

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

|                       |               |       |
|-----------------------|---------------|-------|
| ADOPTED               | <u>      </u> | (Y/N) |
| ADOPTED AS AMENDED    | <u>      </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u>      </u> | (Y/N) |
| FAILED TO ADOPT       | <u>      </u> | (Y/N) |
| WITHDRAWN             | <u>      </u> | (Y/N) |
| OTHER                 | <u>      </u> |       |

1 Committee/Subcommittee hearing bill: Education & Employment  
 2 Committee

3 Representative Tuck offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove lines 66-761 and insert:

7 Section 1. Paragraph (1) of subsection (2) of section  
 8 11.45, Florida Statutes, is amended to read:

9 11.45 Definitions; duties; authorities; reports; rules.-

10 (2) DUTIES.—The Auditor General shall:

11 (1) At least once every 3 years, conduct operational  
 12 audits of the accounts and records of eligible nonprofit  
 13 scholarship-funding organizations receiving eligible  
 14 contributions under s. 1002.395, including any contracts for  
 15 services with related entities, to determine compliance with the  
 16 provisions of that section. Such audits shall include, but not

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17 be limited to, a determination of the eligible nonprofit  
18 scholarship-funding organization's compliance with s.  
19 1002.395(6)(1) ~~s. 1002.395(6)(j)~~. The Auditor General shall  
20 provide its report on the results of the audits to the Governor,  
21 the President of the Senate, the Speaker of the House of  
22 Representatives, the Chief Financial Officer, and the  
23 Legislative Auditing Committee, within 30 days of completion of  
24 the audit.

25  
26 The Auditor General shall perform his or her duties  
27 independently but under the general policies established by the  
28 Legislative Auditing Committee. This subsection does not limit  
29 the Auditor General's discretionary authority to conduct other  
30 audits or engagements of governmental entities as authorized in  
31 subsection (3).

32 Section 2. Paragraph (c) of subsection (1) and paragraph  
33 (c) of subsection (7) of section 212.099, Florida Statutes, are  
34 amended to read:

35 212.099 Credit for contributions to eligible nonprofit  
36 scholarship-funding organizations.—

37 (1) As used in this section, the term:

38 (c) "Eligible nonprofit scholarship-funding organization"  
39 or "organization" has the same meaning as provided in s.  
40 1002.395(2) ~~s. 1002.395(2)(f)~~.

41 (7)

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42 (c) The organization may, subject to the limitations of s.  
43 1002.395(6)(1)1. ~~s. 1002.395(6)(j)1.~~, use eligible contributions  
44 received during the state fiscal year in which such  
45 contributions are collected for administrative expenses.

46 Section 3. Paragraph (c) of subsection (1) of section  
47 327.371, Florida Statutes, is amended to read:

48 327.371 Human-powered vessels regulated.—

49 (1) A person may operate a human-powered vessel within the  
50 boundaries of the marked channel of the Florida Intracoastal  
51 Waterway as defined in s. 327.02:

52 (c) When participating in practices or competitions for  
53 interscholastic, intercollegiate, intramural, or club rowing  
54 teams affiliated with an educational institution identified in  
55 s. 1000.21, s. 1002.01(3) ~~s. 1002.01(2)~~, s. 1003.01(2), s.  
56 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of  
57 the marked channel is not suitable for such practice or  
58 competition. The teams must use their best efforts to make use  
59 of the adjacent area outside of the marked channel. The  
60 commission must be notified in writing of the details of any  
61 such competition, and the notification must include, but need  
62 not be limited to, the date, time, and location of the  
63 competition.

64 Section 4. Section 1002.01, Florida Statutes, is amended  
65 to read:

66 1002.01 Definitions.—

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67 (1) A "home education program" means the sequentially  
68 progressive instruction of a student directed by his or her  
69 parent ~~in order~~ to satisfy the attendance requirements of ss.  
70 1002.41, 1003.01(13), and 1003.21(1).

71 (2) A "personalized education program" means the  
72 sequentially progressive instruction of a student directed by  
73 his or her parent to satisfy the attendance requirements of ss.  
74 1003.01(13) and 1003.21(1) while registered with an eligible  
75 nonprofit scholarship-funding organization pursuant to s.  
76 1002.395. A personalized education student shall be provided the  
77 same flexibility and opportunities as provided in s. 1002.41(3) -  
78 (12).

