

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Waldron offered the following:

Amendment

Remove lines 254-1056 and insert:

(4) (a) if:

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

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

c.3. The student's household income level does not exceed 500 ~~375~~ percent of the federal poverty level or an adjusted

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14 maximum percent of the federal poverty level that is increased
15 by 25 percentage points in the fiscal year following any fiscal
16 year in which more than 5 percent of the available scholarships
17 authorized under paragraph (12)(a) have not been funded;

18 ~~d.4.~~ The student is a sibling of a student who is
19 participating in the scholarship program under this subsection
20 and such siblings reside in the same household;

21 ~~e.5.~~ The student is a dependent child of a member of the
22 United States Armed Forces; or

23 ~~f.6.~~ The student is a dependent child of a law enforcement
24 officer.

25 2. Priority must be given in the following order: ~~to~~

26 a. A student whose household income level does not exceed
27 185 percent of the federal poverty level or who is in foster
28 care or out-of-home care.

29 b. A student whose household income level exceeds 185
30 percent of the federal poverty level, but does not exceed 400
31 percent of the federal poverty level.

32 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

35 1. Tuition and fees at an eligible private school. ~~or~~

36 2. Transportation to a Florida public school in which a
37 student is enrolled and that is different from the school to

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38 | which the student was assigned or to a lab school as defined in
39 | s. 1002.32.

40 | 3. Instructional materials, including digital materials
41 | and Internet resources.

42 | 4. Curriculum as defined in subsection (2).

43 | 5. Tuition and fees associated with full-time or part-time
44 | enrollment in an eligible postsecondary educational institution
45 | or a program offered by the postsecondary educational
46 | institution, unless the program is subject to s. 1009.25 or
47 | reimbursed pursuant to s. 1009.30; an approved preapprenticeship
48 | program as defined in s. 446.021(5) which is not subject to s.
49 | 1009.25 and complies with all applicable requirements of the
50 | department pursuant to chapter 1005; a private tutoring program
51 | authorized under s. 1002.43; a virtual program offered by a
52 | department-approved private online provider that meets the
53 | provider qualifications specified in s. 1002.45(2)(a); the
54 | Florida Virtual School as a private paying student; or an
55 | approved online course offered pursuant to s. 1003.499 or s.
56 | 1004.0961.

57 | 6. Fees for nationally standardized, norm-referenced
58 | achievement tests, Advanced Placement Examinations, industry
59 | certification examinations, assessments related to postsecondary
60 | education, or other assessments.

61 | 7. Contracted services provided by a public school or
62 | school district, including classes. A student who receives

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63 contracted services under this subparagraph is not considered
64 enrolled in a public school for eligibility purposes as
65 specified in subsection (6) but rather attending a public school
66 on a part-time basis as authorized under s. 1002.44.

67 8. Tuition and fees for part-time tutoring services or
68 fees for services provided by a choice navigator. Such services
69 must be provided by a person who holds a valid Florida
70 educator's certificate pursuant to s. 1012.56, a person who
71 holds an adjunct teaching certificate pursuant to s. 1012.57, a
72 person who has a bachelor's degree or a graduate degree in the
73 subject area in which instruction is given, a person who has
74 demonstrated a mastery of subject area knowledge pursuant to s.
75 1012.56(5), or a person certified by a nationally or
76 internationally recognized research-based training program as
77 approved by the department. As used in this subparagraph, the
78 term "part-time tutoring services" does not qualify as regular
79 school attendance as defined in s. 1003.01(13)(e) if the student
80 is determined eligible pursuant to subparagraph (3)(a)1. or
81 subparagraph (3)(a)2.

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

85 1. Instructional materials, including digital devices,
86 digital periphery devices, and assistive technology devices that
87 allow a student to access instruction or instructional content

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88 and training on the use of and maintenance agreements for these
89 devices.

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

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

94 a. Applied behavior analysis services as provided in ss.
95 627.6686 and 641.31098.

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

98 c. Occupational therapy as defined in s. 468.203.

99 d. Services provided by physical therapists as defined in
100 s. 486.021(8).

101 e. Services provided by listening and spoken language
102 specialists and an appropriate acoustical environment for a
103 child who has a hearing impairment, including deafness, and who
104 has received an implant or assistive hearing device.

105 4. Tuition and ~~or~~ fees associated with full-time or part-
106 time enrollment in a home education program; an eligible
107 private school; an eligible postsecondary educational
108 institution or a program offered by the postsecondary
109 educational institution, unless the program is subject to s.
110 1009.25 or reimbursed pursuant to s. 1009.30; an approved
111 preapprenticeship program as defined in s. 446.021(5) which is
112 not subject to s. 1009.25 and complies with all applicable

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113 requirements of the department pursuant to chapter 1005; a
114 private tutoring program authorized under s. 1002.43; ~~τ~~ a virtual
115 program offered by a department-approved private online provider
116 that meets the provider qualifications specified in s.
117 1002.45(2)(a); ~~τ~~ the Florida Virtual School as a private paying
118 student; ~~τ~~ or an approved online course offered pursuant to s.
119 1003.499 or s. 1004.0961.

