

Amendment No.

CHAMBER ACTION

Senate

House

.

---

1 Representative Bartleman offered the following:

2  
3 **Amendment**

4 Remove lines 1278-1570 and insert:

5 with the 2024-2025 school year, by August 1, annually report  
6 test scores for students pursuant to paragraph (7) (b) to a state  
7 university pursuant to paragraph (9) (f).

8 3. Provide parents with information, guidance, and support  
9 to create and annually update a student learning plan for their  
10 student. The organization must maintain the plan and allow  
11 parents to electronically submit, access, and revise the plan  
12 continuously.

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

13 4. Upon submission by the parent of an annual student  
14 learning plan, fund a scholarship for a student determined  
15 eligible.

16 (g)~~(f)~~ Must provide a renewal or initial scholarship to an  
17 eligible student on a first-come, first-served basis unless the  
18 student qualifies for priority pursuant to paragraph (f) ~~(e)~~.

19 (h) Each eligible nonprofit scholarship-funding  
20 organization must refer any student eligible for a scholarship  
21 pursuant to this section who did not receive a renewal or  
22 initial scholarship based solely on the lack of available funds  
23 under this section and s. 1002.40(11)(i) to another eligible  
24 nonprofit scholarship-funding organization that may have funds  
25 available.

26 (l)~~(j)~~1. May use eligible contributions received pursuant  
27 to this section and ss. 212.099, 212.1832, and 1002.40 during  
28 the state fiscal year in which such contributions are collected  
29 for administrative expenses if the organization has operated as  
30 an eligible nonprofit scholarship-funding organization for at  
31 least the preceding 3 fiscal years and did not have any findings  
32 of material weakness or material noncompliance in its most  
33 recent audit under paragraph (o) or is in good standing in each  
34 state in which it administers a scholarship program and the  
35 audited financial statements for the preceding 3 fiscal years  
36 are free of material misstatements and going concern issues ~~(m)~~.  
37 Administrative expenses from eligible contributions may not

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

38 exceed 3 percent of the total amount of all scholarships funded  
39 by an eligible scholarship-funding organization under this  
40 chapter. Such administrative expenses must be reasonable and  
41 necessary for the organization's management and distribution of  
42 scholarships funded under this chapter. Administrative expenses  
43 may include developing or contracting with rideshare programs or  
44 facilitating carpool strategies for recipients of a  
45 transportation scholarship. No funds authorized under this  
46 subparagraph shall be used for lobbying or political activity or  
47 expenses related to lobbying or political activity. Up to one-  
48 third of the funds authorized for administrative expenses under  
49 this subparagraph may be used for expenses related to the  
50 recruitment of contributions from taxpayers. An eligible  
51 nonprofit scholarship-funding organization may not charge an  
52 application fee.

53 2. Must award ~~expend~~ for annual or partial-year  
54 scholarships an amount equal to or greater than 75 percent of  
55 all estimated ~~the~~ net eligible contributions, as defined in  
56 subsection (2), and all funds carried forward from the prior  
57 state fiscal year remaining after administrative expenses before  
58 funding any scholarships to students determined eligible  
59 pursuant to s. 1002.394(3)(a) during the state fiscal year in  
60 ~~which such contributions are collected~~. No more than 25 percent  
61 of such net eligible contributions may be carried forward to the  
62 following state fiscal year. All amounts carried forward, for

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

63 audit purposes, must be specifically identified for particular  
64 students, by student name and the name of the school to which  
65 the student is admitted, subject to the requirements of ss.  
66 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable  
67 rules and regulations issued pursuant thereto. Any amounts  
68 carried forward shall be expended for annual or partial-year  
69 scholarships in the following state fiscal year. No later than  
70 September 30 of each year, net eligible contributions remaining  
71 on June 30 of each year that are in excess of the 25 percent  
72 that may be carried forward shall be used to provide  
73 scholarships to eligible students or transferred to other  
74 eligible nonprofit scholarship-funding organizations to provide  
75 scholarships for eligible students. All transferred funds must  
76 be deposited by each eligible nonprofit scholarship-funding  
77 organization receiving such funds into its scholarship account.  
78 All transferred amounts received by any eligible nonprofit  
79 scholarship-funding organization must be separately disclosed in  
80 the annual financial audit required under paragraph (o) ~~(m)~~.

