

Amendment No. 3

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WITHDRAWN	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>	

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

3 Representative Tuck offered the following:

4

5 **Amendment (with directory and title amendments)**

6 Remove lines 841-1624 and insert:

7

8 consultations, at a mutually agreed upon location, on the  
 9 selection of, application for, and enrollment in educational  
 10 options addressing the academic needs of a student; curriculum  
 11 selection; and advice on career and postsecondary education  
 12 opportunities. However, nothing in this section authorizes a  
 13 choice navigator to oversee or exercise control over the  
 14 curricula or academic programs of a Personalized Education  
 15 Program.

16 (f)-(e) "Eligible contribution" means a monetary

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17 contribution from a taxpayer, subject to the restrictions  
18 provided in this section, to an eligible nonprofit scholarship-  
19 funding organization pursuant to ss. 212.099, 212.1832,  
20 1002.395, and 1002.40. The taxpayer making the contribution may  
21 not designate a specific child as the beneficiary of the  
22 contribution.

23 (h) "Eligible postsecondary educational institution" means  
24 a Florida College System institution; a state university; a  
25 school district technical center; a school district adult  
26 general education center; an independent college or university  
27 eligible to participate in the William L. Boyd, IV, Effective  
28 Access to Student Education Grant Program under s. 1009.89; or  
29 an accredited independent postsecondary educational institution,  
30 as defined in s. 1005.02, which is licensed to operate in this  
31 state under part III of chapter 1005 or is approved to  
32 participate in a reciprocity agreement as defined in s.  
33 1000.35(2).

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

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

40 (m) "Personalized education student" means a student whose  
41 parent applies to an eligible nonprofit scholarship-funding

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42 organization for participation in a personalized education  
43 program.

44 (n) "Student learning plan" means a customized learning  
45 plan developed by a parent, at least annually, to guide  
46 instruction for his or her student and to identify the goods and  
47 services needed to address the academic needs of his or her  
48 student.

49 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.-

50 (b)1. A student is eligible for a Florida tax credit  
51 scholarship under this section if the student is a resident of  
52 this state and is eligible to enroll in kindergarten through  
53 grade 12 in a public school in this state ~~meets one or more of~~  
54 ~~the following criteria:~~

55 ~~1. The student is on the direct certification list or the~~  
56 ~~student's household income level does not exceed 375 percent of~~  
57 ~~the federal poverty level or an adjusted maximum percent of the~~  
58 ~~federal poverty level authorized under s. 1002.394(3)(a)3.; or~~

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

62 2. Priority must be given to a student whose household  
63 income level does not exceed 185 percent of the federal poverty  
64 level or who is in foster care or out-of-home care. ~~A student~~  
65 ~~who initially receives a scholarship based on eligibility under~~  
66 ~~this paragraph remains eligible to participate until he or she~~

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67 ~~graduates from high school or attains the age of 21 years,~~  
68 ~~whichever occurs first, regardless of the student's household~~  
69 ~~income level. A sibling of a student who is participating in the~~  
70 ~~scholarship program under this subsection is eligible for a~~  
71 ~~scholarship if the student resides in the same household as the~~  
72 ~~sibling.~~

73 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible  
74 for a scholarship while he or she is:

75 (a) Enrolled in a public school, including, but not  
76 limited to, the Florida School for the Deaf and the Blind, the  
77 College-Preparatory Boarding Academy, a developmental research  
78 school authorized under s. 1002.32, or a charter school  
79 authorized under this chapter. For purposes of this paragraph, a  
80 3- or 4-year-old child who receives services funded through the  
81 Florida Education Finance Program is considered a student  
82 enrolled in a public school;

83 (b)-(a) Enrolled in a school operating for the purpose of  
84 providing educational services to youth in a Department of  
85 Juvenile Justice commitment program programs;

86 ~~(b) Receiving a scholarship from another eligible~~  
87 ~~nonprofit scholarship-funding organization under this section;~~

88 (c) Receiving any other ~~an~~ educational scholarship  
89 pursuant to this chapter;

90 (d) Not having regular and direct contact with his or her  
91 private school teachers pursuant to s. 1002.421(1)(i) unless he

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92 or she is enrolled in a personalized education program;

93 ~~(e)(d)~~ Participating in a home education program as  
94 defined in s. 1002.01(1);

95 ~~(f)(e)~~ Participating in a private tutoring program  
96 pursuant to s. 1002.43 unless he or she is enrolled in a  
97 personalized education program; or

98 ~~(g)(f)~~ Participating in a virtual instruction pursuant to  
99 s. 1002.455 school, correspondence school, or distance learning  
100 ~~program~~ that receives state funding pursuant to the student's  
101 participation ~~unless the participation is limited to no more~~  
102 ~~than two courses per school year; or~~

103 ~~(g)~~ ~~Enrolled in the Florida School for the Deaf and the~~  
104 ~~Blind.~~

105 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
106 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
107 organization:

108 (b) Must comply with the following background check  
109 requirements:

110 1. All owners and operators as defined in subparagraph  
111 (2)(k)1. ~~(2)(i)1.~~ are, before employment or engagement to  
112 provide services, subject to level 2 background screening as  
113 provided under chapter 435. The fingerprints for the background  
114 screening must be electronically submitted to the Department of  
115 Law Enforcement and can be taken by an authorized law  
116 enforcement agency or by an employee of the eligible nonprofit

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117 scholarship-funding organization or a private company who is  
118 trained to take fingerprints. However, the complete set of  
119 fingerprints of an owner or operator may not be taken by the  
120 owner or operator. The results of the state and national  
121 criminal history check shall be provided to the Department of  
122 Education for screening under chapter 435. The cost of the  
123 background screening may be borne by the eligible nonprofit  
124 scholarship-funding organization or the owner or operator.

125       2. Every 5 years following employment or engagement to  
126 provide services or association with an eligible nonprofit  
127 scholarship-funding organization, each owner or operator must  
128 meet level 2 screening standards as described in s. 435.04, at  
129 which time the nonprofit scholarship-funding organization shall  
130 request the Department of Law Enforcement to forward the  
131 fingerprints to the Federal Bureau of Investigation for level 2  
132 screening. If the fingerprints of an owner or operator are not  
133 retained by the Department of Law Enforcement under subparagraph  
134 3., the owner or operator must electronically file a complete  
135 set of fingerprints with the Department of Law Enforcement. Upon  
136 submission of fingerprints for this purpose, the eligible  
137 nonprofit scholarship-funding organization shall request that  
138 the Department of Law Enforcement forward the fingerprints to  
139 the Federal Bureau of Investigation for level 2 screening, and  
140 the fingerprints shall be retained by the Department of Law  
141 Enforcement under subparagraph 3.

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142 3. Fingerprints submitted to the Department of Law  
143 Enforcement as required by this paragraph must be retained by  
144 the Department of Law Enforcement in a manner approved by rule  
145 and entered in the statewide automated biometric identification  
146 system authorized by s. 943.05(2)(b). The fingerprints must  
147 thereafter be available for all purposes and uses authorized for  
148 arrest fingerprints entered in the statewide automated biometric  
149 identification system pursuant to s. 943.051.

150 4. The Department of Law Enforcement shall search all  
151 arrest fingerprints received under s. 943.051 against the  
152 fingerprints retained in the statewide automated biometric  
153 identification system under subparagraph 3. Any arrest record  
154 that is identified with an owner's or operator's fingerprints  
155 must be reported to the Department of Education. The Department  
156 of Education shall participate in this search process by paying  
157 an annual fee to the Department of Law Enforcement and by  
158 informing the Department of Law Enforcement of any change in the  
159 employment, engagement, or association status of the owners or  
160 operators whose fingerprints are retained under subparagraph 3.  
161 The Department of Law Enforcement shall adopt a rule setting the  
162 amount of the annual fee to be imposed upon the Department of  
163 Education for performing these services and establishing the  
164 procedures for the retention of owner and operator fingerprints  
165 and the dissemination of search results. The fee may be borne by  
166 the owner or operator of the nonprofit scholarship-funding

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167 organization.

168 5. A nonprofit scholarship-funding organization whose  
169 owner or operator fails the level 2 background screening is not  
170 eligible to provide scholarships under this section.

171 6. A nonprofit scholarship-funding organization whose  
172 owner or operator in the last 7 years has filed for personal  
173 bankruptcy or corporate bankruptcy in a corporation of which he  
174 or she owned more than 20 percent shall not be eligible to  
175 provide scholarships under this section.

176 7. In addition to the offenses listed in s. 435.04, a  
177 person required to undergo background screening pursuant to this  
178 part or authorizing statutes must not have an arrest awaiting  
179 final disposition for, must not have been found guilty of, or  
180 entered a plea of nolo contendere to, regardless of  
181 adjudication, and must not have been adjudicated delinquent, and  
182 the record must not have been sealed or expunged for, any of the  
183 following offenses or any similar offense of another  
184 jurisdiction:

185 a. Any authorizing statutes, if the offense was a felony.

186 b. This chapter, if the offense was a felony.

187 c. Section 409.920, relating to Medicaid provider fraud.

188 d. Section 409.9201, relating to Medicaid fraud.

189 e. Section 741.28, relating to domestic violence.

190 f. Section 817.034, relating to fraudulent acts through  
191 mail, wire, radio, electromagnetic, photoelectronic, or

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192 photooptical systems.

193 g. Section 817.234, relating to false and fraudulent  
194 insurance claims.

195 h. Section 817.505, relating to patient brokering.

196 i. Section 817.568, relating to criminal use of personal  
197 identification information.

198 j. Section 817.60, relating to obtaining a credit card  
199 through fraudulent means.

200 k. Section 817.61, relating to fraudulent use of credit  
201 cards, if the offense was a felony.

202 l. Section 831.01, relating to forgery.

203 m. Section 831.02, relating to uttering forged  
204 instruments.