79 (3)-(2) A "private school" is a nonpublic school defined as  
80 an individual, association, copartnership, or corporation, or  
81 department, division, or section of such organizations, that  
82 designates itself as an educational center that includes  
83 kindergarten or a higher grade or as an elementary, secondary,  
84 business, technical, or trade school below college level or any  
85 organization that provides instructional services that meet the  
86 intent of s. 1003.01(13) or that gives preemployment or  
87 supplementary training in technology or in fields of trade or  
88 industry or that offers academic, literary, or career training  
89 below college level, or any combination of the above, including  
90 an institution that performs the functions of the above schools  
91 through correspondence or extension, except those licensed under

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92 the provisions of chapter 1005. A private school may be a  
93 parochial, religious, denominational, for-profit, or nonprofit  
94 school. This definition does not include home education programs  
95 conducted in accordance with s. 1002.41.

96 Section 5. Paragraphs (b) through (m) of subsection (2) of  
97 section 1002.394, Florida Statutes, are redesignated as  
98 paragraphs (c) through (n), respectively, present paragraphs  
99 (e), (f), and (g) of subsection (2), paragraph (a) of subsection  
100 (3), subsection (4), paragraph (a) of subsection (5), paragraph  
101 (f) of subsection (6), paragraphs (b), (f), and (g) of  
102 subsection (7), paragraph (a) of subsection (8), paragraphs (a)  
103 and (b) of subsection (10), paragraph (a) of subsection (11),  
104 and subsection (12) are amended, and a new paragraph (b) is  
105 added to subsection (2), paragraph (c) is added to subsection  
106 (8), and paragraph (d) is added to subsection (9) of that  
107 section, to read:

108 1002.394 The Family Empowerment Scholarship Program.—

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

110 (b) "Choice navigator" has the same meaning as in s.

111 1002.395(2).

112 (f)(e) "Eligible nonprofit scholarship-funding  
113 organization" or "organization" has the same meaning as ~~provided~~  
114 in s. 1002.395(2) ~~s. 1002.395(2)(f)~~.

115 (g)(f) "Eligible postsecondary educational institution"  
116 means a Florida College System institution; a state university;

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117 a school district technical center; a school district adult  
118 general education center; an independent college or university  
119 that is eligible to participate in the William L. Boyd, IV,  
120 Effective Access to Student Education Grant Program under s.  
121 1009.89; or an accredited independent postsecondary educational  
122 institution, as defined in s. 1005.02, which is licensed to  
123 operate in this state under part III of chapter 1005 or is  
124 approved to participate in a reciprocity agreement as defined in  
125 s. 1000.35(2).

126 ~~(h)(g)~~ "Eligible private school" has the same meaning as  
127 ~~provided in s. 1002.395(2) s. 1002.395(2)(g).~~

128 (3) SCHOLARSHIP ELIGIBILITY.—

129 (a)1. A parent of a student may request and receive from  
130 the state a scholarship for the purposes specified in paragraph  
131 (4)(a) if the student is a resident of this state and is  
132 eligible to enroll in kindergarten through grade 12 in a public  
133 school in this state.÷

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

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

140 ~~3. The student's household income level does not exceed~~  
141 ~~375 percent of the federal poverty level or an adjusted maximum~~

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142 ~~percent of the federal poverty level that is increased by 25~~  
143 ~~percentage points in the fiscal year following any fiscal year~~  
144 ~~in which more than 5 percent of the available scholarships~~  
145 ~~authorized under paragraph (12) (a) have not been funded;~~

146 ~~4. The student is a sibling of a student who is~~  
147 ~~participating in the scholarship program under this subsection~~  
148 ~~and such siblings reside in the same household;~~

149 ~~5. The student is a dependent child of a member of the~~  
150 ~~United States Armed Forces; or~~

151 ~~6. The student is a dependent child of a law enforcement~~  
152 ~~officer.~~

153 2. Priority must be given to a student whose household  
154 income level does not exceed 185 percent of the federal poverty  
155 level or who is in foster care or out-of-home care.

156 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

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

160 2. Transportation to a Florida public school in which a  
161 student is enrolled and that is different from the school to  
162 which the student was assigned or to a lab school as defined in  
163 s. 1002.32.

164 3. Instructional materials, including digital materials  
165 and Internet resources.

166 4. Curriculum as defined in subsection (2).

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167 5. Tuition and fees associated with full-time or part-time  
168 enrollment in an eligible postsecondary educational institution  
169 or a program offered by the postsecondary educational  
170 institution, unless the program is subject to s. 1009.25 or  
171 reimbursed pursuant to s. 1009.30; an approved preapprenticeship  
172 program as defined in s. 446.021(5) which is not subject to s.  
173 1009.25 and complies with all applicable requirements of the  
174 department pursuant to chapter 1005; a private tutoring program  
175 authorized under s. 1002.43; a virtual program offered by a  
176 department-approved private online provider that meets the  
177 provider qualifications specified in s. 1002.45(2)(a); the  
178 Florida Virtual School as a private paying student; or an  
179 approved online course offered pursuant to s. 1003.499 or s.  
180 1004.0961.