81 3. Must, before granting a scholarship for an academic  
82 year, document each scholarship student's eligibility for that  
83 academic year. A scholarship-funding organization may not grant  
84 multiyear scholarships in one approval process.

85 (q) ~~(e)~~1.a. Must participate in the joint development of  
86 agreed-upon procedures during the 2009-2010 state fiscal year.  
87 The agreed-upon procedures must uniformly apply to all private

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

88 schools and must determine, at a minimum, whether the private  
89 school has been verified as eligible by the Department of  
90 Education under s. 1002.421; has an adequate accounting system,  
91 system of financial controls, and process for deposit and  
92 classification of scholarship funds; and has properly expended  
93 scholarship funds for education-related expenses. During the  
94 development of the procedures, the participating scholarship-  
95 funding organizations shall specify guidelines governing the  
96 materiality of exceptions that may be found during the  
97 accountant's performance of the procedures. The procedures and  
98 guidelines shall be provided to private schools and the  
99 Commissioner of Education by March 15, 2011.

100 b. Must participate in a joint review of the agreed-upon  
101 procedures and guidelines developed under sub-subparagraph a.,  
102 by February of each biennium, if the scholarship-funding  
103 organization provided more than \$250,000 in scholarship funds ~~to~~  
104 ~~an eligible private school~~ under this chapter during the state  
105 fiscal year preceding the biennial review. If the procedures and  
106 guidelines are revised, the revisions must be provided to  
107 private schools and the Commissioner of Education by March 15 of  
108 the year in which the revisions were completed. The revised  
109 agreed-upon procedures and guidelines shall take effect the  
110 subsequent school year. ~~For the 2018-2019 school year only, the~~  
111 ~~joint review of the agreed-upon procedures must be completed and~~  
112 ~~the revisions submitted to the commissioner no later than~~

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

113 ~~September 15, 2018. The revised procedures are applicable to the~~  
114 ~~2018-2019 school year.~~

115 c. Must monitor the compliance of a private school with s.  
116 1002.421(1)(q) if the scholarship-funding organization provided  
117 the majority of the scholarship funding to the school. For each  
118 private school subject to s. 1002.421(1)(q), the appropriate  
119 scholarship-funding organization shall annually notify the  
120 Commissioner of Education by October 30 of:

121 (I) A private school's failure to submit a report required  
122 under s. 1002.421(1)(q); or

123 (II) Any material exceptions set forth in the report  
124 required under s. 1002.421(1)(q).

125 2. Must seek input from the accrediting associations that  
126 are members of the Florida Association of Academic Nonpublic  
127 Schools and the Department of Education when jointly developing  
128 the agreed-upon procedures and guidelines under sub-subparagraph  
129 1.a. and conducting a review of those procedures and guidelines  
130 under sub-subparagraph 1.b.

131 (t) Must participate in the joint development of agreed-  
132 upon purchasing guidelines for authorized uses of scholarship  
133 funds under this chapter. By December 31, 2023, and by each  
134 December 31 thereafter, the purchasing guidelines must be  
135 provided to the Commissioner of Education and published on the  
136 eligible nonprofit scholarship-funding organization's website.  
137 Published purchasing guidelines shall remain in effect until

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

138 there is unanimous agreement to revise the guidelines and the  
139 revisions must be provided to the commissioner and published on  
140 the organization's website within 30 days after such revisions.