120 5. Fees for nationally standardized, norm-referenced
121 achievement tests, Advanced Placement Examinations, industry
122 certification examinations, assessments related to postsecondary
123 education, or other assessments.

124 6. Contributions to the Stanley G. Tate Florida Prepaid
125 College Program pursuant to s. 1009.98 or the Florida College
126 Savings Program pursuant to s. 1009.981 for the benefit of the
127 eligible student.

128 7. Contracted services provided by a public school or
129 school district, including classes. A student who receives
130 services under a contract under this paragraph is not considered
131 enrolled in a public school for eligibility purposes as
132 specified in subsection (6) but rather attending a public school
133 on a part-time basis as authorized under s. 1002.44.

134 8. Tuition and fees for part-time tutoring services or
135 fees for services provided by a choice navigator. Such services
136 must be provided by a person who holds a valid Florida
137 educator's certificate pursuant to s. 1012.56, a person who

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138 holds an adjunct teaching certificate pursuant to s. 1012.57, a
139 person who has a bachelor's degree or a graduate degree in the
140 subject area in which instruction is given, a person who has
141 demonstrated a mastery of subject area knowledge pursuant to s.
142 1012.56(5), or a person certified by a nationally or
143 internationally recognized research-based training program as
144 approved by the department. As used in this subparagraph
145 ~~paragraph~~, the term "part-time tutoring services" does not
146 qualify as regular school attendance as defined in s.
147 1003.01(13)(e).

- 148 9. Fees for specialized summer education programs.
- 149 10. Fees for specialized after-school education programs.
- 150 11. Transition services provided by job coaches.
- 151 12. Fees for an annual evaluation of educational progress
152 by a state-certified teacher under s. 1002.41(1)(f), if this
153 option is chosen for a home education student.
- 154 13. Tuition and fees associated with programs offered by
155 Voluntary Prekindergarten Education Program providers approved
156 pursuant to s. 1002.55 and school readiness providers approved
157 pursuant to s. 1002.88.
- 158 14. Fees for services provided at a center that is a
159 member of the Professional Association of Therapeutic
160 Horsemanship International.

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161 15. Fees for services provided by a therapist who is
162 certified by the Certification Board for Music Therapists or
163 credentialed by the Art Therapy Credentials Board, Inc.

164 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of
165 educational choice:

166 (a)1. A scholarship awarded to an eligible student
167 pursuant to paragraph (3) (a) shall remain in force until:

168 a. The organization determines that the student is not
169 eligible for program renewal;

170 b. The Commissioner of Education suspends or revokes
171 program participation or use of funds;

172 c. The student's parent has forfeited participation in the
173 program for failure to comply with subsection (10);

174 d. The student enrolls in a public school. However, if a
175 student enters a Department of Juvenile Justice detention center
176 for a period of no more than 21 days, the student is not
177 considered to have returned to a public school on a full-time
178 basis for that purpose; or

179 e. The student graduates from high school or attains 21
180 years of age, whichever occurs first.

181 2.a. The student's scholarship account must be closed and
182 any remaining funds shall revert to the state after:

183 (I) Denial or revocation of program eligibility by the
184 commissioner for fraud or abuse, including, but not limited to,
185 the student or student's parent accepting any payment, refund,

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186 or rebate, in any manner, from a provider of any services
187 received pursuant to paragraph (4)(a); or
188 (II) Two consecutive fiscal years in which an account has
189 been inactive.

190 b. Reimbursements for program expenditures may continue
191 until the account balance is expended or remaining funds have
192 reverted to the state student returns to a public school,
193 graduates from high school, or reaches the age of 21, whichever
194 occurs first. A scholarship student who enrolls in a public
195 school or public school program is considered to have returned
196 to a public school for the purpose of determining the end of the
197 scholarship's term. However, if a student enters a Department of
198 Juvenile Justice detention center for a period of no more than
199 21 days, the student is not considered to have returned to a
200 public school for that purpose.

201 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible
202 for a Family Empowerment Scholarship while he or she is:

203 (f) Participating in virtual instruction pursuant to s.
204 1002.455 that receives state funding pursuant to the student's
205 participation.

