by warrant, the warrant
1073 must be delivered and mailed by the organization ~~department~~ to
1074 the private school of the parent's choice, and the parent shall
1075 restrictively endorse the warrant to the private school. An

1076 organization shall ensure that the parent to whom the warrant is
1077 made has restrictively endorsed the warrant to the private
1078 school for deposit into the account of the private school or
1079 that the parent has approved a funds transfer before any
1080 scholarship funds are deposited.

1081 ~~(g) Subsequent to each scholarship payment, the department~~
1082 ~~shall request from the Department of Financial Services a sample~~
1083 ~~of endorsed warrants to review and confirm compliance with~~
1084 ~~endorsement requirements.~~

1085 (b)1. Scholarships for students determined eligible
1086 pursuant to paragraph (3) (b) are established for up to 20,000
1087 students annually beginning in the 2021-2022 school year.
1088 Beginning in the 2022-2023 school year, the maximum number of
1089 students participating in the scholarship program under this
1090 section shall annually increase by 1.0 percent of the state's
1091 total exceptional student education full-time equivalent student
1092 enrollment, not including gifted students. An eligible student
1093 who meets any of the following requirements shall be excluded
1094 from the maximum number of students if the student:

1095 a. Received specialized instructional services under the
1096 Voluntary Prekindergarten Education Program pursuant to s.
1097 1002.66 during the previous school year and the student has a
1098 current IEP developed by the local school board in accordance
1099 with rules of the State Board of Education;

1100 b. Is a dependent child of a member of the United States
 1101 Armed Forces, a foster child, or an adopted child;

1102 c. Spent the prior school year in attendance at a Florida
 1103 public school or the Florida School for the Deaf and the Blind.
 1104 For purposes of this subparagraph, the term "prior school year
 1105 in attendance" means that the student was enrolled and reported
 1106 by:

1107 (I) A school district for funding during either the
 1108 preceding October or February Florida Education Finance Program
 1109 surveys in kindergarten through grade 12, which includes time
 1110 spent in a Department of Juvenile Justice commitment program if
 1111 funded under the Florida Education Finance Program;

1112 (II) The Florida School for the Deaf and the Blind during
 1113 the preceding October or February student membership surveys in
 1114 kindergarten through grade 12;

1115 (III) A school district for funding during the preceding
 1116 October or February Florida Education Finance Program surveys,
 1117 was at least 4 years of age when enrolled and reported, and was
 1118 eligible for services under s. 1003.21(1)(e); or

1119 (IV) Received a John M. McKay Scholarship for Students
 1120 with Disabilities in the 2021-2022 school year.

1121 2. For a student who has a Level I to Level III matrix of
 1122 services or a diagnosis by a physician or psychologist, the
 1123 calculated scholarship amount for a student participating in the
 1124 program must be based upon the grade level and school district

1125 in which the student would have been enrolled as the total funds
1126 per unweighted full-time equivalent in the Florida Education
1127 Finance Program for a student in the basic exceptional student
1128 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
1129 plus a per full-time equivalent share of funds for all
1130 categorical programs, as funded in the General Appropriations
1131 Act, except that for the exceptional student education
1132 guaranteed allocation as provided in s. 1011.62(1)(e)1.c. and
1133 2., the funds must be allocated based on the school district's
1134 average exceptional student education guaranteed allocation
1135 funds per exceptional student education full-time equivalent
1136 student.

1137 3. For a student with a Level IV or Level V matrix of
1138 services, the calculated scholarship amount must be based upon
1139 the school district to which the student would have been
1140 assigned as the total funds per full-time equivalent for the
1141 Level IV or Level V exceptional student education program
1142 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
1143 equivalent share of funds for all categorical programs, as
1144 funded in the General Appropriations Act.

1145 4. For a student who received a Gardiner Scholarship
1146 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
1147 shall be the greater of the amount calculated pursuant to
1148 subparagraph 2. or the amount the student received for the 2020-
1149 2021 school year.

1150 5. For a student who received a John M. McKay Scholarship
1151 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
1152 shall be the greater of the amount calculated pursuant to
1153 subparagraph 2. or the amount the student received for the 2020-
1154 2021 school year.