181 6. Fees for nationally standardized, norm-referenced  
182 achievement tests, Advanced Placement Examinations, industry  
183 certification examinations, assessments related to postsecondary  
184 education, or other assessments.

185 7. Contracted services provided by a public school or  
186 school district, including classes. A student who receives  
187 contracted services under this subparagraph is not considered  
188 enrolled in a public school for eligibility purposes as  
189 specified in subsection (6) but rather attending a public school  
190 on a part-time basis as authorized under s. 1002.44.

191 8. Tuition and fees for part-time tutoring services or

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192 fees for services provided by a choice navigator. Such services  
193 must be provided by a person who holds a valid Florida  
194 educator's certificate pursuant to s. 1012.56, a person who  
195 holds an adjunct teaching certificate pursuant to s. 1012.57, a  
196 person who has a bachelor's degree or a graduate degree in the  
197 subject area in which instruction is given, a person who has  
198 demonstrated a mastery of subject area knowledge pursuant to s.  
199 1012.56(5), or a person certified by a nationally or  
200 internationally recognized research-based training program as  
201 approved by the department. As used in this subparagraph, the  
202 term "part-time tutoring services" does not qualify as regular  
203 school attendance as defined in s. 1003.01(13)(e) if the student  
204 is determined eligible pursuant to subparagraph (3)(a)1. or  
205 subparagraph (3)(a)2.

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

209 1. Instructional materials, including digital devices,  
210 digital periphery devices, and assistive technology devices that  
211 allow a student to access instruction or instructional content  
212 and training on the use of and maintenance agreements for these  
213 devices.

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

215 3. Specialized services by approved providers or by a  
216 hospital in this state which are selected by the parent. These

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217 specialized services may include, but are not limited to:

218 a. Applied behavior analysis services as provided in ss.  
219 627.6686 and 641.31098.

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

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

223 d. Services provided by physical therapists as defined in  
224 s. 486.021(8).

225 e. Services provided by listening and spoken language  
226 specialists and an appropriate acoustical environment for a  
227 child who has a hearing impairment, including deafness, and who  
228 has received an implant or assistive hearing device.

229 4. Tuition and ~~or~~ fees associated with full-time or part-  
230 time enrollment in a home education program; an eligible  
231 private school; an eligible postsecondary educational  
232 institution or a program offered by the postsecondary  
233 educational institution, unless the program is subject to s.  
234 1009.25 or reimbursed pursuant to s. 1009.30; an approved  
235 preapprenticeship program as defined in s. 446.021(5) which is  
236 not subject to s. 1009.25 and complies with all applicable  
237 requirements of the department pursuant to chapter 1005; a  
238 private tutoring program authorized under s. 1002.43; a virtual  
239 program offered by a department-approved private online provider  
240 that meets the provider qualifications specified in s.  
241 1002.45(2)(a); the Florida Virtual School as a private paying

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242 student; ~~or~~ or an approved online course offered pursuant to s.  
243 1003.499 or s. 1004.0961.

244 5. Fees for nationally standardized, norm-referenced  
245 achievement tests, Advanced Placement Examinations, industry  
246 certification examinations, assessments related to postsecondary  
247 education, or other assessments.

248 6. Contributions to the Stanley G. Tate Florida Prepaid  
249 College Program pursuant to s. 1009.98 or the Florida College  
250 Savings Program pursuant to s. 1009.981 for the benefit of the  
251 eligible student.

252 7. Contracted services provided by a public school or  
253 school district, including classes. A student who receives  
254 services under a contract under this paragraph is not considered  
255 enrolled in a public school for eligibility purposes as  
256 specified in subsection (6) but rather attending a public school  
257 on a part-time basis as authorized under s. 1002.44.

258 8. Tuition and fees for part-time tutoring services or  
259 fees for services provided by a choice navigator. Such services  
260 must be provided by a person who holds a valid Florida  
261 educator's certificate pursuant to s. 1012.56, a person who  
262 holds an adjunct teaching certificate pursuant to s. 1012.57, a  
263 person who has a bachelor's degree or a graduate degree in the  
264 subject area in which instruction is given, a person who has  
265 demonstrated a mastery of subject area knowledge pursuant to s.  
266 1012.56(5), or a person certified by a nationally or

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267 internationally recognized research-based training program as  
268 approved by the department. As used in this subparagraph  
269 ~~paragraph~~, the term "part-time tutoring services" does not  
270 qualify as regular school attendance as defined in s.  
271 1003.01(13)(e).