141 (u) May permit eligible students to use program funds for  
142 the purposes specified in paragraph (d) by paying for the  
143 authorized use directly, then submitting a reimbursement request  
144 to the eligible nonprofit scholarship-funding organization.  
145 However, an eligible nonprofit scholarship-funding organization  
146 may require the use of an online platform for direct purchases  
147 of products so long as such use does not limit a parent's choice  
148 of curriculum or academic programs. If a parent purchases a  
149 product identical to one offered by an organization's online  
150 platform for a lower price, the organization shall reimburse the  
151 parent the cost of the product.

152 (v) Must notify each parent that participation in the  
153 scholarship program does not guarantee enrollment.

154 (w) Shall commit scholarship funds on behalf of the  
155 student for tuition and fees for which the parent is responsible  
156 for payment at the private school before using empowerment  
157 account funds for additional authorized uses under paragraph  
158 (d).

159 (x) Beginning September 30, 2023, must submit to the  
160 department quarterly reports that provide the estimated and  
161 actual amounts of the net eligible contributions, as defined in

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

162 subsection (2), and all funds carried forward from the prior  
163 state fiscal year.

164  
165 Information and documentation provided to the Department of  
166 Education and the Auditor General relating to the identity of a  
167 taxpayer that provides an eligible contribution under this  
168 section shall remain confidential at all times in accordance  
169 with s. 213.053.

170 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
171 PARTICIPATION.—

172 (a) A parent whose student will be enrolled full time in a  
173 private school must:

174 1. The parent must Select an eligible private school and  
175 apply for the admission of his or her child.

176 2.(b) The parent must Inform the child's school district  
177 when the parent withdraws his or her child to attend an eligible  
178 private school.

179 3.(c) Require his or her any student participating in the  
180 ~~scholarship~~ program to ~~must~~ remain in attendance throughout the  
181 school year unless excused by the school for illness or other  
182 good cause and.

183 ~~(d) Each parent and each student has an obligation to the~~  
184 ~~private school to~~ comply with the private school's published  
185 policies.

656987

Approved For Filing: 3/14/2023 2:37:58 PM



Amendment No.

186 4. Meet with the private school's principal or the  
187 principal's designee to review the school's academic programs  
188 and policies, specialized services, code of student conduct, and  
189 attendance policies before enrollment in the private school.

190 5.(e) Require his or her ~~The parent shall ensure that the~~  
191 student participating in the ~~scholarship~~ program to take ~~takes~~  
192 the norm-referenced assessment offered by the private school.  
193 The parent may also choose to have the student participate in  
194 the statewide assessments pursuant to s. 1008.22. If the parent  
195 requests that the student participating in the scholarship  
196 program take statewide assessments pursuant to s. 1008.22 and  
197 the private school has not chosen to offer and administer the  
198 statewide assessments, the parent is responsible for  
199 transporting the student to the assessment site designated by  
200 the school district.

201 6.(f) Upon receipt of a scholarship warrant from the  
202 ~~eligible nonprofit scholarship-funding organization, the parent~~  
203 ~~to whom the warrant is made must restrictively endorse the~~  
204 ~~warrant to the private school for deposit into the account of~~  
205 ~~the private school. If payments are made by funds transfer, the~~  
206 ~~parent must~~ Approve each payment before the scholarship funds  
207 may be deposited by funds transfer. The parent may not designate  
208 any entity or individual associated with the participating  
209 private school as the parent's attorney in fact to ~~endorse a~~  
210 ~~scholarship warrant or~~ approve a funds transfer. A participant

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

211 who fails to comply with this paragraph forfeits the  
212 scholarship.

213 ~~7.(g) The parent shall~~ Authorize the nonprofit  
214 scholarship-funding organization to access information needed  
215 for income eligibility determination and verification held by  
216 other state or federal agencies, including the Department of  
217 Revenue, the Department of Children and Families, the Department  
218 of Education, the Department of Economic Opportunity, and the  
219 Agency for Health Care Administration.