1155 6. Upon notification from an organization on July 1,
1156 September 1, December 1, and February 1 that an application has
1157 been approved for the program, the department shall verify that
1158 the student is not prohibited from receiving a scholarship
1159 pursuant to subsection (6). The organization must provide the
1160 department with the documentation necessary to verify the
1161 student's participation.

1162 7. Upon verification, the department shall release, from
1163 state funds only, the student's scholarship funds to the
1164 organization, to be deposited into the student's account in four
1165 equal amounts no later than September 1, November 1, February 1,
1166 and April 1 of each school year in which the scholarship is in
1167 force.

1168 8. Accrued interest in the student's account is in
1169 addition to, and not part of, the awarded funds. Program funds
1170 include both the awarded funds and accrued interest.

1171 9. The organization may develop a system for payment of
1172 benefits by funds transfer, including, but not limited to, debit
1173 cards, electronic payment cards, or any other means of payment
1174 which the department deems to be commercially viable or cost-

1175 effective. A student's scholarship award may not be reduced for
1176 debit card or electronic payment fees. Commodities or services
1177 related to the development of such a system must be procured by
1178 competitive solicitation unless they are purchased from a state
1179 term contract pursuant to s. 287.056.

1180 10. Moneys received pursuant to this section do not
1181 constitute taxable income to the qualified student or the parent
1182 of the qualified student.

1183 (13)-(12) LIABILITY.—No liability shall arise on the part
1184 of the state based on the award or use of a Family Empowerment
1185 Scholarship.

1186 (14)-(13) SCOPE OF AUTHORITY.—The inclusion of eligible
1187 private schools within the options available to Florida public
1188 school students does not expand the regulatory authority of the
1189 state, its officers, or any school district to impose any
1190 additional regulation of private schools beyond those reasonably
1191 necessary to enforce requirements expressly set forth in this
1192 section.

1193 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
1194 Department of Health, the Agency for Persons with Disabilities,
1195 and the Department of Education shall work with an organization
1196 for easy or automated access to lists of licensed providers of
1197 services specified in subparagraph (4)(b)3. to ensure efficient
1198 administration of the program.

1199 (16) TRANSITION-TO-WORK PROGRAM.—A student with a

1200 disability who is determined eligible pursuant to paragraph
1201 (3)(b) who is at least 17 years, but not older than 22 years of
1202 age and who has not received a high school diploma or
1203 certificate of completion is eligible for enrollment in his or
1204 her private school's transition-to-work program. A transition-
1205 to-work program shall consist of academic instruction, work
1206 skills training, and a volunteer or paid work experience.

1207 (a) To offer a transition-to-work program, a participating
1208 private school must:

1209 1. Develop a transition-to-work program plan, which must
1210 include a written description of the academic instruction and
1211 work skills training students will receive and the goals for
1212 students in the program.

1213 2. Submit the transition-to-work program plan to the
1214 Office of Independent Education and Parental Choice.

1215 3. Develop a personalized transition-to-work program plan
1216 for each student enrolled in the program. The student's parent,
1217 the student, and the school principal must sign the personalized
1218 plan. The personalized plan must be submitted to the Office of
1219 Independent Education and Parental Choice upon request by the
1220 office.

1221 4. Provide a release of liability form that must be signed
1222 by the student's parent, the student, and a representative of
1223 the business offering the volunteer or paid work experience.

1224 5. Assign a case manager or job coach to visit the

1225 student's job site on a weekly basis to observe the student and,
 1226 if necessary, provide support and guidance to the student.

1227 6. Provide to the parent and student a quarterly report
 1228 that documents and explains the student's progress and
 1229 performance in the program.

1230 7. Maintain accurate attendance and performance records
 1231 for the student.

1232 (b) A student enrolled in a transition-to-work program
 1233 must, at a minimum:

1234 1. Receive 15 instructional hours at the private school's
 1235 physical facility, which must include academic instruction and
 1236 work skills training.

1237 2. Participate in 10 hours of work at the student's
 1238 volunteer or paid work experience.