272 9. Fees for specialized summer education programs.

273 10. Fees for specialized after-school education programs.

274 11. Transition services provided by job coaches.

275 12. Fees for an annual evaluation of educational progress  
276 by a state-certified teacher under s. 1002.41(1)(f), if this  
277 option is chosen for a home education student.

278 13. Tuition and fees associated with programs offered by  
279 Voluntary Prekindergarten Education Program providers approved  
280 pursuant to s. 1002.55 and school readiness providers approved  
281 pursuant to s. 1002.88.

282 14. Fees for services provided at a center that is a  
283 member of the Professional Association of Therapeutic  
284 Horsemanship International.

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

288 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of  
289 educational choice:

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

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- 292        a. The organization determines that the student is not  
293 eligible for program renewal;
- 294        b. The Commissioner of Education suspends or revokes  
295 program participation or use of funds;
- 296        c. The student's parent has forfeited participation in the  
297 program for failure to comply with subsection (10);
- 298        d. The student enrolls in a public school. However, if a  
299 student enters a Department of Juvenile Justice detention center  
300 for a period of no more than 21 days, the student is not  
301 considered to have returned to a public school on a full-time  
302 basis for that purpose; or
- 303        e. The student graduates from high school or attains 21  
304 years of age, whichever occurs first.
- 305        2.a. The student's scholarship account must be closed and  
306 any remaining funds shall revert to the state after:
- 307            (I) Denial or revocation of program eligibility by the  
308 commissioner for fraud or abuse, including, but not limited to,  
309 the student or student's parent accepting any payment, refund,  
310 or rebate, in any manner, from a provider of any services  
311 received pursuant to paragraph (4) (a); or
- 312            (II) Two consecutive fiscal years in which an account has  
313 been inactive.
- 314        b. Reimbursements for program expenditures may continue  
315 until the account balance is expended or remaining funds have  
316 reverted to the state ~~student returns to a public school,~~

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317 ~~graduates from high school, or reaches the age of 21, whichever~~  
318 ~~occurs first. A scholarship student who enrolls in a public~~  
319 ~~school or public school program is considered to have returned~~  
320 ~~to a public school for the purpose of determining the end of the~~  
321 ~~scholarship's term. However, if a student enters a Department of~~  
322 ~~Juvenile Justice detention center for a period of no more than~~  
323 ~~21 days, the student is not considered to have returned to a~~  
324 ~~public school for that purpose.~~

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

327 (f) Participating in virtual instruction pursuant to s.  
328 1002.455 that receives state funding pursuant to the student's  
329 participation.

330 (7) SCHOOL DISTRICT OBLIGATIONS.—

331 (b)1. The parent of a student with a disability who does  
332 not have an IEP in accordance with subparagraph (3)(b)4. or who  
333 seeks a reevaluation of an existing IEP may request an IEP  
334 meeting and evaluation from the school district in order to  
335 obtain or revise a matrix of services. The school district shall  
336 notify a parent who has made a request for an IEP that the  
337 district is required to complete the IEP and matrix of services  
338 within 30 days after receiving notice of the parent's request.  
339 The school district shall conduct a meeting and develop an IEP  
340 and a matrix of services within 30 days after receipt of the  
341 parent's request in accordance with State Board of Education

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342 rules. The district must accept the diagnosis and consider the  
343 service plan of the licensed professional providing the  
344 diagnosis pursuant to subparagraph (3)(b)4. The school district  
345 must complete a matrix that assigns the student to one of the  
346 levels of service as they existed before the 2000-2001 school  
347 year. For a nonpublic school student without an IEP, the school  
348 district is authorized to use evaluation reports and plans of  
349 care developed by the licensed professionals under subparagraph  
350 (4)(b)3. to complete the matrix of services.

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

354 b. The department shall notify the parent and the  
355 organization of the amount of the funds awarded within 10 days  
356 after receiving the school district's notification of the  
357 student's matrix level.

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

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

365 ~~(g) A school district shall be held harmless for students~~  
366 ~~who are receiving a scholarship under this program from the~~

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367 ~~weighted enrollment ceiling for group 2 programs in s.~~  
368 ~~1011.62(1)(d)3.b. during the first school year in which the~~  
369 ~~students are reported.~~

370 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

371 (a) The department shall:

372 1. Publish and update, as necessary, information on the  
373 department website about the Family Empowerment Scholarship  
374 Program, including, but not limited to, student eligibility  
375 criteria, parental responsibilities, and relevant data.

376 2. Report, as part of the determination of full-time  
377 equivalent membership pursuant to s. 1011.62(1)(a), all students  
378 who are receiving a scholarship under the program and are funded  
379 through the Florida Education Finance Program, and cross-check  
380 the list of participating scholarship students with the public  
381 school enrollment lists to avoid duplication.