206 (7) SCHOOL DISTRICT OBLIGATIONS.—

207 (b)1. The parent of a student with a disability who does
208 not have an IEP in accordance with subparagraph (3)(b)4. or who
209 seeks a reevaluation of an existing IEP may request an IEP
210 meeting and evaluation from the school district in order to

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211 obtain or revise a matrix of services. The school district shall
212 notify a parent who has made a request for an IEP that the
213 district is required to complete the IEP and matrix of services
214 within 30 days after receiving notice of the parent's request.
215 The school district shall conduct a meeting and develop an IEP
216 and a matrix of services within 30 days after receipt of the
217 parent's request in accordance with State Board of Education
218 rules. The district must accept the diagnosis and consider the
219 service plan of the licensed professional providing the
220 diagnosis pursuant to subparagraph (3)(b)4. The school district
221 must complete a matrix that assigns the student to one of the
222 levels of service as they existed before the 2000-2001 school
223 year. For a nonpublic school student without an IEP, the school
224 district is authorized to use evaluation reports and plans of
225 care developed by the licensed professionals under subparagraph
226 (4)(b)3. to complete the matrix of services.

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

230 b. The department shall notify the parent and the
231 organization of the amount of the funds awarded within 10 days
232 after receiving the school district's notification of the
233 student's matrix level.

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

237 ~~(d) The school district in which a participating student~~
238 ~~resides must notify the student and his or her parent about the~~
239 ~~locations and times to take all statewide assessments under s.~~
240 ~~1008.22 if the student chooses to participate in such~~
241 ~~assessments.~~ Upon the request of the department, a school
242 district shall coordinate with the department to provide to a
243 participating private school the statewide assessments
244 administered under s. 1008.22 and any related materials for
245 administering the assessments. For a student who participates in
246 the Family Empowerment Scholarship Program whose parent requests
247 that the student take the statewide assessments under s.
248 1008.22, the district in which the student attends a private
249 school shall provide locations and times to take all statewide
250 assessments. A school district is responsible for implementing
251 test administrations at a participating private school,
252 including the:

- 253 1. Provision of training for private school staff on test
254 security and assessment administration procedures;
255 2. Distribution of testing materials to a private school;
256 3. Retrieval of testing materials from a private school;

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257 4. Provision of the required format for a private school
258 to submit information to the district for test administration
259 and enrollment purposes; and

260 5. Provision of any required assistance, monitoring, or
261 investigation at a private school.

262 ~~(f) A school district shall report all students who are~~
263 ~~receiving a scholarship under this program. Students receiving a~~
264 ~~scholarship shall be reported separately from other students~~
265 ~~reported for purposes of the Florida Education Finance Program.~~

266 ~~(g) A school district shall be held harmless for students~~
267 ~~who are receiving a scholarship under this program from the~~
268 ~~weighted enrollment ceiling for group 2 programs in s.~~
269 ~~1011.62(1)(d)3.b. during the first school year in which the~~
270 ~~students are reported.~~

271 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

272 (a) The department shall:

273 1. Publish and update, as necessary, information on the
274 department website about the Family Empowerment Scholarship
275 Program, including, but not limited to, student eligibility
276 criteria, parental responsibilities, and relevant data.

277 2. Report, as part of the determination of full-time
278 equivalent membership pursuant to s. 1011.62(1)(a), all students
279 who are receiving a scholarship under the program and are funded
280 through the Florida Education Finance Program, and cross-check

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281 the list of participating scholarship students with the public
282 school enrollment lists to avoid duplication.

283 3. Maintain and annually publish a list of nationally
284 norm-referenced tests identified for purposes of satisfying the
285 testing requirement in subparagraph (9)(c)1. The tests must meet
286 industry standards of quality in accordance with state board
287 rule.

288 4. Notify eligible nonprofit scholarship-funding
289 organizations of the deadlines for submitting the verified list
290 of students determined to be eligible for a scholarship. An
291 eligible nonprofit scholarship-funding organization may not
292 submit a student for funding after February 1.

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

295 ~~5.6.~~ Deny or terminate program participation upon a
296 parent's failure to comply with subsection (10).

297 ~~6.7.~~ Notify the parent and the organization when a
298 scholarship account is closed and program funds revert to the
299 state.

300 ~~7.8.~~ Notify an eligible nonprofit scholarship-funding
301 organization of any of the organization's or other
302 organization's identified students who are receiving
303 scholarships under this chapter.

304 ~~8.9.~~ Maintain on its website a list of approved providers
305 as required by s. 1002.66, eligible postsecondary educational

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306 institutions, eligible private schools, and eligible
307 organizations and may identify or provide links to lists of
308 other approved providers.

309 ~~9.10.~~ Require each organization to verify eligible
310 expenditures before the distribution of funds for any
311 expenditures made pursuant to subparagraphs (4) (b)1. and 2.
312 Review of expenditures made for services specified in
313 subparagraphs (4) (b)3.-15. may be completed after the purchase
314 is made.

