

By Senator Brodeur

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1                   A bill to be entitled  
2           An act relating to education recovery scholarship  
3           accounts; creating s. 1002.4111, F.S.; establishing  
4           education recovery scholarship accounts; providing the  
5           purpose of the accounts; specifying eligibility  
6           requirements; providing requirements for parent and  
7           student participation; defining the term "curriculum";  
8           prohibiting providers from sharing scholarship account  
9           moneys with parents or students; prohibiting a parent,  
10          student, or provider from billing specified entities  
11          for the same services that are paid for using  
12          scholarship account funds; providing that parents are  
13          responsible for certain unreimbursed expenses;  
14          providing for administration of the scholarship;  
15          specifying Department of Education scholarship  
16          obligations; specifying school district scholarship  
17          obligations; providing for funding and payment of  
18          scholarships; providing immunity from liability for  
19          the state; authorizing the State Board of Education to  
20          adopt rules; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Section 1002.4111, Florida Statutes, is created  
25 to read:

26           1002.4111 Education recovery scholarship accounts.-  
27           (1) EDUCATION RECOVERY SCHOLARSHIP ACCOUNTS.-Education  
28 recovery scholarship accounts are established to mitigate  
29 learning loss by providing options for students who attend a

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30 public school that has been closed because of an emergency.

31 (2) ELIGIBILITY.—Contingent upon available funds  
32 appropriated to reading scholarship accounts under s. 1002.411,  
33 and on a first-come, first-served basis, a student is eligible  
34 for an education recovery scholarship account if that student  
35 attends a public school that has been closed for in-person  
36 learning for no less than 10 consecutive school days during the  
37 school year because of an emergency as defined in s. 252.34(4)  
38 and meets one of the following requirements:

39 (a) The student is in grades 3 through 5 and scored below a  
40 Level 3 on the grade 3 or grade 5 statewide, standardized  
41 English Language Arts or mathematics assessment in the current  
42 or prior school year; or

43 (b) The student is in grades 3 through 5 and has been  
44 identified as needing additional support based on the school's  
45 early warning system pursuant to s. 1001.42(18)(b).

46 (3) PARENT AND STUDENT REQUIREMENTS FOR PARTICIPATION.—

47 (a) For an eligible student to receive an education  
48 recovery scholarship, the student's parent must:

49 1. Submit an application to an eligible nonprofit  
50 scholarship-funding organization by the deadline established by  
51 such organization; and

52 2. Submit eligible expenses to the eligible nonprofit  
53 scholarship-funding organization for reimbursement of qualifying  
54 expenditures, which may include only:

55 a. Instructional materials.

56 b. Curriculum. As used in this sub-subparagraph, the term  
57 "curriculum" means a complete course of study for a particular  
58 content area or grade level, including any required supplemental

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59 materials and associated online instruction.

60 c. Tuition and fees for part-time tutoring services  
61 provided by a person who holds a valid Florida educator's  
62 certificate pursuant to s. 1012.56, a person who holds a  
63 baccalaureate or graduate degree in the subject area, a person  
64 who holds an adjunct teaching certificate pursuant to s.  
65 1012.57, or a person who has demonstrated a mastery of subject  
66 area knowledge pursuant to s. 1012.56(5).

67 d. Fees for summer education programs designed to improve  
68 mathematics, reading, or literacy skills.

69 e. Fees for after-school education programs designed to  
70 improve mathematics, reading, or literacy skills.

71  
72 A provider of any services receiving payments pursuant to this  
73 paragraph may not share any moneys from the education recovery  
74 scholarship with, or provide a refund or rebate of any moneys  
75 from such scholarship to, the parent or participating student in  
76 any manner. A parent, student, or provider of any services may  
77 not bill an insurance company, Medicaid, or any other agency for  
78 the same services that are paid for using education recovery  
79 scholarship funds.

80 (b) The parent is responsible for the payment of all  
81 eligible expenses in excess of the amount in the account in  
82 accordance with the terms agreed to between the parent and any  
83 providers and may not receive any refund or rebate of any  
84 expenditures made in accordance with paragraph (a).