382 3. Maintain and annually publish a list of nationally  
383 norm-referenced tests identified for purposes of satisfying the  
384 testing requirement in subparagraph (9)(c)1. The tests must meet  
385 industry standards of quality in accordance with state board  
386 rule.

387 4. Notify eligible nonprofit scholarship-funding  
388 organizations of the deadlines for submitting the verified list  
389 of students determined to be eligible for a scholarship. An  
390 eligible nonprofit scholarship-funding organization may not  
391 submit a student for funding after February 1.

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

394 ~~5.6.~~ Deny or terminate program participation upon a  
395 parent's failure to comply with subsection (10).

396 ~~6.7.~~ Notify the parent and the organization when a  
397 scholarship account is closed and program funds revert to the  
398 state.

399 ~~7.8.~~ Notify an eligible nonprofit scholarship-funding  
400 organization of any of the organization's or other  
401 organization's identified students who are receiving  
402 scholarships under this chapter.

403 ~~8.9.~~ Maintain on its website a list of approved providers  
404 as required by s. 1002.66, eligible postsecondary educational  
405 institutions, eligible private schools, and eligible  
406 organizations and may identify or provide links to lists of  
407 other approved providers.

408 ~~9.10.~~ Require each organization to verify eligible  
409 expenditures before the distribution of funds for any  
410 expenditures made pursuant to subparagraphs (4) (b)1. and 2.  
411 Review of expenditures made for services specified in  
412 subparagraphs (4) (b)3.-15. may be completed after the purchase  
413 is made.

414 ~~10.11.~~ Investigate any written complaint of a violation of  
415 this section by a parent, a student, a private school, a public  
416 school, a school district, an organization, a provider, or

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417 another appropriate party in accordance with the process  
418 established under s. 1002.421.

419 ~~11.12.~~ Require quarterly reports by an organization, which  
420 must include, at a minimum, the number of students participating  
421 in the program; the demographics of program participants; the  
422 disability category of program participants; the matrix level of  
423 services, if known; the program award amount per student; the  
424 total expenditures for the purposes specified in paragraph  
425 (4)(b); the types of providers of services to students; and any  
426 other information deemed necessary by the department.

427 ~~12.13.~~ Notify eligible nonprofit scholarship-funding  
428 organizations that scholarships may not be awarded in a school  
429 district in which the award will exceed 99 percent of the school  
430 district's share of state funding through the Florida Education  
431 Finance Program as calculated by the department.

432 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-  
433 funding organizations and, when the Florida Education Finance  
434 Program is recalculated, adjust the amount of state funds  
435 allocated to school districts through the Florida Education  
436 Finance Program based upon the results of the cross-check  
437 completed pursuant to subparagraph 2.

438 (c) The department shall notify each school district of  
439 the full-time equivalent student consensus estimate of students  
440 participating in the program developed pursuant to s.  
441 216.136(4)(a).

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

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

451  
452 If a private school fails to meet the requirements of this  
453 subsection or s. 1002.421, the commissioner may determine that  
454 the private school is ineligible to participate in the  
455 scholarship program.

456 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
457 PARTICIPATION.—

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

462 1. Select the private school and apply for the admission  
463 of his or her student.

464 2. Request the scholarship by a date established by the  
465 organization, in a manner that creates a written or electronic  
466 record of the request and the date of receipt of the request.

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467 3. Inform the applicable school district when the parent  
468 withdraws his or her student from a public school to attend an  
469 eligible private school.

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

473 5. Meet with the private school's principal or the  
474 principal's designee to review the school's academic programs  
475 and policies, specialized services ~~customized educational~~  
476 ~~programs~~, code of student conduct, and attendance policies  
477 before ~~prior to~~ enrollment.

478 6. Require that the student participating in the  
479 scholarship program takes the norm-referenced assessment offered  
480 by the private school. The parent may also choose to have the  
481 student participate in the statewide assessments pursuant to  
482 paragraph (7)(d). If the parent requests that the student  
483 participating in the program take all statewide assessments  
484 required pursuant to s. 1008.22, the parent is responsible for  
485 transporting the student to the assessment site designated by  
486 the school district.

487 7. Approve each payment before the scholarship funds may  
488 be deposited by funds transfer ~~Restrictively endorse the~~  
489 ~~warrant, issued in the name of the parent pursuant to~~  
490 ~~subparagraph (12) (a) 4. (12) (a) 6., to the private school for~~  
491 ~~deposit into the private school's account.~~ The parent may not

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492 designate any entity or individual associated with the  
493 participating private school as the parent's attorney in fact to  
494 approve a funds transfer. A participant who fails to comply with  
495 this paragraph forfeits the ~~endorse a~~ scholarship warrant.