220 8. Agree to have the organization commit scholarship funds  
221 on behalf of his or her student for tuition and fees for which  
222 the parent is responsible for payment at the private school  
223 before using empowerment account funds for additional authorized  
224 uses under paragraph (6)(d). A parent is responsible for all  
225 eligible expenses in excess of the amount of the scholarship.

226 (b) A parent whose student will not be enrolled full time  
227 in a public or private school must:

228 1. Apply to an eligible nonprofit scholarship-funding  
229 organization to participate in the program as a personalized  
230 education student by a date set by the organization. The request  
231 must be communicated directly to the organization in a manner  
232 that creates a written or electronic record of the request and  
233 the date of receipt of the request.

234 2. Sign an agreement with the organization and annually  
235 submit a sworn compliance statement to the organization to

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

236 satisfy or maintain program eligibility, including eligibility  
237 to receive and spend program payments, by:

238 a. Affirming that the program funds are used only for  
239 authorized purposes serving the student's educational needs, as  
240 described in paragraph (6)(d), and that they will not receive a  
241 payment, refund, or rebate of any funds provided under this  
242 section.

243 b. Affirming that the parent is responsible for all  
244 eligible expenses in excess of the amount of the scholarship and  
245 for the education of his or her student.

246 c. Submitting a student learning plan to the organization  
247 and revising the plan at least annually before program renewal.

248 d. Requiring his or her student to take a nationally norm-  
249 referenced test identified by the Department of Education, or a  
250 statewide assessment under s. 1008.22, and provide assessment  
251 results to the organization before the student's program  
252 renewal.

253 e. Renewing participation in the program each year. A  
254 student whose participation in the program is not renewed may  
255 continue to spend scholarship funds that are in his or her  
256 account from prior years unless the account must be closed  
257 pursuant to s. 1002.394(5)(a)2.

258 f. Procuring the services necessary to educate the  
259 student. When the student receives a scholarship, the district

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

260 school board is not obligated to provide the student with a free  
261 appropriate public education.

262  
263 An eligible nonprofit scholarship-funding organization may not  
264 further regulate, exercise control over, or require  
265 documentation beyond the requirements of this subsection unless  
266 the regulation, control, or documentation is necessary for  
267 participation in the program.

268 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
269 Education shall:

270 (a) Annually submit to the department and division, by  
271 March 15, a list of eligible nonprofit scholarship-funding  
272 organizations that meet the requirements of paragraph (2)(g)  
273 ~~(2)(f)~~.

274 (b) Annually verify the eligibility of nonprofit  
275 scholarship-funding organizations that meet the requirements of  
276 paragraph (2)(g) ~~(2)(f)~~.

277 (c) Annually verify the eligibility of expenditures as  
278 provided in paragraph (6)(d) using the audit required by  
279 paragraph (6)(o) ~~(6)(m)~~.

280 (e) Maintain and annually publish a list of nationally  
281 norm-referenced tests identified for purposes of satisfying the  
282 testing requirement in subparagraph (8)(b)1. The tests must meet  
283 industry standards of quality in accordance with State Board of  
284 Education rule.

656987

Approved For Filing: 3/14/2023 2:37:58 PM

Amendment No.

285 (f) Issue a project grant award to a state university, to  
286 which participating private schools and eligible nonprofit  
287 scholarship-funding organizations must report the scores of  
288 participating students on the nationally norm-referenced tests  
289 or the statewide assessments administered ~~by the private school~~  
290 in grades 3 through 10. The project term is 2 years, and the  
291 amount of the project is up to \$250,000 per year. The project  
292 grant award must be reissued in 2-year intervals in accordance  
293 with this paragraph.

294 1. The state university must annually report to the  
295 Department of Education on the student performance of  
296 participating students and, beginning with the 2024-2025 school  
297 year, on the performance of personalized education students:

656987

Approved For Filing: 3/14/2023 2:37:58 PM