205 n. Section 831.07, relating to forging bank bills, checks,  
206 drafts, or promissory notes.

207 o. Section 831.09, relating to uttering forged bank bills,  
208 checks, drafts, or promissory notes.

209 p. Section 831.30, relating to fraud in obtaining  
210 medicinal drugs.

211 q. Section 831.31, relating to the sale, manufacture,  
212 delivery, or possession with the intent to sell, manufacture, or  
213 deliver any counterfeit controlled substance, if the offense was  
214 a felony.

215 (d)1. For the 2023-2024 school year, may fund no more than  
216 20,000 scholarships for students who are enrolled pursuant to

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217 paragraph (7)(b). The number of scholarships funded for such  
218 students may increase by 40,000 in each subsequent school year.  
219 This subparagraph is repealed July 1, 2027.

220 2. Must establish and maintain separate empowerment  
221 accounts from eligible contributions for each eligible student.  
222 For each account, the organization must maintain a record of  
223 accrued interest retained in the student's account. The  
224 organization must verify that scholarship funds are used for  
225 provide scholarships, from eligible contributions, to eligible  
226 students for the cost of:

227 a.1. Tuition and fees for full-time or part-time  
228 enrollment in an eligible private school. ~~or~~

229 b.2. Transportation to a Florida public school in which a  
230 student is enrolled and that is different from the school to  
231 which the student was assigned or to a lab school as defined in  
232 s. 1002.32.

233 c. Instructional materials, including digital materials  
234 and Internet resources.

235 d. Curriculum as defined in s. 1002.394(2).

236 e. Tuition and fees associated with full-time or part-time  
237 enrollment in a home education instructional program; an  
238 eligible postsecondary educational institution or a program  
239 offered by the postsecondary educational institution, unless the  
240 program is subject to s. 1009.25 or reimbursed pursuant to s.  
241 1009.30; an approved preapprenticeship program as defined in s.

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242 446.021(5) which is not subject to s. 1009.25 and complies with  
243 all applicable requirements of the Department of Education  
244 pursuant to chapter 1005; a private tutoring program authorized  
245 under s. 1002.43; a virtual program offered by a department-  
246 approved private online provider that meets the provider  
247 qualifications specified in s. 1002.45(2)(a); the Florida  
248 Virtual School as a private paying student; or an approved  
249 online course offered pursuant to s. 1003.499 or s. 1004.0961.

250 f. Fees for nationally standardized, norm-referenced  
251 achievement tests, Advanced Placement Examinations, industry  
252 certification examinations, assessments related to postsecondary  
253 education, or other assessments.

254 g. Contracted services provided by a public school or  
255 school district, including classes. A student who receives  
256 contracted services under this sub-subparagraph is not  
257 considered enrolled in a public school for eligibility purposes  
258 as specified in subsection (11) but rather attending a public  
259 school on a part-time basis as authorized under s. 1002.44.

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

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267 demonstrated a mastery of subject area knowledge pursuant to s.  
268 1012.56(5), or a person certified by a nationally or  
269 internationally recognized research-based training program as  
270 approved by the Department of Education. As used in this  
271 paragraph, the term "part-time tutoring services" does not  
272 qualify as regular school attendance as defined in s.  
273 1003.01(13)(e).

274 (e) For students determined eligible pursuant to paragraph  
275 (7)(b), must:

276 1. Maintain a signed agreement from the parent which  
277 constitutes compliance with the attendance requirements under  
278 ss. 1003.01(13) and 1003.21(1).

279 2. Receive eligible student test scores and, beginning  
280 with the 2027-2028 school year, by August 15, annually report  
281 test scores for students pursuant to paragraph (7)(b) to a state  
282 university pursuant to paragraph (9)(f).

283 3. Provide parents with information, guidance, and support  
284 to create and annually update a student learning plan for their  
285 student. The organization must maintain the plan and allow  
286 parents to electronically submit, access, and revise the plan  
287 continuously.

288 4. Upon submission by the parent of an annual student  
289 learning plan, fund a scholarship for a student determined  
290 eligible.

291 (g)-(f) Must provide a renewal or initial scholarship to an

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292 eligible student on a first-come, first-served basis unless the  
293 student qualifies for priority pursuant to paragraph (f) ~~(e)~~.

294 (h) Each eligible nonprofit scholarship-funding  
295 organization must refer any student eligible for a scholarship  
296 pursuant to this section who did not receive a renewal or  
297 initial scholarship based solely on the lack of available funds  
298 under this section and s. 1002.40(11)(i) to another eligible  
299 nonprofit scholarship-funding organization that may have funds  
300 available.

301 (l)~~(j)~~1. May use eligible contributions received pursuant  
302 to this section and ss. 212.099, 212.1832, and 1002.40 during  
303 the state fiscal year in which such contributions are collected  
304 for administrative expenses if the organization has operated as  
305 an eligible nonprofit scholarship-funding organization for at  
306 least the preceding 3 fiscal years and did not have any findings  
307 of material weakness or material noncompliance in its most  
308 recent audit under paragraph (o) or is in good standing in each  
309 state in which it administers a scholarship program and the  
310 audited financial statements for the preceding 3 fiscal years  
311 are free of material misstatements and going concern issues ~~(m)~~.

