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581-02111-22

Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to educational scholarship program funding; amending s. 1002.394, F.S.; revising the Department of Education's obligation to cross-check the list of Family Empowerment Scholarship Program students with public school enrollment lists; requiring the department to adjust payments to eligible nonprofit scholarship-funding organizations and recalculate the Florida Education Finance Program (FEFP) allocation for school districts upon completion of the cross-check; deleting a requirement that the department verify that a student is not prohibited from receiving a scholarship; amending s. 1002.395, F.S.; requiring the department to recalculate the FEFP allocation for school districts upon completion of the cross-check for Florida Tax Credit Scholarship Program students; amending s. 1002.40, F.S.; requiring the department to recalculate the FEFP allocation for school districts upon completion of the cross-check for Hope Scholarship Program students; providing an effective date.

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

Section 1. Paragraph (a) of subsection (8) and subsection (12) of section 1002.394, Florida Statutes, are amended to read:
1002.394 The Family Empowerment Scholarship Program.—
(8) DEPARTMENT OF EDUCATION OBLIGATIONS.—



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- 29 (a) The department shall:
- 30 1. Publish and update, as necessary, information on the
- 31 department website about the Family Empowerment Scholarship
- 32 Program, including, but not limited to, student eligibility
- 33 criteria, parental responsibilities, and relevant data.
- 34 2. Cross-check ~~before each distribution of funds~~ the list
- 35 of participating scholarship students with the public school
- 36 enrollment lists ~~before each scholarship payment~~ to avoid
- 37 duplication.
- 38 3. Maintain and publish a list of nationally norm-
- 39 referenced tests identified for purposes of satisfying the
- 40 testing requirement in subparagraph (9)(c)1. The tests must meet
- 41 industry standards of quality in accordance with state board
- 42 rule.
- 43 4. Notify eligible nonprofit scholarship-funding
- 44 organizations of the deadlines for submitting the verified list
- 45 of students determined to be eligible for a scholarship.
- 46 5. Notify each school district of a parent's participation
- 47 in the scholarship program for purposes of paragraph (7)(f).
- 48 6. Deny or terminate program participation upon a parent's
- 49 failure to comply with subsection (10).
- 50 7. Notify the parent and the organization when a
- 51 scholarship account is closed and program funds revert to the
- 52 state.
- 53 8. Notify an eligible nonprofit scholarship-funding
- 54 organization of any of the organization's or other
- 55 organization's identified students who are receiving
- 56 scholarships under this chapter.
- 57 9. Maintain on its website a list of approved providers as



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58 required by s. 1002.66, eligible postsecondary educational
59 institutions, eligible private schools, and eligible
60 organizations and may identify or provide links to lists of
61 other approved providers.

62 10. Require each organization to verify eligible
63 expenditures before the distribution of funds for any
64 expenditures made pursuant to subparagraphs (4)(b)1. and 2.
65 Review of expenditures made for services specified in
66 subparagraphs (4)(b)3.-15. may be completed after the purchase
67 is made.

68 11. Investigate any written complaint of a violation of
69 this section by a parent, a student, a private school, a public
70 school, a school district, an organization, a provider, or
71 another appropriate party in accordance with the process
72 established under s. 1002.421.

73 12. Require quarterly reports by an organization, which
74 must include, at a minimum, the number of students participating
75 in the program; the demographics of program participants; the
76 disability category of program participants; the matrix level of
77 services, if known; the program award amount per student; the
78 total expenditures for the purposes specified in paragraph
79 (4)(b); the types of providers of services to students; and any
80 other information deemed necessary by the department.

81 13. Notify eligible nonprofit scholarship funding
82 organizations that scholarships may not be awarded in a school
83 district in which the award will exceed 99 percent of the school
84 district's share of state funding through the Florida Education
85 Finance Program as calculated by the department.

86 14. Adjust payments to eligible nonprofit scholarship-



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87 funding organizations and recalculate the Florida Education
88 Finance Program allocation for school districts upon completion
89 of the cross-check by the department pursuant to subparagraph 2.