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

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

506 1. Apply to an eligible nonprofit scholarship-funding  
507 organization to participate in the program by a date set by the  
508 organization. The request must be communicated directly to the  
509 organization in a manner that creates a written or electronic  
510 record of the request and the date of receipt of the request.

511 2. Sign an agreement with the organization and annually  
512 submit a sworn compliance statement to the organization to  
513 satisfy or maintain program eligibility, including eligibility  
514 to receive and spend program payments by:

515 a. Affirming that the student is enrolled in a program  
516 that meets regular school attendance requirements as provided in

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517 s. 1003.01(13) (b), (c), or (d).

518 b. Affirming that the program funds are used only for  
519 authorized purposes serving the student's educational needs, as  
520 described in paragraph (4) (b); that any prepaid college plan or  
521 college savings plan funds contributed pursuant to subparagraph  
522 (4) (b)6. will not be transferred to another beneficiary while  
523 the plan contains funds contributed pursuant to this section;  
524 and that they will not receive a payment, refund, or rebate of  
525 any funds provided under this section.

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

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

531 (II) Providing an annual evaluation in accordance with s.  
532 1002.41(1) (f); or

533 (III) Requiring the child to take any preassessments and  
534 postassessments selected by the provider if the child is 4 years  
535 of age and is enrolled in a program provided by an eligible  
536 Voluntary Prekindergarten Education Program provider. A student  
537 with disabilities for whom the physician or psychologist who  
538 issued the diagnosis or the IEP team determines that a  
539 preassessment and postassessment is not appropriate is exempt  
540 from this requirement. A participating provider shall report a  
541 student's scores to the parent.

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542 d. Affirming that the student remains in good standing  
543 with the provider or school if those options are selected by the  
544 parent.

545 e. Enrolling his or her child in a program from a  
546 Voluntary Prekindergarten Education Program provider authorized  
547 under s. 1002.55, a school readiness provider authorized under  
548 s. 1002.88, or an eligible private school if either option is  
549 selected by the parent.

550 f. Renewing participation in the program each year. A  
551 student whose participation in the program is not renewed may  
552 continue to spend scholarship funds that are in his or her  
553 account from prior years unless the account must be closed  
554 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to  
555 the student's IEP, a student who was previously eligible for  
556 participation in the program shall remain eligible to apply for  
557 renewal. However, for a high-risk child to continue to  
558 participate in the program in the school year after he or she  
559 reaches 6 years of age, the child's application for renewal of  
560 program participation must contain documentation that the child  
561 has a disability defined in paragraph (2)(e) ~~paragraph (2)(d)~~  
562 other than high-risk status.

563 g. Procuring the services necessary to educate the  
564 student. If such services include enrollment in an eligible  
565 private school, the parent must meet with the private school's  
566 principal or the principal's designee to review the school's

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567 academic programs and policies, specialized services, code of  
568 student conduct, and attendance policies before his or her  
569 student is enrolled ~~If a parent does not procure the necessary~~  
570 ~~educational services for the student and the student's account~~  
571 ~~has been inactive for 2 consecutive fiscal years, the student is~~  
572 ~~ineligible for additional scholarship payments until the~~  
573 ~~scholarship-funding organization verifies that expenditures from~~  
574 ~~the account have occurred.~~ When the student receives a  
575 scholarship, the district school board is not obligated to  
576 provide the student with a free appropriate public education.  
577 For purposes of s. 1003.57 and the Individuals with Disabilities  
578 in Education Act, a participating student has only those rights  
579 that apply to all other unilaterally parentally placed students,  
580 except that, when requested by the parent, school district  
581 personnel must develop an IEP or matrix level of services.

582 (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING  
583 ORGANIZATIONS.—

584 (a) An eligible nonprofit scholarship-funding organization  
585 awarding scholarships to eligible students pursuant to paragraph  
586 (3) (a):

587 1. Must receive applications, determine student  
588 eligibility, notify parents in accordance with the requirements  
589 of this section, and provide the department with information on  
590 the student to enable the department to determine student  
591 funding in accordance with paragraph (12) (a).

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592 2. Shall verify the household income level of students  
593 ~~pursuant to subparagraph (3)(a)1.~~ and submit the verified list  
594 of students and related documentation to the department when  
595 necessary.

596 3. Shall award scholarships in priority order pursuant to  
597 paragraph (3)(a).

598 4. Shall establish and maintain separate empowerment  
599 accounts for each eligible student. For each account, the  
600 organization must maintain a record of accrued interest that is  
601 retained in the student's account and available only for  
602 authorized program expenditures.