315 ~~10.11.~~ Investigate any written complaint of a violation of
316 this section by a parent, a student, a private school, a public
317 school, a school district, an organization, a provider, or
318 another appropriate party in accordance with the process
319 established under s. 1002.421.

320 ~~11.12.~~ Require quarterly reports by an organization, which
321 must include, at a minimum, the number of students participating
322 in the program; the demographics of program participants; the
323 disability category of program participants; the matrix level of
324 services, if known; the program award amount per student; the
325 total expenditures for the purposes specified in paragraph
326 (4) (b); the types of providers of services to students; and any
327 other information deemed necessary by the department.

328 ~~12.13.~~ Notify eligible nonprofit scholarship-funding
329 organizations that scholarships may not be awarded in a school
330 district in which the award will exceed 99 percent of the school

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331 district's share of state funding through the Florida Education
332 Finance Program as calculated by the department.

333 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-
334 funding organizations and, when the Florida Education Finance
335 Program is recalculated, adjust the amount of state funds
336 allocated to school districts through the Florida Education
337 Finance Program based upon the results of the cross-check
338 completed pursuant to subparagraph 2.

339 (c) The department shall notify each school district of
340 the full-time equivalent student consensus estimate of students
341 participating in the program developed pursuant to s.
342 216.136(4) (a).

343 (9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
344 eligible to participate in the Family Empowerment Scholarship
345 Program, a private school may be sectarian or nonsectarian and
346 must:

347 (d) For a student determined eligible pursuant to
348 paragraph (3)(b), discuss the school's academic programs and
349 policies, specialized services, code of conduct, and attendance
350 policies before enrollment with the parent to determine which
351 programs and services may meet the student's individual needs.

352
353 If a private school fails to meet the requirements of this
354 subsection or s. 1002.421, the commissioner may determine that

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355 the private school is ineligible to participate in the
356 scholarship program.

357 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
358 PARTICIPATION.—

359 (a) A parent who applies for program participation under
360 paragraph (3)(a) whose student will be enrolled full time ~~is~~
361 ~~exercising his or her parental option to place his or her child~~
362 in a private school ~~and~~ must:

363 1. Select the private school and apply for the admission
364 of his or her student.

365 2. Request the scholarship by a date established by the
366 organization, in a manner that creates a written or electronic
367 record of the request and the date of receipt of the request.

368 3. Inform the applicable school district when the parent
369 withdraws his or her student from a public school to attend an
370 eligible private school.

371 4. Require his or her student participating in the program
372 to remain in attendance throughout the school year unless
373 excused by the school for illness or other good cause.

374 5. Meet with the private school's principal or the
375 principal's designee to review the school's academic programs
376 and policies, specialized services ~~customized educational~~
377 ~~programs~~, code of student conduct, and attendance policies
378 before ~~prior to~~ enrollment.

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379 6. Require that the student participating in the
380 scholarship program takes the norm-referenced assessment offered
381 by the private school. The parent may also choose to have the
382 student participate in the statewide assessments pursuant to
383 paragraph (7)(d). If the parent requests that the student
384 participating in the program take all statewide assessments
385 required pursuant to s. 1008.22, the parent is responsible for
386 transporting the student to the assessment site designated by
387 the school district.

388 7. Approve each payment before the scholarship funds may
389 be deposited by funds transfer ~~Restrictively endorse the~~
390 ~~warrant, issued in the name of the parent pursuant to~~
391 ~~subparagraph (12)(a)4. (12)(a)6., to the private school for~~
392 ~~deposit into the private school's account.~~ The parent may not
393 designate any entity or individual associated with the
394 participating private school as the parent's attorney in fact to
395 approve a funds transfer. A participant who fails to comply with
396 this paragraph forfeits the ~~endorse a scholarship warrant.~~

397 8. Agree to have the organization commit scholarship funds
398 on behalf of his or her student for tuition and fees for which
399 the parent is responsible for payment at the private school
400 before using empowerment account funds for additional authorized
401 uses under paragraph (4)(a). A parent is responsible for all
402 eligible expenses in excess of the amount of the scholarship.

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

407 1. Apply to an eligible nonprofit scholarship-funding
408 organization to participate in the program by a date set by the
409 organization. The request must be communicated directly to the
410 organization in a manner that creates a written or electronic
411 record of the request and the date of receipt of the request.