90 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

91 (a)1. Scholarships for students determined eligible
92 pursuant to paragraph (3) (a) are established for up to 18,000
93 students annually beginning in the 2019-2020 school year.
94 Beginning in the 2020-2021 school year, the maximum number of
95 students participating in the scholarship program under this
96 section shall annually increase by 1.0 percent of the state's
97 total public school student enrollment. An eligible student who
98 meets any of the following requirements shall be excluded from
99 the maximum number of students if the student:

100 a. Received a scholarship pursuant to s. 1002.395 during
101 the previous school year but did not receive a renewal
102 scholarship based solely on the eligible nonprofit scholarship-
103 funding organization's lack of available funds after the
104 organization fully exhausted its efforts to use funds available
105 for awards under ss. 1002.395 and 1002.40(11) (i). Eligible
106 nonprofit scholarship-funding organizations with students who
107 meet the criterion in this subparagraph must annually notify the
108 department in a format and by a date established by the
109 department. The maximum number of scholarships awarded pursuant
110 to this subparagraph shall not exceed 15,000 per school year;

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

113 c. Is determined eligible pursuant to subparagraph (3) (a)1.
114 or subparagraph (3) (a)2. and either spent the prior school year
115 in attendance at a Florida public school or, beginning in the



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116 2022-2023 school year, is eligible to enroll in kindergarten.
117 For purposes of this subparagraph, the term "prior school year
118 in attendance" means that the student was enrolled and reported
119 by a school district for funding during either the preceding
120 October or February Florida Education Finance Program surveys in
121 kindergarten through grade 12, which includes time spent in a
122 Department of Juvenile Justice commitment program if funded
123 under the Florida Education Finance Program.

124 2. The scholarship amount provided to a student for any
125 single school year shall be for tuition and fees for an eligible
126 private school, not to exceed annual limits, which shall be
127 determined in accordance with this subparagraph. The calculated
128 amount for a participating student shall be based upon the grade
129 level and school district in which the student was assigned as
130 100 percent of the funds per unweighted full-time equivalent in
131 the Florida Education Finance Program for a student in the basic
132 program established pursuant to s. 1011.62(1)(c)1., plus a per-
133 full-time equivalent share of funds for all categorical
134 programs, except for the Exceptional Student Education
135 Guaranteed Allocation.

136 3. The amount of the scholarship shall be the calculated
137 amount or the amount of the private school's tuition and fees,
138 whichever is less. The amount of any assessment fee required by
139 the participating private school and any costs to provide a
140 digital device, including Internet access, if necessary, to the
141 student may be paid from the total amount of the scholarship.

142 4. A scholarship of \$750 may be awarded to a student who is
143 determined eligible pursuant to subparagraph (3)(a)1. or
144 subparagraph (3)(a)2. and enrolled in a Florida public school



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145 that is different from the school to which the student was
146 assigned or in a lab school as defined in s. 1002.32 if the
147 school district does not provide the student with transportation
148 to the school.

149 ~~5. Upon notification from the organization on July 1,~~
150 ~~September 1, December 1, and February 1 that an application has~~
151 ~~been approved for the program, the department shall verify that~~
152 ~~the student is not prohibited from receiving a scholarship~~
153 ~~pursuant to subsection (6).~~ The organization must provide the
154 department with the documentation necessary to verify the
155 student's participation. Upon receiving the documentation
156 ~~verification~~, the department shall transfer, from state funds
157 only, the amount calculated pursuant to subparagraph 2. to the
158 organization for quarterly disbursement to parents of
159 participating students each school year in which the scholarship
160 is in force. For a student exiting a Department of Juvenile
161 Justice commitment program who chooses to participate in the
162 scholarship program, the amount of the Family Empowerment
163 Scholarship calculated pursuant to subparagraph 2. must be
164 transferred from the school district in which the student last
165 attended a public school before commitment to the Department of
166 Juvenile Justice. When a student enters the scholarship program,
167 the organization must receive all documentation required for the
168 student's participation, including the private school's and the
169 student's fee schedules, at least 30 days before the first
170 quarterly scholarship payment is made for the student.

171 6. The initial payment shall be made after the
172 organization's verification of admission acceptance, and
173 subsequent payments shall be made upon verification of continued



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174 enrollment and attendance at the private school. Payment must be
175 by individual warrant made payable to the student's parent or by
176 funds transfer or any other means of payment that the department
177 deems to be commercially viable or cost-effective. If the
178 payment is made by warrant, the warrant must be delivered by the
179 organization to the private school of the parent's choice, and
180 the parent shall restrictively endorse the warrant to the
181 private school. An organization shall ensure that the parent to
182 whom the warrant is made has restrictively endorsed the warrant
183 to the private school for deposit into the account of the
184 private school or that the parent has approved a funds transfer
185 before any scholarship funds are deposited.