603 5. May permit eligible students to use program funds for  
604 the purposes specified in paragraph (4)(a) by paying for the  
605 authorized use directly, then submitting a reimbursement request  
606 to the eligible nonprofit scholarship-funding organization.  
607 However, an eligible nonprofit scholarship-funding organization  
608 may require the use of an online platform for direct purchases  
609 of products so long as such use does not limit a parent's choice  
610 of curriculum or academic programs. If a parent purchases a  
611 product identical to one offered by an organization's online  
612 platform for a lower price, the organization shall reimburse the  
613 parent the difference in the prices.

614 6. May, from eligible contributions received pursuant to  
615 s. 1002.395(6)(l)1. ~~s. 1002.395(6)(j)1.,~~ use an amount not to  
616 exceed 2.5 percent of the total amount of all scholarships

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617 funded under this section for administrative expenses associated  
618 with performing functions under this section. An eligible  
619 nonprofit scholarship-funding organization that has, for the  
620 prior fiscal year, complied with the expenditure requirements of  
621 s. 1002.395(6)(1)2., may use an amount not to exceed 3 percent.

622 Such administrative expense amount is considered within the 3  
623 percent limit on the total amount an organization may use to  
624 administer scholarships under this chapter.

625 ~~7.5.~~ Must, in a timely manner, submit any information  
626 requested by the department relating to the scholarship under  
627 this section.

628 ~~8.6.~~ Must notify the department about any violation of  
629 this section ~~by a parent or a private school.~~

630 9. Must document each student's eligibility for a fiscal  
631 year before granting a scholarship for that fiscal year. A  
632 student is ineligible for a scholarship if the student's account  
633 has been inactive for 2 consecutive fiscal years.

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

636 11. Shall commit scholarship funds on behalf of the  
637 student for tuition and fees for which the parent is responsible  
638 for payment at the private school before using empowerment  
639 account funds for additional authorized uses under paragraph (4)  
640 (a).

641 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

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642 (a)1. Scholarships for students determined eligible  
643 pursuant to paragraph (3) (a) may be funded once all scholarships  
644 have been funded in accordance with s. 1002.395(6)(1)2. ~~are~~  
645 ~~established for up to 18,000 students annually beginning in the~~  
646 ~~2019-2020 school year. Beginning in the 2020-2021 school year,~~  
647 ~~the maximum number of students participating in the scholarship~~  
648 ~~program under this section shall annually increase by 1.0~~  
649 ~~percent of the state's total full-time equivalent student~~  
650 ~~membership. An eligible student who meets any of the following~~  
651 ~~requirements shall be excluded from the maximum number of~~  
652 ~~students if the student:~~

653 a. ~~Is a dependent child of a law enforcement officer or a~~  
654 ~~member of the United States Armed Forces, a foster child, or an~~  
655 ~~adopted child; or~~

656 b. ~~Is determined eligible pursuant to subparagraph~~  
657 ~~(3)(a)1. or subparagraph (3)(a)2. and either spent the prior~~  
658 ~~school year in attendance at a Florida public school; or,~~  
659 ~~beginning in the 2022-2023 school year, is eligible to enroll in~~  
660 ~~kindergarten. For purposes of this subparagraph, the term "prior~~  
661 ~~school year in attendance" means that the student was enrolled~~  
662 ~~and reported by a school district for funding during either the~~  
663 ~~preceding October or February full-time equivalent student~~  
664 ~~membership surveys in kindergarten through grade 12, which~~  
665 ~~includes time spent in a Department of Juvenile Justice~~  
666 ~~commitment program if funded under the Florida Education Finance~~

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667 ~~Program.~~

668 ~~2. The scholarship amount provided to a student for any~~  
669 ~~single school year shall be for tuition and fees for an eligible~~  
670 ~~private school, not to exceed annual limits, which shall be~~  
671 ~~determined in accordance with this subparagraph.~~ The calculated  
672 scholarship amount for a participating student determined  
673 eligible pursuant to paragraph (3)(a) shall be based upon the  
674 grade level and school district in which the student was  
675 assigned as 100 percent of the funds per unweighted full-time  
676 equivalent in the Florida Education Finance Program for a  
677 student in the basic program established pursuant to s.  
678 1011.62(1)(c)1., plus a per-full-time equivalent share of funds  
679 for all categorical programs, except for the exceptional student  
680 education guaranteed allocation established pursuant to s.  
681 1011.62(1)(e).