1239 (c) To participate in a transition-to-work program, a
 1240 business must:

1241 1. Maintain an accurate record of the student's
 1242 performance and hours worked and provide the information to the
 1243 private school.

1244 2. Comply with all state and federal child labor laws.

1245 ~~(17)-(14)~~ RULES.—The State Board of Education shall adopt
 1246 rules pursuant to ss. 120.536(1) and 120.54 to administer this
 1247 section. ~~The state board rules must include a requirement that~~
 1248 ~~the department work collaboratively with an approved~~
 1249 ~~scholarship-funding organization to expedite the process for the~~

1250 ~~verification and reporting obligations specified under~~
1251 ~~subsection (10).~~

1252 ~~(15) IMPLEMENTATION SCHEDULE FOR THE 2019-2020 SCHOOL~~
1253 ~~YEAR. Notwithstanding the provisions of this section related to~~
1254 ~~notification requirements and eligibility timelines, for the~~
1255 ~~2019-2020 school year:~~

1256 ~~(a) A student is eligible for a Family Empowerment~~
1257 ~~Scholarship under this section if the student's parent has~~
1258 ~~obtained acceptance of the student's admission to a private~~
1259 ~~school that is eligible for the program under subsection (8),~~
1260 ~~and the parent has requested a scholarship from the Department~~
1261 ~~of Education no later than August 15, 2019. The request must be~~
1262 ~~communicated directly to the department in a manner that creates~~
1263 ~~a written or electronic record of the request and the date of~~
1264 ~~receipt of the request.~~

1265 ~~(b) The department shall expedite the publication of~~
1266 ~~information relevant to the Family Empowerment Scholarship~~
1267 ~~Program on the department's website, including, but not limited~~
1268 ~~to, the eligibility criteria for students to qualify for the~~
1269 ~~scholarship under this section and how parents may request the~~
1270 ~~scholarship. The department must immediately notify the school~~
1271 ~~district of the parent's intent upon receipt of the parent's~~
1272 ~~request.~~

1273 ~~(c) Upon notification by the department that it has~~
1274 ~~received the documentation required under paragraph (10) (a), the~~

1275 ~~Chief Financial Officer shall make the first quarter payment of~~
 1276 ~~scholarships no later than October 1, 2019.~~

1277
 1278 ~~This subsection shall expire June 30, 2020.~~

1279 Section 5. Paragraph (b) of subsection (3), paragraph (j)
 1280 of subsection (6), paragraph (c) of subsection (9), and
 1281 paragraph (a) of subsection (11) of section 1002.395, Florida
 1282 Statutes, are amended to read:

1283 1002.395 Florida Tax Credit Scholarship Program.—

1284 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

1285 (b) A student is eligible for a Florida tax credit
 1286 scholarship under this section if the student meets one or more
 1287 of the following criteria:

1288 1. The student is on the direct certification list or the
 1289 student's household income level does not exceed 300 ~~260~~ percent
 1290 of the federal poverty level or an adjusted maximum percent of
 1291 the federal poverty level authorized under s. 1002.394(3)(a)3.;
 1292 or

1293 2. The student is currently placed, or during the previous
 1294 state fiscal year was placed, in foster care or in out-of-home
 1295 care as defined in s. 39.01.

1296
 1297 Priority must be given to a student whose household income level
 1298 does not exceed 185 percent of the federal poverty level or who
 1299 is in foster care or out-of-home care. A student who initially

1300 receives a scholarship based on eligibility under this paragraph
 1301 remains eligible to participate until he or she graduates from
 1302 high school or attains the age of 21 years, whichever occurs
 1303 first, regardless of the student's household income level. A
 1304 sibling of a student who is participating in the scholarship
 1305 program under this subsection is eligible for a scholarship if
 1306 the student resides in the same household as the sibling.