412 2. Sign an agreement with the organization and annually
413 submit a sworn compliance statement to the organization to
414 satisfy or maintain program eligibility, including eligibility
415 to receive and spend program payments by:

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

419 b. Affirming that the program funds are used only for
420 authorized purposes serving the student's educational needs, as
421 described in paragraph (4)(b); that any prepaid college plan or
422 college savings plan funds contributed pursuant to subparagraph
423 (4)(b)6. will not be transferred to another beneficiary while
424 the plan contains funds contributed pursuant to this section;
425 and that they will not receive a payment, refund, or rebate of
426 any funds provided under this section.

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

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

432 (II) Providing an annual evaluation in accordance with s.
433 1002.41(1)(f); or

434 (III) Requiring the child to take any preassessments and
435 postassessments selected by the provider if the child is 4 years
436 of age and is enrolled in a program provided by an eligible
437 Voluntary Prekindergarten Education Program provider. A student
438 with disabilities for whom the physician or psychologist who
439 issued the diagnosis or the IEP team determines that a
440 preassessment and postassessment is not appropriate is exempt
441 from this requirement. A participating provider shall report a
442 student's scores to the parent.

443 d. Affirming that the student remains in good standing
444 with the provider or school if those options are selected by the
445 parent.

446 e. Enrolling his or her child in a program from a
447 Voluntary Prekindergarten Education Program provider authorized
448 under s. 1002.55, a school readiness provider authorized under
449 s. 1002.88, or an eligible private school if either option is
450 selected by the parent.

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451 f. Renewing participation in the program each year. A
452 student whose participation in the program is not renewed may
453 continue to spend scholarship funds that are in his or her
454 account from prior years unless the account must be closed
455 pursuant to subparagraph (5) (b)3. Notwithstanding any changes to
456 the student's IEP, a student who was previously eligible for
457 participation in the program shall remain eligible to apply for
458 renewal. However, for a high-risk child to continue to
459 participate in the program in the school year after he or she
460 reaches 6 years of age, the child's application for renewal of
461 program participation must contain documentation that the child
462 has a disability defined in paragraph (2) (e) ~~paragraph (2) (d)~~
463 other than high-risk status.

464 g. Procuring the services necessary to educate the
465 student. If such services include enrollment in an eligible
466 private school, the parent must meet with the private school's
467 principal or the principal's designee to review the school's
468 academic programs and policies, specialized services, code of
469 student conduct, and attendance policies before his or her
470 student is enrolled ~~If a parent does not procure the necessary~~
471 ~~educational services for the student and the student's account~~
472 ~~has been inactive for 2 consecutive fiscal years, the student is~~
473 ~~ineligible for additional scholarship payments until the~~
474 ~~scholarship-funding organization verifies that expenditures from~~
475 ~~the account have occurred.~~ When the student receives a

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476 scholarship, the district school board is not obligated to
477 provide the student with a free appropriate public education.
478 For purposes of s. 1003.57 and the Individuals with Disabilities
479 in Education Act, a participating student has only those rights
480 that apply to all other unilaterally parentally placed students,
481 except that, when requested by the parent, school district
482 personnel must develop an IEP or matrix level of services.

483 (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
484 ORGANIZATIONS.—

485 (a) An eligible nonprofit scholarship-funding organization
486 awarding scholarships to eligible students pursuant to paragraph
487 (3) (a):

488 1. Must receive applications, determine student
489 eligibility, notify parents in accordance with the requirements
490 of this section, and provide the department with information on
491 the student to enable the department to determine student
492 funding in accordance with paragraph (12) (a).

493 2. Shall verify the household income level of students
494 ~~pursuant to subparagraph (3) (a)1.~~ and submit the verified list
495 of students and related documentation to the department when
496 necessary.

497 3. Shall award scholarships in priority order pursuant to
498 paragraph (3) (a).

499 4. Shall establish and maintain separate empowerment
500 accounts for each eligible student. For each account, the

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501 organization must maintain a record of accrued interest that is
502 retained in the student's account and available only for
503 authorized program expenditures.

504 5. May permit eligible students to use program funds for
505 the purposes specified in paragraph (4)(a) by paying for the
506 authorized use directly, then submitting a reimbursement request
507 to the eligible nonprofit scholarship-funding organization.
508 However, an eligible nonprofit scholarship-funding organization
509 may require the use of an online platform for direct purchases
510 of products so long as such use does not limit a parent's choice
511 of curriculum or academic programs. If a parent purchases a
512 product identical to one offered by an organization's online
513 platform for a lower price, the organization shall reimburse the
514 parent the cost of the product.

515 6. May, from eligible contributions received pursuant to
516 s. 1002.395(6)(1)1. ~~s. 1002.395(6)(j)1.~~, use an amount not to
517 exceed 2.5 percent of the total amount of all scholarships
518 funded under this section for administrative expenses associated
519 with performing functions under this section. An eligible
520 nonprofit scholarship-funding organization that has, for the
521 prior fiscal year, complied with the expenditure requirements of
522 s. 1002.395(6)(1)2., may use an amount not to exceed 3 percent.
523 Such administrative expense amount is considered within the 3
524 percent limit on the total amount an organization may use to
525 administer scholarships under this chapter.