312 Administrative expenses from eligible contributions may not  
313 exceed 3 percent of the total amount of all scholarships funded  
314 by an eligible scholarship-funding organization under this  
315 chapter. Such administrative expenses must be reasonable and  
316 necessary for the organization's management and distribution of

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317 scholarships funded under this chapter. Administrative expenses  
318 may include developing or contracting with rideshare programs or  
319 facilitating carpool strategies for recipients of a  
320 transportation scholarship. No funds authorized under this  
321 subparagraph shall be used for lobbying or political activity or  
322 expenses related to lobbying or political activity. Up to one-  
323 third of the funds authorized for administrative expenses under  
324 this subparagraph may be used for expenses related to the  
325 recruitment of contributions from taxpayers. An eligible  
326 nonprofit scholarship-funding organization may not charge an  
327 application fee.

328       2. Must award ~~expend~~ for annual or partial-year  
329 scholarships an amount equal to or greater than 75 percent of  
330 all estimated ~~the~~ net eligible contributions, as defined in  
331 subsection (2), and all funds carried forward from the prior  
332 state fiscal year remaining after administrative expenses before  
333 funding any scholarships to students determined eligible  
334 pursuant to s. 1002.394(3)(a) during the state fiscal year in  
335 ~~which such contributions are collected~~. No more than 25 percent  
336 of such net eligible contributions may be carried forward to the  
337 following state fiscal year. All amounts carried forward, for  
338 audit purposes, must be specifically identified for particular  
339 students, by student name and the name of the school to which  
340 the student is admitted, subject to the requirements of ss.  
341 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable

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342 rules and regulations issued pursuant thereto. Any amounts  
343 carried forward shall be expended for annual or partial-year  
344 scholarships in the following state fiscal year. No later than  
345 September 30 of each year, net eligible contributions remaining  
346 on June 30 of each year that are in excess of the 25 percent  
347 that may be carried forward shall be used to provide  
348 scholarships to eligible students or transferred to other  
349 eligible nonprofit scholarship-funding organizations to provide  
350 scholarships for eligible students. All transferred funds must  
351 be deposited by each eligible nonprofit scholarship-funding  
352 organization receiving such funds into its scholarship account.  
353 All transferred amounts received by any eligible nonprofit  
354 scholarship-funding organization must be separately disclosed in  
355 the annual financial audit required under paragraph (o) ~~(m)~~.

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

360 (g) ~~(e)~~ 1.a. Must participate in the joint development of  
361 agreed-upon procedures during the 2009-2010 state fiscal year.  
362 The agreed-upon procedures must uniformly apply to all private  
363 schools and must determine, at a minimum, whether the private  
364 school has been verified as eligible by the Department of  
365 Education under s. 1002.421; has an adequate accounting system,  
366 system of financial controls, and process for deposit and

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367 classification of scholarship funds; and has properly expended  
368 scholarship funds for education-related expenses. During the  
369 development of the procedures, the participating scholarship-  
370 funding organizations shall specify guidelines governing the  
371 materiality of exceptions that may be found during the  
372 accountant's performance of the procedures. The procedures and  
373 guidelines shall be provided to private schools and the  
374 Commissioner of Education by March 15, 2011.

375 b. Must participate in a joint review of the agreed-upon  
376 procedures and guidelines developed under sub-subparagraph a.,  
377 by February of each biennium, if the scholarship-funding  
378 organization provided more than \$250,000 in scholarship funds to  
379 ~~an eligible private school~~ under this chapter during the state  
380 fiscal year preceding the biennial review. If the procedures and  
381 guidelines are revised, the revisions must be provided to  
382 private schools and the Commissioner of Education by March 15 of  
383 the year in which the revisions were completed. The revised  
384 agreed-upon procedures and guidelines shall take effect the  
385 subsequent school year. ~~For the 2018-2019 school year only, the~~  
386 ~~joint review of the agreed-upon procedures must be completed and~~  
387 ~~the revisions submitted to the commissioner no later than~~  
388 ~~September 15, 2018. The revised procedures are applicable to the~~  
389 ~~2018-2019 school year.~~

390 c. Must monitor the compliance of a private school with s.  
391 1002.421(1)(q) if the scholarship-funding organization provided

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392 the majority of the scholarship funding to the school. For each  
393 private school subject to s. 1002.421(1)(q), the appropriate  
394 scholarship-funding organization shall annually notify the  
395 Commissioner of Education by October 30 of:

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

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

400 2. Must seek input from the accrediting associations that  
401 are members of the Florida Association of Academic Nonpublic  
402 Schools and the Department of Education when jointly developing  
403 the agreed-upon procedures and guidelines under sub-subparagraph  
404 1.a. and conducting a review of those procedures and guidelines  
405 under sub-subparagraph 1.b.