1307 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 1308 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 1309 organization:

1310 (j)1. May use eligible contributions received pursuant to
 1311 this section and ss. 212.099, 212.1832, and 1002.40 during the
 1312 state fiscal year in which such contributions are collected for
 1313 administrative expenses if the organization has operated as an
 1314 eligible nonprofit scholarship-funding organization for at least
 1315 the preceding 3 fiscal years and did not have any findings of
 1316 material weakness or material noncompliance in its most recent
 1317 audit under paragraph (m). Administrative expenses from eligible
 1318 contributions may not exceed 3 percent of the total amount of
 1319 all scholarships funded ~~awarded~~ by an eligible scholarship-
 1320 funding organization under this chapter. Such administrative
 1321 expenses must be reasonable and necessary for the organization's
 1322 management and distribution of scholarships funded ~~awarded~~ under
 1323 this chapter. No funds authorized under this subparagraph shall
 1324 be used for lobbying or political activity or expenses related

1325 to lobbying or political activity. Up to one-third of the funds
1326 authorized for administrative expenses under this subparagraph
1327 may be used for expenses related to the recruitment of
1328 contributions from taxpayers. An eligible nonprofit scholarship-
1329 funding organization may not charge an application fee.

1330 2. Must expend for annual or partial-year scholarships an
1331 amount equal to or greater than 75 percent of the net eligible
1332 contributions remaining after administrative expenses during the
1333 state fiscal year in which such contributions are collected. No
1334 more than 25 percent of such net eligible contributions may be
1335 carried forward to the following state fiscal year. All amounts
1336 carried forward, for audit purposes, must be specifically
1337 identified for particular students, by student name and the name
1338 of the school to which the student is admitted, subject to the
1339 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
1340 and the applicable rules and regulations issued pursuant
1341 thereto. Any amounts carried forward shall be expended for
1342 annual or partial-year scholarships in the following state
1343 fiscal year. No later than September 30 of each year, net
1344 eligible contributions remaining on June 30 of each year that
1345 are in excess of the 25 percent that may be carried forward
1346 shall be used to provide scholarships to eligible students or
1347 transferred to other eligible nonprofit scholarship-funding
1348 organizations to provide scholarships for eligible students. All
1349 transferred funds must be deposited by each eligible nonprofit

1350 scholarship-funding organization receiving such funds into its
 1351 scholarship account. All transferred amounts received by any
 1352 eligible nonprofit scholarship-funding organization must be
 1353 separately disclosed in the annual financial audit required
 1354 under paragraph (m).

1355 3. Must, before granting a scholarship for an academic
 1356 year, document each scholarship student's eligibility for that
 1357 academic year. A scholarship-funding organization may not grant
 1358 multiyear scholarships in one approval process.

1359
 1360 Information and documentation provided to the Department of
 1361 Education and the Auditor General relating to the identity of a
 1362 taxpayer that provides an eligible contribution under this
 1363 section shall remain confidential at all times in accordance
 1364 with s. 213.053.

1365 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
 1366 Education shall:

1367 (c) Annually verify the eligibility of expenditures as
 1368 provided in paragraph (6) (d) using the audit required by
 1369 paragraph (6) (m) ~~and s. 11.45(2)(1)~~.

1370 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1371 (a) The scholarship amount provided to any student for any
 1372 single school year by an eligible nonprofit scholarship-funding
 1373 organization from eligible contributions shall be for total
 1374 costs authorized under paragraph (6) (d), not to exceed annual

1375 limits, which shall be determined as follows:

1376 1. For a student who received a scholarship in the 2018-
1377 2019 school year, who remains eligible, and who is enrolled in
1378 an eligible private school, the amount shall be the greater
1379 amount calculated pursuant to subparagraph 2. or a percentage of
1380 the unweighted FTE funding amount for the 2018-2019 state fiscal
1381 year and thereafter as follows:

1382 a. Eighty-eight percent for a student enrolled in
1383 kindergarten through grade 5.

1384 b. Ninety-two percent for a student enrolled in grade 6
1385 through grade 8.

1386 c. Ninety-six percent for a student enrolled in grade 9
1387 through grade 12.