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526 ~~7.5.~~ Must, in a timely manner, submit any information
527 requested by the department relating to the scholarship under
528 this section.

529 ~~8.6.~~ Must notify the department about any violation of
530 this section ~~by a parent or a private school.~~

531 9. Must document each student's eligibility for a fiscal
532 year before granting a scholarship for that fiscal year. A
533 student is ineligible for a scholarship if the student's account
534 has been inactive for 2 consecutive fiscal years.

535 10. Must notify each parent that participation in the
536 scholarship program does not guarantee enrollment.

537 11. Shall commit scholarship funds on behalf of the
538 student for tuition and fees for which the parent is responsible
539 for payment at the private school before using empowerment
540 account funds for additional authorized uses under paragraph (4)
541 (a).

542 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

543 (a)1. Scholarships for students determined eligible
544 pursuant to paragraph (3) (a) may be funded once all scholarships
545 have been funded in accordance with s. 1002.395(6)(1)2. are
546 established for up to 18,000 students annually beginning in the
547 2019-2020 school year. Beginning in the 2020-2021 school year,
548 the maximum number of students participating in the scholarship
549 program under this section shall annually increase by 1.0
550 percent of the state's total full-time equivalent student

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551 ~~membership. An eligible student who meets any of the following~~
552 ~~requirements shall be excluded from the maximum number of~~
553 ~~students if the student:~~

554 ~~a. Is a dependent child of a law enforcement officer or a~~
555 ~~member of the United States Armed Forces, a foster child, or an~~
556 ~~adopted child; or~~

557 ~~b. Is determined eligible pursuant to subparagraph~~
558 ~~(3)(a)1. or subparagraph (3)(a)2. and either spent the prior~~
559 ~~school year in attendance at a Florida public school; or,~~
560 ~~beginning in the 2022-2023 school year, is eligible to enroll in~~
561 ~~kindergarten. For purposes of this subparagraph, the term "prior~~
562 ~~school year in attendance" means that the student was enrolled~~
563 ~~and reported by a school district for funding during either the~~
564 ~~preceding October or February full-time equivalent student~~
565 ~~membership surveys in kindergarten through grade 12, which~~
566 ~~includes time spent in a Department of Juvenile Justice~~
567 ~~commitment program if funded under the Florida Education Finance~~
568 ~~Program.~~

569 ~~2. The scholarship amount provided to a student for any~~
570 ~~single school year shall be for tuition and fees for an eligible~~
571 ~~private school, not to exceed annual limits, which shall be~~
572 ~~determined in accordance with this subparagraph. The calculated~~
573 ~~scholarship amount for a participating student determined~~
574 ~~eligible pursuant to paragraph (3)(a) shall be based upon the~~
575 ~~grade level and school district in which the student was~~

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576 assigned as 100 percent of the funds per unweighted full-time
577 equivalent in the Florida Education Finance Program for a
578 student in the basic program established pursuant to s.
579 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
580 for all categorical programs, except for the exceptional student
581 education guaranteed allocation established pursuant to s.
582 1011.62(1)(e).

583 ~~3. The amount of the scholarship shall be the calculated~~
584 ~~amount or the amount of the private school's tuition and fees,~~
585 ~~whichever is less. The amount of any assessment fee required by~~
586 ~~the participating private school and any costs to provide a~~
587 ~~digital device, including Internet access, if necessary, to the~~
588 ~~student may be paid from the total amount of the scholarship.~~

589 2.4. A scholarship of \$750 or an amount equal to the
590 school district expenditure per student riding a school bus, as
591 determined by the department, whichever is greater, may be
592 awarded to an eligible a student who is ~~determined eligible~~
593 ~~pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and~~
594 enrolled in a Florida public school that is different from the
595 school to which the student was assigned or in a lab school as
596 defined in s. 1002.32 if the school district does not provide
597 the student with transportation to the school.

598 3.5. The organization must provide the department with the
599 documentation necessary to verify the student's participation.
600 Upon receiving the documentation, the department shall transfer,

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601 beginning August 1, from state funds only, the amount calculated
602 pursuant to subparagraph 2. to the organization for quarterly
603 disbursement to parents of participating students each school
604 year in which the scholarship is in force. For a student exiting
605 a Department of Juvenile Justice commitment program who chooses
606 to participate in the scholarship program, the amount of the
607 Family Empowerment Scholarship calculated pursuant to
608 subparagraph 2. must be transferred from the school district in
609 which the student last attended a public school before
610 commitment to the Department of Juvenile Justice. When a student
611 enters the scholarship program, the organization must receive
612 all documentation required for the student's participation,
613 including the private school's and the student's fee schedules,
614 at least 30 days before the first quarterly scholarship payment
615 is made for the student.