406 (t) Must participate in the joint development of agreed-  
407 upon purchasing guidelines for authorized uses of scholarship  
408 funds under this chapter. By December 31, 2023, and by each  
409 December 31 thereafter, the purchasing guidelines must be  
410 provided to the Commissioner of Education and published on the  
411 eligible nonprofit scholarship-funding organization's website.  
412 Published purchasing guidelines shall remain in effect until  
413 there is unanimous agreement to revise the guidelines and the  
414 revisions must be provided to the commissioner and published on  
415 the organization's website within 30 days after such revisions.

416 (u) May permit eligible students to use program funds for

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417 the purposes specified in paragraph (d) by paying for the  
418 authorized use directly, then submitting a reimbursement request  
419 to the eligible nonprofit scholarship-funding organization.  
420 However, an eligible nonprofit scholarship-funding organization  
421 may require the use of an online platform for direct purchases  
422 of products so long as such use does not limit a parent's choice  
423 of curriculum or academic programs. If a parent purchases a  
424 product identical to one offered by an organization's online  
425 platform for a lower price, the organization shall reimburse the  
426 parent the difference in the prices.

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

429 (w) Shall commit scholarship funds on behalf of the  
430 student for tuition and fees for which the parent is responsible  
431 for payment at the private school before using empowerment  
432 account funds for additional authorized uses under paragraph  
433 (d).

434 (x) Beginning September 30, 2023, must submit to the  
435 department quarterly reports that provide the estimated and  
436 actual amounts of the net eligible contributions, as defined in  
437 subsection (2), and all funds carried forward from the prior  
438 state fiscal year.

439  
440 Information and documentation provided to the Department of  
441 Education and the Auditor General relating to the identity of a

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442 taxpayer that provides an eligible contribution under this  
443 section shall remain confidential at all times in accordance  
444 with s. 213.053.

445 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
446 PARTICIPATION.—

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

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

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

454 3. (c) Require his or her any student participating in the  
455 scholarship program to must remain in attendance throughout the  
456 school year unless excused by the school for illness or other  
457 good cause and.

458 ~~(d) Each parent and each student has an obligation to the~~  
459 ~~private school to~~ comply with the private school's published  
460 policies.

461 4. Meet with the private school's principal or the  
462 principal's designee to review the school's academic programs  
463 and policies, specialized services, code of student conduct, and  
464 attendance policies before enrollment in the private school.

465 5. (e) Require his or her ~~The parent shall ensure that the~~  
466 student participating in the ~~scholarship program to take~~ takes

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467 the norm-referenced assessment offered by the private school.  
468 The parent may also choose to have the student participate in  
469 the statewide assessments pursuant to s. 1008.22. If the parent  
470 requests that the student participating in the scholarship  
471 program take statewide assessments pursuant to s. 1008.22 and  
472 the private school has not chosen to offer and administer the  
473 statewide assessments, the parent is responsible for  
474 transporting the student to the assessment site designated by  
475 the school district.

476 ~~6.(f) Upon receipt of a scholarship warrant from the~~  
477 ~~eligible nonprofit scholarship-funding organization, the parent~~  
478 ~~to whom the warrant is made must restrictively endorse the~~  
479 ~~warrant to the private school for deposit into the account of~~  
480 ~~the private school. If payments are made by funds transfer, the~~  
481 ~~parent must~~ Approve each payment before the scholarship funds  
482 may be deposited by funds transfer. The parent may not designate  
483 any entity or individual associated with the participating  
484 private school as the parent's attorney in fact to ~~endorse a~~  
485 ~~scholarship warrant or~~ approve a funds transfer. A participant  
486 who fails to comply with this paragraph forfeits the  
487 scholarship.

488 ~~7.(g) The parent shall~~ Authorize the nonprofit  
489 scholarship-funding organization to access information needed  
490 for income eligibility determination and verification held by  
491 other state or federal agencies, including the Department of

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492 Revenue, the Department of Children and Families, the Department  
493 of Education, the Department of Economic Opportunity, and the  
494 Agency for Health Care Administration.

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

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

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

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

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

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517 section.

518 b. Affirming that the parent is responsible for all  
519 eligible expenses in excess of the amount of the scholarship and  
520 for the education of his or her student.

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

523 d. Requiring his or her student to take a nationally norm-  
524 referenced test identified by the Department of Education, or a  
525 statewide assessment under s. 1008.22, and provide assessment  
526 results to the organization before the student's program  
527 renewal.

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

533 f. Procuring the services necessary to educate the  
534 student. When the student receives a scholarship, the district  
535 school board is not obligated to provide the student with a free  
536 appropriate public education.

537  
538 An eligible nonprofit scholarship-funding organization may not  
539 further regulate, exercise control over, or require  
540 documentation beyond the requirements of this subsection unless  
541 the regulation, control, or documentation is necessary for

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542 participation in the program.