1388 2. For students initially eligible in the 2019-2020 school
1389 year or thereafter, the calculated amount for a student to
1390 attend an eligible private school shall be calculated in
1391 accordance with s. 1002.394(12)(a) ~~based upon the grade level~~
1392 ~~and school district in which the student resides as 95 percent~~
1393 ~~of the funds per unweighted full-time equivalent in the Florida~~
1394 ~~Education Finance Program for a student in the basic program~~
1395 ~~established pursuant to s. 1011.62(1)(c)1., plus a per full-time~~
1396 ~~equivalent share of funds for all categorical programs, except~~
1397 ~~for the Exceptional Student Education Guaranteed Allocation.~~

1398 3. The scholarship amount awarded to a student enrolled in
1399 a Florida public school in which a student is enrolled and that

1400 is different from the school to which the student was assigned
 1401 or in a lab school as defined in s. 1002.32, is limited to \$750.

1402 Section 6. Paragraph (a) of subsection (11) of section
 1403 1002.40, Florida Statutes, is amended to read:

1404 1002.40 The Hope Scholarship Program.—

1405 (11) FUNDING AND PAYMENT.—

1406 (a) For students initially eligible in the 2019-2020
 1407 school year or thereafter, the calculated amount for a student
 1408 to attend an eligible private school shall be calculated in
 1409 accordance with s. 1002.394(12)(a) ~~based upon the grade level~~
 1410 ~~and school district in which the student was assigned as 95~~
 1411 ~~percent of the funds per unweighted full-time equivalent in the~~
 1412 ~~Florida Education Finance Program for a student in the basic~~
 1413 ~~program established pursuant to s. 1011.62(1)(c)1., plus a per-~~
 1414 ~~full-time equivalent share of funds for all categorical~~
 1415 ~~programs, except for the Exceptional Student Education~~
 1416 ~~Guaranteed Allocation.~~

1417 Section 7. Paragraph (aa) of subsection (4) of section
 1418 1009.971, Florida Statutes, is amended to read:

1419 1009.971 Florida Prepaid College Board.—

1420 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
 1421 board shall have the powers and duties necessary or proper to
 1422 carry out the provisions of ss. 1009.97-1009.988, including, but
 1423 not limited to, the power and duty to:

1424 (aa) Adopt rules relating to the purchase and use of a

1425 prepaid college plan authorized under s. 1009.98 or a college
1426 savings plan authorized under s. 1009.981 for the Family
1427 Empowerment Gardiner Scholarship Program pursuant to s. 1002.394
1428 ~~s. 1002.385~~, which may include, but need not be limited to:

- 1429 1. The use of such funds for postsecondary education
1430 programs for students with disabilities;
- 1431 2. Effective procedures that allow program funds to be
1432 used in conjunction with other funds used by a parent in the
1433 purchase of a prepaid college plan or a college savings plan;
- 1434 3. The tracking and accounting of program funds separately
1435 from other funds contributed to a prepaid college plan or a
1436 college savings plan;
- 1437 4. The reversion of program funds, including, but not
1438 limited to, earnings from contributions to the Florida College
1439 Savings Plan;
- 1440 5. The use of program funds only after private payments
1441 have been used for prepaid college plan or college savings plan
1442 expenditures;
- 1443 6. Contracting with each eligible nonprofit scholarship-
1444 funding organization to establish mechanisms to implement s.
1445 1002.394 ~~s. 1002.385~~, including, but not limited to, identifying
1446 the source of funds being deposited in the plans; and
- 1447 7. The development of a written agreement that defines the
1448 owner and beneficiary of an account and outlines
1449 responsibilities for the use of the advance payment contract

1450 funds or savings program funds.

1451 Section 8. Subsection (11) of section 1009.98, Florida
 1452 Statutes, is amended to read:

1453 1009.98 Stanley G. Tate Florida Prepaid College Program.—

1454 (11) IMPLEMENTATION PROCEDURES.—

1455 (a) A prepaid college plan may be purchased, accounted
 1456 for, used, and terminated as provided in s. 1002.394 ~~s.~~
 1457 ~~1002.385~~.