85 (4) ADMINISTRATION.—An eligible nonprofit scholarship-  
86 funding organization participating in the reading scholarship  
87 account program under s. 1002.411 may establish education

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88 recovery scholarship accounts for eligible students in  
89 accordance with the requirements of eligible nonprofit  
90 scholarship-funding organizations under this chapter.

91 (5) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
92 Education shall:

93 (a) Verify, before the distribution of funds, the  
94 eligibility of a student whose family has applied for a  
95 scholarship under this section.

96 (b) Require each organization to verify eligible  
97 expenditures before the distribution of funds for any  
98 expenditures made pursuant to sub-subparagraphs (3)(a)2.a. and  
99 b. Review of expenditures made for services specified in sub-  
100 subparagraphs (3)(a)2.c., d., and e. may be completed after the  
101 purchase is made.

102 (c) Require an annual report by each organization which  
103 must include, at a minimum, the number of students participating  
104 in the program; the demographics of program participants; the  
105 total expenditures for the purposes specified in paragraph  
106 (3)(a); and any other information deemed necessary by the  
107 department.

108 (6) SCHOOL DISTRICT OBLIGATIONS.—

109 (a) A school district shall notify the parent of each  
110 eligible student within 10 school days after the first day of a  
111 qualifying school closure of the process to request and receive  
112 an education recovery scholarship, subject to available funds.

113 (b) No later than 20 school days after the first day of a  
114 qualifying school closure, a school district shall notify the  
115 department of any student at a qualifying public school who is  
116 eligible for a scholarship under this section.

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117 (7) ACCOUNT FUNDING AND PAYMENT.-

118 (a) The scholarship award shall be as provided in the  
119 General Appropriations Act.

120 (b)1. An eligible nonprofit scholarship-funding  
121 organization may not distribute more than 25 percent of the  
122 available remaining funds from the reading scholarships under s.  
123 1002.411 before May 1 of each school year.

124 2. On May 1 and thereafter of each school year, an  
125 organization may distribute any available remaining funds from  
126 the reading scholarship as education recovery scholarships to  
127 students eligible under this section.

128 (c) If funds are available from the reading scholarship  
129 pursuant to paragraph (b), upon notification from the eligible  
130 nonprofit scholarship-funding organization that a student has  
131 been determined eligible for an education recovery scholarship,  
132 the department must release the student's scholarship funds to  
133 such organization to be deposited into the student's account.

134 (d) The eligible nonprofit scholarship-funding organization  
135 may develop a system for payment of scholarship funds by funds  
136 transfer, including, but not limited to, debit cards, electronic  
137 payment cards, or any other means of payment that the department  
138 deems to be commercially viable or cost-effective. A student's  
139 scholarship award may not be reduced for debit card or  
140 electronic payment fees. Commodities or services related to the  
141 development of such a system must be procured by competitive  
142 solicitation unless such commodities or services are purchased  
143 from a state term contract pursuant to s. 287.056.

144 (e) Payment of the scholarship must be made by the eligible  
145 nonprofit scholarship-funding organization no less frequently

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146 than on a quarterly basis.

147 (f) Moneys received pursuant to this section do not  
148 constitute taxable income to the qualified student or his or her  
149 parent.

150 (g) A student's scholarship account must be closed and any  
151 remaining funds must revert to the state after:

152 1. Denial or revocation of scholarship eligibility by the  
153 commissioner for fraud or abuse, including, but not limited to,  
154 the student or student's parent accepting any payment, refund,  
155 or rebate, in any manner, from a provider of any services  
156 received pursuant to subsection (3); or

157 2. One fiscal year in which an account has been inactive.

158 (h) Receipt of an education recovery scholarship does not  
159 make a student ineligible for a reading scholarship under s.  
160 1002.411.

161 (8) LIABILITY.—No liability shall arise on the part of the  
162 state based on the award or use of an education recovery  
163 scholarship account.

164 (9) RULES.—The State Board of Education may adopt rules to  
165 implement this section.

166 Section 2. This act shall take effect July 1, 2022.