543 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
544 Education shall:

545 (a) Annually submit to the department and division, by  
546 March 15, a list of eligible nonprofit scholarship-funding  
547 organizations that meet the requirements of paragraph (2) (g)  
548 ~~(2) (f)~~.

549 (b) Annually verify the eligibility of nonprofit  
550 scholarship-funding organizations that meet the requirements of  
551 paragraph (2) (g) ~~(2) (f)~~.

552 (c) Annually verify the eligibility of expenditures as  
553 provided in paragraph (6) (d) using the audit required by  
554 paragraph (6) (o) ~~(6) (m)~~.

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

560 (f) Issue a project grant award to a state university, to  
561 which participating private schools and eligible nonprofit  
562 scholarship-funding organizations must report the scores of  
563 participating students on the nationally norm-referenced tests  
564 or the statewide assessments administered ~~by the private school~~  
565 in grades 3 through 10. The project term is 2 years, and the  
566 amount of the project is up to \$250,000 per year. The project

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567 grant award must be reissued in 2-year intervals in accordance  
568 with this paragraph.

569 1. The state university must annually report to the  
570 Department of Education on the student performance of  
571 participating students and, beginning with the 2027-2028 school  
572 year, on the performance of personalized education students:

573 a. On a statewide basis. The report shall also include, to  
574 the extent possible, a comparison of scholarship students'  
575 performance to the statewide student performance of public  
576 school students with socioeconomic backgrounds similar to those  
577 of students participating in the scholarship program. To  
578 minimize costs and reduce time required for the state  
579 university's analysis and evaluation, the Department of  
580 Education shall coordinate with the state university to provide  
581 data to the state university in order to conduct analyses of  
582 matched students from public school assessment data and  
583 calculate control group student performance using an agreed-upon  
584 methodology with the state university; and

585 b. On an individual school basis for students enrolled  
586 full time in a private school. The annual report must include  
587 student performance for each participating private school in  
588 which ~~at least 51 percent of the total~~ enrolled students in the  
589 private school participated in a scholarship program under this  
590 section, s. 1002.394(12)(a), or s. 1002.40 ~~the Florida Tax~~  
591 ~~Credit Scholarship Program~~ in the prior school year. The report

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592 shall be according to each participating private school, and for  
593 participating students, in which there are at least 30  
594 participating students who have scores for tests administered.  
595 If the state university determines that the 30-participating-  
596 student cell size may be reduced without disclosing personally  
597 identifiable information, as described in 34 C.F.R. s. 99.12, of  
598 a participating student, the state university may reduce the  
599 participating-student cell size, but the cell size must not be  
600 reduced to less than 10 participating students. The department  
601 shall provide each private school's prior school year's student  
602 enrollment information to the state university no later than  
603 June 15 of each year, or as requested by the state university.

604 2. The sharing and reporting of student performance data  
605 under this paragraph must be in accordance with requirements of  
606 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family  
607 Educational Rights and Privacy Act, and the applicable rules and  
608 regulations issued pursuant thereto, and shall be for the sole  
609 purpose of creating the annual report required by subparagraph  
610 1. All parties must preserve the confidentiality of such  
611 information as required by law. The annual report must not  
612 disaggregate data to a level that will identify individual  
613 participating schools, except as required under sub-subparagraph  
614 1.b., or disclose the academic level of individual students.

615 3. The annual report required by subparagraph 1. shall be  
616 published by the Department of Education on its website.

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617 (j) Provide a process to match the direct certification  
618 list with the scholarship application data submitted by any  
619 nonprofit scholarship-funding organization eligible to receive  
620 the 3-percent administrative allowance under paragraph (6) (1)  
621 ~~(6) (j)~~.

622 (k) Notify each school district of the full-time  
623 equivalent student consensus estimate of scholarship students  
624 developed pursuant to s. 216.136(4) (a).

625 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

626 (b) Payment of the scholarship by the eligible nonprofit  
627 scholarship-funding organization shall be ~~by individual warrant~~  
628 ~~made payable to the student's parent or~~ by funds transfer,  
629 including, but not limited to, debit cards, electronic payment  
630 cards, or any other means of payment that the department deems  
631 to be commercially viable or cost-effective. ~~If the payment is~~  
632 ~~made by warrant, the warrant must be delivered by the eligible~~  
633 ~~nonprofit scholarship-funding organization to the private school~~  
634 ~~of the parent's choice, and the parent shall restrictively~~  
635 ~~endorse the warrant to the private school.~~ An eligible nonprofit  
636 scholarship-funding organization shall ensure ~~that the parent to~~  
637 ~~whom the warrant is made restrictively endorsed the warrant to~~  
638 ~~the private school for deposit into the account of the private~~  
639 ~~school or~~ that the parent has approved a funds transfer before  
640 any scholarship funds are deposited.

641 (e) An eligible nonprofit scholarship-funding organization

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642 may not transfer any funds to an account of a student determined  
643 eligible under this section which has a balance in excess of  
644 \$24,000.