682 ~~3. The amount of the scholarship shall be the calculated~~  
683 ~~amount or the amount of the private school's tuition and fees,~~  
684 ~~whichever is less. The amount of any assessment fee required by~~  
685 ~~the participating private school and any costs to provide a~~  
686 ~~digital device, including Internet access, if necessary, to the~~  
687 ~~student may be paid from the total amount of the scholarship.~~

688 2.4. A scholarship of \$750 or an amount equal to the  
689 school district expenditure per student riding a school bus, as  
690 determined by the department, whichever is greater, may be  
691 awarded to an eligible a student who is ~~determined eligible~~

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692 ~~pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and~~  
693 enrolled in a Florida public school that is different from the  
694 school to which the student was assigned or in a lab school as  
695 defined in s. 1002.32 if the school district does not provide  
696 the student with transportation to the school.

697 ~~3.5.~~ The organization must provide the department with the  
698 documentation necessary to verify the student's participation.  
699 Upon receiving the documentation, the department shall transfer,  
700 beginning August 1, from state funds only, the amount calculated  
701 pursuant to subparagraph 2. to the organization for quarterly  
702 disbursement to parents of participating students each school  
703 year in which the scholarship is in force. For a student exiting  
704 a Department of Juvenile Justice commitment program who chooses  
705 to participate in the scholarship program, the amount of the  
706 Family Empowerment Scholarship calculated pursuant to  
707 subparagraph 2. must be transferred from the school district in  
708 which the student last attended a public school before  
709 commitment to the Department of Juvenile Justice. When a student  
710 enters the scholarship program, the organization must receive  
711 all documentation required for the student's participation,  
712 including the private school's and the student's fee schedules,  
713 at least 30 days before the first quarterly scholarship payment  
714 is made for the student.

715 ~~4.6.~~ The initial payment shall be made after the  
716 organization's verification of admission acceptance, and

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717 subsequent payments shall be made upon verification of continued  
718 enrollment and attendance at the private school. Payment must be  
719 ~~by individual warrant made payable to the student's parent or by~~  
720 funds transfer or any other means of payment that the department  
721 deems to be commercially viable or cost-effective. ~~If the~~  
722 ~~payment is made by warrant, the warrant must be delivered by the~~  
723 ~~organization to the private school of the parent's choice, and~~  
724 ~~the parent shall restrictively endorse the warrant to the~~  
725 ~~private school.~~ An organization shall ensure that the parent ~~to~~  
726 ~~whom the warrant is made has restrictively endorsed the warrant~~  
727 ~~to the private school for deposit into the account of the~~  
728 ~~private school or that the parent has approved a funds transfer~~  
729 before any scholarship funds are deposited.

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

733 (b)1. Scholarships for students determined eligible  
734 pursuant to paragraph (3)(b) are established for up to 26,500  
735 students annually beginning in the 2022-2023 school year.  
736 Beginning in the 2023-2024 school year, the maximum number of  
737 students participating in the scholarship program under this  
738 section shall annually increase by 3.0 ~~1.0~~ percent of the  
739 state's total exceptional student education full-time equivalent  
740 student membership, not including gifted students. An eligible  
741 student who meets any of the following requirements shall be

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742 excluded from the maximum number of students if the student:  
743 a. Received specialized instructional services under the  
744 Voluntary Prekindergarten Education Program pursuant to s.  
745 1002.66 during the previous school year and the student has a  
746 current IEP developed by the district school board in accordance  
747 with rules of the State Board of Education;  
748 b. Is a dependent child of a law enforcement officer or a  
749 member of the United States Armed Forces, a foster child, or an  
750 adopted child; or  
751 c. Spent the prior school year in attendance at a Florida  
752 public school or the Florida School for the Deaf and the Blind.  
753 For purposes of this subparagraph, the term "prior school year  
754 in attendance" means that the student was enrolled and reported  
755 by:  
756 (I) A school district for funding during either the  
757 preceding October or February full-time equivalent student  
758 membership surveys in kindergarten through grade 12, which  
759 includes time spent in a Department of Juvenile Justice  
760 commitment program if funded under the Florida Education Finance  
761 Program;  
762 (II) The Florida School for the Deaf and the Blind during  
763 the preceding October or February full-time equivalent student  
764 membership surveys in kindergarten through grade 12;  
765 (III) A school district for funding during the preceding  
766 October or February full-time equivalent student membership

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767 surveys, was at least 4 years of age when enrolled and reported,  
768 and was eligible for services under s. 1003.21(1)(e); or  
769 (IV) Received a John M. McKay Scholarship for Students  
770 with Disabilities in the 2021-2022 school year.

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774

**T I T L E A M E N D M E N T**

775

Remove lines 2-3 and insert:

776

An act relating to school choice; amending ss. 11.45, 212.099,

777

and 327.371, F.S.; conforming cross-references;