186 (b)1. Scholarships for students determined eligible
187 pursuant to paragraph (3) (b) are established for up to 20,000
188 students annually beginning in the 2021-2022 school year.
189 Beginning in the 2022-2023 school year, the maximum number of
190 students participating in the scholarship program under this
191 section shall annually increase by 1.0 percent of the state's
192 total exceptional student education full-time equivalent student
193 enrollment, not including gifted students. An eligible student
194 who meets any of the following requirements shall be excluded
195 from the maximum number of students if the student:

196 a. Received specialized instructional services under the
197 Voluntary Prekindergarten Education Program pursuant to s.
198 1002.66 during the previous school year and the student has a
199 current IEP developed by the local school board in accordance
200 with rules of the State Board of Education;

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



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203 c. Spent the prior school year in attendance at a Florida
204 public school or the Florida School for the Deaf and the Blind.
205 For purposes of this subparagraph, the term "prior school year
206 in attendance" means that the student was enrolled and reported
207 by:

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

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

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

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

222 2. For a student who has a Level I to Level III matrix of
223 services or a diagnosis by a physician or psychologist, the
224 calculated scholarship amount for a student participating in the
225 program must be based upon the grade level and school district
226 in which the student would have been enrolled as the total funds
227 per unweighted full-time equivalent in the Florida Education
228 Finance Program for a student in the basic exceptional student
229 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
230 plus a per full-time equivalent share of funds for all
231 categorical programs, as funded in the General Appropriations



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232 Act, except that for the exceptional student education
233 guaranteed allocation as provided in s. 1011.62(1)(e)1.c. and
234 2., the funds must be allocated based on the school district's
235 average exceptional student education guaranteed allocation
236 funds per exceptional student education full-time equivalent
237 student.

238 3. For a student with a Level IV or Level V matrix of
239 services, the calculated scholarship amount must be based upon
240 the school district to which the student would have been
241 assigned as the total funds per full-time equivalent for the
242 Level IV or Level V exceptional student education program
243 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
244 equivalent share of funds for all categorical programs, as
245 funded in the General Appropriations Act.

246 4. For a student who received a Gardiner Scholarship
247 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
248 shall be the greater of the amount calculated pursuant to
249 subparagraph 2. or the amount the student received for the 2020-
250 2021 school year.

251 5. For a student who received a John M. McKay Scholarship
252 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
253 shall be the greater of the amount calculated pursuant to
254 subparagraph 2. or the amount the student received for the 2020-
255 2021 school year.

256 ~~6. Upon notification from an organization on July 1,~~
257 ~~September 1, December 1, and February 1 that an application has~~
258 ~~been approved for the program, the department shall verify that~~
259 ~~the student is not prohibited from receiving a scholarship~~
260 ~~pursuant to subsection (6).~~ The organization must provide the



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261 department with the documentation necessary to verify the
262 student's participation.

263 7. Upon receiving the documentation ~~verification~~, the
264 department shall release, from state funds only, the student's
265 scholarship funds to the organization, to be deposited into the
266 student's account in four equal amounts no later than September
267 1, November 1, February 1, and April 1 of each school year in
268 which the scholarship is in force.

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

272 9. The organization may develop a system for payment of
273 benefits by funds transfer, including, but not limited to, debit
274 cards, electronic payment cards, or any other means of payment
275 which the department deems to be commercially viable or cost-
276 effective. A student's scholarship award may not be reduced for
277 debit card or electronic payment fees. Commodities or services
278 related to the development of such a system must be procured by
279 competitive solicitation unless they are purchased from a state
280 term contract pursuant to s. 287.056.

281 10. Moneys received pursuant to this section do not
282 constitute taxable income to the qualified student or the parent
283 of the qualified student.

284 Section 2. Paragraph (d) of subsection (9) of section
285 1002.395, Florida Statutes, is amended to read:

286 1002.395 Florida Tax Credit Scholarship Program.—

287 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
288 Education shall:

289 (d) Cross-check the list of participating scholarship



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290 students with the public school enrollment lists to avoid
291 duplication and recalculate the Florida Education Finance
292 Program allocation for school districts upon completion of the
293 cross-check.

294 Section 3. Paragraph (a) of subsection (8) of section
295 1002.40, Florida Statutes, is amended to read:

296 1002.40 The Hope Scholarship Program.—

297 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
298 shall:

299 (a) Cross-check the list of participating scholarship
300 students with the public school enrollment lists to avoid
301 duplication and recalculate the Florida Education Finance
302 Program allocation for school districts upon completion of the
303 cross-check.

304 Section 4. This act shall take effect July 1, 2022.