645 (f) A scholarship awarded to an eligible student shall  
646 remain in force until:

647 1. The organization determines that the student is not  
648 eligible for program renewal;

649 2. The Commissioner of Education suspends or revokes  
650 program participation or use of funds;

651 3. The student's parent has forfeited participation in the  
652 program for failure to comply with subsection (7);

653 4. The student enrolls in a public school. However, if a  
654 student enters a Department of Juvenile Justice detention center  
655 for a period of no more than 21 days, the student is not  
656 considered to have returned to a public school on a full-time  
657 basis for that purpose; or

658 5. The student graduates from high school or attains 21  
659 years of age, whichever occurs first.

660 (g) Reimbursements for program expenditures may continue  
661 until the account balance is expended or remaining funds have  
662 reverted to the state.

663 (h) A student's scholarship account must be closed and any  
664 remaining funds shall revert to the state after:

665 1. Denial or revocation of program eligibility by the  
666 commissioner for fraud or abuse, including, but not limited to,

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667 the student or student's parent accepting any payment, refund,  
668 or rebate, in any manner, from a provider of any services  
669 received pursuant to paragraph (6) (d); or

670 2. Two consecutive fiscal years in which an account has  
671 been inactive.

672 (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;  
673 APPLICATION.—In order to participate in the scholarship program  
674 created under this section, a charitable organization that seeks  
675 to be a nonprofit scholarship-funding organization must submit  
676 an application for initial approval or renewal to the Office of  
677 Independent Education and Parental Choice. The office shall  
678 provide at least two application periods in which charitable  
679 organizations may apply to participate in the program ~~no later~~  
680 ~~than September 1 of each year before the school year for which~~  
681 ~~the organization intends to offer scholarships.~~

682 (a) An application for initial approval must include:

683 1. A copy of the organization's incorporation documents  
684 and registration with the Division of Corporations of the  
685 Department of State.

686 2. A copy of the organization's Internal Revenue Service  
687 determination letter as a s. 501(c) (3) not-for-profit  
688 organization.

689 3. A description of the organization's financial plan that  
690 demonstrates sufficient funds to operate throughout the school  
691 year.

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692 4. A description of the geographic region that the  
693 organization intends to serve and an analysis of the demand and  
694 unmet need for eligible students in that area.

695 5. The organization's organizational chart.

696 6. A description of the criteria and methodology that the  
697 organization will use to evaluate scholarship eligibility.

698 7. A description of the application process, including  
699 deadlines and any associated fees.

700 8. A description of the deadlines for attendance  
701 verification and scholarship payments.

702 9. A copy of the organization's policies on conflict of  
703 interest and whistleblowers.

704 10. A copy of a surety bond or letter of credit to secure  
705 the faithful performance of the obligations of the eligible  
706 nonprofit scholarship-funding organization in accordance with  
707 this section in an amount equal to 25 percent of the scholarship  
708 funds anticipated for each school year or \$100,000, whichever is  
709 greater. The surety bond or letter of credit must specify that  
710 any claim against the bond or letter of credit may be made only  
711 by an eligible nonprofit scholarship-funding organization to  
712 provide scholarships to and on behalf of students who would have  
713 had scholarships funded if it were not for the diversion of  
714 funds giving rise to the claim against the bond or letter of  
715 credit.

716 (b) In addition to the information required by

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717 subparagraphs (a)1.-9., an application for renewal must include:

718 1. A surety bond or letter of credit to secure the  
719 faithful performance of the obligations of the eligible  
720 nonprofit scholarship-funding organization in accordance with  
721 this section equal to the amount of undisbursed donations held  
722 by the organization based on the annual report submitted  
723 pursuant to paragraph (6)(o) ~~(6)(m)~~. The amount of the surety  
724 bond or letter of credit must be at least \$100,000, but not more  
725 than \$25 million. The surety bond or letter of credit must  
726 specify that any claim against the bond or letter of credit may  
727 be made only by an eligible nonprofit scholarship-funding  
728 organization to provide scholarships to and on behalf of  
729 students who would have had scholarships funded if it were not  
730 for the diversion of funds giving rise to the claim against the  
731 bond or letter of credit.

732 2. The organization's completed Internal Revenue Service  
733 Form 990 submitted no later than November 30 of the year before  
734 the school year that the organization intends to offer the  
735 scholarships, notwithstanding the department's ~~September 1~~  
736 application deadline.

737 3. A copy of the statutorily required audit to the  
738 Department of Education and Auditor General.

739 4. An annual report that includes:

740 a. The number of students who completed applications, by  
741 county and by grade.

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742           b. The number of students who were approved for  
743 scholarships, by county and by grade.

744           c. The number of students who received funding for  
745 scholarships within each funding category, by county and by  
746 grade.

747           d. The amount of funds received, the amount of funds  
748 distributed in scholarships, and an accounting of remaining  
749 funds and the obligation of those funds.

750           e. A detailed accounting of how the organization spent the  
751 administrative funds allowable under paragraph (6) (1) ~~(6) (j)~~.