616 ~~4.6.~~ The initial payment shall be made after the
617 organization's verification of admission acceptance, and
618 subsequent payments shall be made upon verification of continued
619 enrollment and attendance at the private school. Payment must be
620 ~~by individual warrant made payable to the student's parent or by~~
621 funds transfer or any other means of payment that the department
622 deems to be commercially viable or cost-effective. ~~If the~~
623 ~~payment is made by warrant, the warrant must be delivered by the~~
624 ~~organization to the private school of the parent's choice, and~~
625 ~~the parent shall restrictively endorse the warrant to the~~

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626 ~~private school.~~ An organization shall ensure that the parent ~~to~~
627 ~~whom the warrant is made has restrictively endorsed the warrant~~
628 ~~to the private school for deposit into the account of the~~
629 ~~private school or that the parent~~ has approved a funds transfer
630 before any scholarship funds are deposited.

631 5. An organization may not transfer any funds to an
632 account of a student determined eligible pursuant to paragraph
633 (3) (a) which has a balance in excess of \$24,000.

634 (b)1. Scholarships for students determined eligible
635 pursuant to paragraph (3) (b) are established for up to 26,500
636 students annually beginning in the 2022-2023 school year.
637 Beginning in the 2023-2024 school year, the maximum number of
638 students participating in the scholarship program under this
639 section shall annually increase by 3.0 ~~1.0~~ percent of the
640 state's total exceptional student education full-time equivalent
641 student membership, not including gifted students. An eligible
642 student who meets any of the following requirements shall be
643 excluded from the maximum number of students if the student:

644 a. Received specialized instructional services under the
645 Voluntary Prekindergarten Education Program pursuant to s.
646 1002.66 during the previous school year and the student has a
647 current IEP developed by the district school board in accordance
648 with rules of the State Board of Education;

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649 b. Is a dependent child of a law enforcement officer or a
650 member of the United States Armed Forces, a foster child, or an
651 adopted child; or

652 c. Spent the prior school year in attendance at a Florida
653 public school or the Florida School for the Deaf and the Blind.
654 For purposes of this subparagraph, the term "prior school year
655 in attendance" means that the student was enrolled and reported
656 by:

657 (I) A school district for funding during either the
658 preceding October or February full-time equivalent student
659 membership surveys in kindergarten through grade 12, which
660 includes time spent in a Department of Juvenile Justice
661 commitment program if funded under the Florida Education Finance
662 Program;

663 (II) The Florida School for the Deaf and the Blind during
664 the preceding October or February full-time equivalent student
665 membership surveys in kindergarten through grade 12;

666 (III) A school district for funding during the preceding
667 October or February full-time equivalent student membership
668 surveys, was at least 4 years of age when enrolled and reported,
669 and was eligible for services under s. 1003.21(1)(e); or

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

672 2. For a student who has a Level I to Level III matrix of
673 services or a diagnosis by a physician or psychologist, the

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674 calculated scholarship amount for a student participating in the
675 program must be based upon the grade level and school district
676 in which the student would have been enrolled as the total funds
677 per unweighted full-time equivalent in the Florida Education
678 Finance Program for a student in the basic exceptional student
679 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
680 plus a per full-time equivalent share of funds for all
681 categorical programs, as funded in the General Appropriations
682 Act, except that for the exceptional student education
683 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
684 2., the funds must be allocated based on the school district's
685 average exceptional student education guaranteed allocation
686 funds per exceptional student education full-time equivalent
687 student.

688 3. For a student with a Level IV or Level V matrix of
689 services, the calculated scholarship amount must be based upon
690 the school district to which the student would have been
691 assigned as the total funds per full-time equivalent for the
692 Level IV or Level V exceptional student education program
693 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
694 equivalent share of funds for all categorical programs, as
695 funded in the General Appropriations Act.

696 4. For a student who received a Gardiner Scholarship
697 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
698 shall be the greater of the amount calculated pursuant to

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699 subparagraph 2. or the amount the student received for the 2020-
700 2021 school year.

701 5. For a student who received a John M. McKay Scholarship
702 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
703 shall be the greater of the amount calculated pursuant to
704 subparagraph 2. or the amount the student received for the 2020-
705 2021 school year.

706 6. The organization must provide the department with the
707 documentation necessary to verify the student's participation.

708 7. Upon receiving the documentation, the department shall
709 release, from state funds only, the student's scholarship funds
710 to the organization, to be deposited into the student's account
711 in four equal amounts no later than September 1, November 1,
712 February 1, and April 1 of each school year in which the
713 scholarship is in force.