1458 (b) A qualified beneficiary may apply the benefits of an
 1459 advance payment contract toward the program fees of a program
 1460 designed for students with disabilities conducted by a state
 1461 postsecondary institution. A transfer authorized under this
 1462 subsection may not exceed the redemption value of the advance
 1463 payment contract at a state postsecondary institution or the
 1464 number of semester credit hours contracted on behalf of a
 1465 qualified beneficiary. A qualified beneficiary may not be
 1466 changed while a prepaid college plan contains funds contributed
 1467 under s. 1002.394 ~~s. 1002.385~~.

1468 Section 9. Subsection (10) of section 1009.981, Florida
 1469 Statutes, is amended to read:

1470 1009.981 Florida College Savings Program.—

1471 (10) IMPLEMENTATION PROCEDURES.—

1472 (a) A college savings plan may be purchased, accounted
 1473 for, used, and terminated as provided in s. 1002.394 ~~s.~~
 1474 ~~1002.385~~.

1475 (b) A designated beneficiary may apply the benefits of a
 1476 participation agreement toward the program fees of a program
 1477 designed for students with disabilities conducted by a state
 1478 postsecondary institution. A designated beneficiary may not be
 1479 changed while a college savings plan contains funds contributed
 1480 under s. 1002.394 ~~s. 1002.385~~.

1481 Section 10. Effective July 1, 2022, subsection (4) of
 1482 section 1011.61, Florida Statutes, is amended to read:

1483 1011.61 Definitions.—Notwithstanding the provisions of s.
 1484 1000.21, the following terms are defined as follows for the
 1485 purposes of the Florida Education Finance Program:

1486 (4) The maximum value for funding a student in
 1487 kindergarten through grade 12 or in a prekindergarten program
 1488 for exceptional children as provided in s. 1003.21(1)(e) shall
 1489 be the sum of the calculations in paragraphs (a), (b), and (c)
 1490 as calculated by the department.

1491 (a) The sum of the student's full-time equivalent student
 1492 membership value for the school year or the equivalent derived
 1493 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
 1494 subparagraphs (1)(c)2.b. and c., ~~subparagraph (1)(c)3.~~, and
 1495 subsection (2). If the sum is greater than 1.0, the full-time
 1496 equivalent student membership value for each program or course
 1497 shall be reduced by an equal proportion so that the student's
 1498 total full-time equivalent student membership value is equal to
 1499 1.0.

1500 (b) If the result in paragraph (a) is less than 1.0 full-
 1501 time equivalent student and the student has full-time equivalent
 1502 student enrollment pursuant to sub-sub-subparagraph
 1503 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
 1504 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
 1505 1.0 less the value in paragraph (a).

1506 (c) The full-time equivalent student enrollment value in
 1507 sub-subparagraph (1)(c)2.a.

1508

1509 ~~A scholarship award provided to a student enrolled in the John~~
 1510 ~~M. McKay Scholarships for Students with Disabilities Program~~
 1511 ~~pursuant to s. 1002.39 is not subject to the maximum value for~~
 1512 ~~funding a student under this subsection.~~

1513 Section 11. Paragraph (f) of subsection (18) of section
 1514 1011.62, Florida Statutes, is amended to read:

1515 1011.62 Funds for operation of schools.—If the annual
 1516 allocation from the Florida Education Finance Program to each
 1517 district for operation of schools is not determined in the
 1518 annual appropriations act or the substantive bill implementing
 1519 the annual appropriations act, it shall be determined as
 1520 follows:

1521 (18) TEACHER SALARY INCREASE ALLOCATION.—The Legislature
 1522 may annually provide in the Florida Education Finance Program a
 1523 teacher salary increase allocation to assist school districts in
 1524 their recruitment and retention of classroom teachers and other

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1525 | instructional personnel. The amount of the allocation shall be
1526 | specified in the General Appropriations Act.

1527 | ~~(f) Notwithstanding any other provision of law, funds~~
1528 | ~~allocated under this subsection shall not be included in the~~
1529 | ~~calculated amount for any scholarship awarded under chapter~~
1530 | ~~1002.~~

1531 | Section 12. Except as otherwise expressly provided in this
1532 | act, this act shall take effect July 1, 2021.