

By the Committee on Education; and Senator Diaz

581-02283-22

20221348c1

1                   A bill to be entitled  
2           An act relating to educational scholarship program  
3           funding; amending s. 1002.394, F.S.; revising the  
4           Department of Education's obligation to cross-check  
5           the list of Family Empowerment Scholarship Program  
6           students with public school enrollment lists;  
7           requiring the department to adjust payments to  
8           eligible nonprofit scholarship-funding organizations  
9           and recalculate the Florida Education Finance Program  
10          (FEFP) allocation for school districts upon completion  
11          of the cross-check; deleting a requirement that the  
12          department verify that a student is not prohibited  
13          from receiving a scholarship; amending s. 1002.395,  
14          F.S.; requiring the department to recalculate the FEFP  
15          allocation for school districts upon completion of the  
16          cross-check for Florida Tax Credit Scholarship Program  
17          students; amending s. 1002.40, F.S.; requiring the  
18          department to recalculate the FEFP allocation for  
19          school districts upon completion of the cross-check  
20          for Hope Scholarship Program students; providing an  
21          effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25           Section 1. Paragraph (a) of subsection (8) and subsection  
26           (12) of section 1002.394, Florida Statutes, are amended to read:  
27           1002.394 The Family Empowerment Scholarship Program.—  
28           (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—  
29           (a) The department shall:

581-02283-22

20221348c1

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  
58 required by s. 1002.66, eligible postsecondary educational

581-02283-22

20221348c1

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-  
87 funding organizations and recalculate the Florida Education

581-02283-22

20221348c1

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  
116 2022-2023 school year, is eligible to enroll in kindergarten.

581-02283-22

20221348c1

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  
145 that is different from the school to which the student was

581-02283-22

20221348c1

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  
174 enrollment and attendance at the private school. Payment must be

581-02283-22

20221348c1

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;

203 c. Spent the prior school year in attendance at a Florida

581-02283-22

20221348c1

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  
232 Act, except that for the exceptional student education



581-02283-22

20221348c1

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  
261 department with the documentation necessary to verify the

581-02283-22

20221348c1

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  
290 students with the public school enrollment lists to avoid

581-02283-22

20221348c1

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.