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

717 9. The organization may develop a system for payment of
718 benefits by funds transfer, including, but not limited to, debit
719 cards, electronic payment cards, or any other means of payment
720 which the department deems to be commercially viable or cost-
721 effective. A student's scholarship award may not be reduced for
722 debit card or electronic payment fees. Commodities or services
723 related to the development of such a system must be procured by

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724 competitive solicitation unless they are purchased from a state
725 term contract pursuant to s. 287.056.

726 10. An organization may not transfer any funds to an
727 account of a student determined to be eligible pursuant to
728 paragraph (3)(b) which has a balance in excess of \$50,000.

729 ~~11.10.~~ Moneys received pursuant to this section do not
730 constitute taxable income to the qualified student or the parent
731 of the qualified student.

732 Section 6. Paragraphs (b) through (f), (g) through (i),
733 and (j) and (k) of subsection (2) of section 1002.395, Florida
734 Statutes, are redesignated as paragraphs (c) through (g), (i)
735 through (k), and (o) and (p), respectively, paragraphs (e)
736 through (f) and (g) through (q) of subsection (6) are
737 redesignated as paragraphs (f) through (g) and (i) through (s),
738 respectively, present paragraphs (e) and (g) of subsection (2),
739 paragraph (b) of subsection (3), subsection (4), present
740 paragraphs (b), (d), (f), (j), and (o) of subsection (6),
741 subsection (7), paragraphs (a), (b), (c), (e), (f), and (j) of
742 subsection (9), paragraph (b) of subsection (11), and subsection
743 (15) are amended, and new paragraphs (b), (h), (l), (m), and (n)
744 are added to subsection (2), paragraphs (e), (h), (t), (u), (v),
745 (w), and (x) are added to subsection (6), paragraph (k) is added
746 to subsection (9), and paragraphs (e) through (h) are added to
747 subsection (11) of that section, to read:

748 1002.395 Florida Tax Credit Scholarship Program.—

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749 (2) DEFINITIONS.—As used in this section, the term:
750 (b) "Choice navigator" means an individual who meets the
751 requirements of sub-subparagraph (6)(d)2.h. and who provides
752 consultations, at a mutually agreed upon location, on the
753 selection of, application for, and enrollment in educational
754 options addressing the academic needs of a student; curriculum
755 selection; and advice on career and postsecondary education
756 opportunities. However, nothing in this section authorizes a
757 choice navigator to oversee or exercise control over the
758 curricula or academic programs of a personalized education
759 program.

760 (f)(e) "Eligible contribution" means a monetary
761 contribution from a taxpayer, subject to the restrictions
762 provided in this section, to an eligible nonprofit scholarship-
763 funding organization pursuant to ss. 212.099, 212.1832,
764 1002.395, and 1002.40. The taxpayer making the contribution may
765 not designate a specific child as the beneficiary of the
766 contribution.

767 (h) "Eligible postsecondary educational institution" means
768 a Florida College System institution; a state university; a
769 school district technical center; a school district adult
770 general education center; an independent college or university
771 eligible to participate in the William L. Boyd, IV, Effective
772 Access to Student Education Grant Program under s. 1009.89; or
773 an accredited independent postsecondary educational institution,

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774 as defined in s. 1005.02, which is licensed to operate in this
775 state under part III of chapter 1005 or is approved to
776 participate in a reciprocity agreement as defined in s.
777 1000.35(2).

778 (i)(g) "Eligible private school" means a private school,
779 as defined in s. 1002.01 s. 1002.01(2), located in Florida which
780 offers an education to students in any grades K-12 and that
781 meets the requirements in subsection (8).

782 (l) "Personalized education program" has the same meaning
783 as in s. 1002.01.

784 (m) "Personalized education student" means a student whose
785 parent applies to an eligible nonprofit scholarship-funding
786 organization for participation in a personalized education
787 program.

788 (n) "Student learning plan" means a customized learning
789 plan developed by a parent, at least annually, to guide
790 instruction for his or her student and to identify the goods and
791 services needed to address the academic needs of his or her
792 student.

793 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

794 (b)1. A student is eligible for a Florida tax credit
795 scholarship under this section if the student meets one or more
796 of the following criteria:

797 a.1. The student is on the direct certification list or
798 the student's household income level does not exceed 500 ~~375~~

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799 | percent of the federal poverty level or an adjusted maximum
800 | percent of the federal poverty level authorized under s.
801 | 1002.394(3)(a)3.; or

802 | ~~b.2.~~ The student is currently placed, or during the
803 | previous state fiscal year was placed, in foster care or in out-
804 | of-home care as defined in s. 39.01.

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