752           (c) In consultation with the Department of Revenue and the  
753 Chief Financial Officer, the Office of Independent Education and  
754 Parental Choice shall review the application. The Department of  
755 Education shall notify the organization in writing of any  
756 deficiencies within 30 days after receipt of the application and  
757 allow the organization 30 days to correct any deficiencies.

758           (d) Within 30 days after receipt of the finalized  
759 application by the Office of Independent Education and Parental  
760 Choice, the Commissioner of Education shall recommend approval  
761 or disapproval of the application to the State Board of  
762 Education. The State Board of Education shall consider the  
763 application and recommendation at the next scheduled meeting,  
764 adhering to appropriate meeting notice requirements. If the  
765 State Board of Education disapproves the organization's  
766 application, it shall provide the organization with a written

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767 explanation of that determination. The State Board of  
768 Education's action is not subject to chapter 120.

769 (e) If the State Board of Education disapproves the  
770 renewal of a nonprofit scholarship-funding organization, the  
771 organization must notify the affected eligible students and  
772 parents of the decision within 15 days after disapproval. An  
773 eligible student affected by the disapproval of an  
774 organization's participation remains eligible under this section  
775 until the end of the school year in which the organization was  
776 disapproved. The student must apply and be accepted by another  
777 eligible nonprofit scholarship-funding organization for the  
778 upcoming school year. The student shall be given priority in  
779 accordance with paragraph (6)(g) ~~(6)(f)~~.

780 (f) All remaining funds held by a nonprofit scholarship-  
781 funding organization that is disapproved for participation must  
782 be transferred to other eligible nonprofit scholarship-funding  
783 organizations to provide scholarships for eligible students. All  
784 transferred funds must be deposited by each eligible nonprofit  
785 scholarship-funding organization receiving such funds into its  
786 scholarship account. All transferred amounts received by any  
787 eligible nonprofit scholarship-funding organization must be  
788 separately disclosed in the annual financial audit required  
789 under subsection (6).

790 (g) A nonprofit scholarship-funding organization is a  
791 renewing organization if it maintains continuous approval and



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792 participation in the program. An organization that chooses not  
793 to participate for 1 year or more or is disapproved to  
794 participate for 1 year or more must submit an application for  
795 initial approval in order to participate in the program again.

796 (h) The State Board of Education shall adopt rules  
797 providing guidelines for receiving, reviewing, and approving  
798 applications for new and renewing nonprofit scholarship-funding  
799 organizations. The rules must include a process for compiling  
800 input and recommendations from the Chief Financial Officer, the  
801 Department of Revenue, and the Department of Education. The  
802 rules must also require that the nonprofit scholarship-funding  
803 organization make a brief presentation to assist the State Board  
804 of Education in its decision.

805 (i) A state university; or an independent college or  
806 university which is eligible to participate in the William L.  
807 Boyd, IV, Effective Access to Student Education Grant Program,  
808 located and chartered in this state, is not for profit, and is  
809 accredited by the Commission on Colleges of the Southern  
810 Association of Colleges and Schools, is exempt from the initial  
811 or renewal application process, but must file a registration  
812 notice with the Department of Education to be an eligible  
813 nonprofit scholarship-funding organization. The State Board of  
814 Education shall adopt rules that identify the procedure for  
815 filing the registration notice with the department. The rules  
816 must identify appropriate reporting requirements for fiscal,

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817 programmatic, and performance accountability purposes consistent  
818 with this section, but shall not exceed the requirements for  
819 eligible nonprofit scholarship-funding organizations for  
820 charitable organizations.

821 Section 7. Paragraphs (e) and (f) of subsection (2) and  
822 paragraphs (g) and (i) of subsection (11) of section 1002.40,  
823 Florida Statutes, are amended to read:

824 1002.40 The Hope Scholarship Program.—

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

826 (e) "Eligible nonprofit scholarship-funding organization"  
827 or "organization" has the same meaning as provided in s.  
828 1002.395(2) ~~s. 1002.395(2)(f)~~.

829 (f) "Eligible private school" has the same meaning as  
830 provided in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.

831 (11) FUNDING AND PAYMENT.—

832 (g) An eligible nonprofit scholarship-funding  
833 organization, subject to the limitations of s. 1002.395(6)(1)1.  
834 ~~s. 1002.395(6)(j)1.~~, may use eligible contributions received  
835 during the state fiscal year in which such contributions are  
836 collected for administrative expenses.

837 (i) Notwithstanding s. 1002.395(6)(1)2. ~~s. 1002.395(6)~~  
838 ~~(j)2.~~, no more than 5 percent of net eligible contributions may  
839 be carried forward to the following state fiscal year by an  
840 eligible scholarship-funding organization. For audit purposes,  
841 all amounts carried forward must be specifically identified for

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842 individual students by student name and by the name of the  
843 school to which the student is admitted, subject to the  
844 requirements of ss. 1002.21 and 1002.22 and 20 U.S.C. s. 1232g,  
845 and the applicable rules and regulations issued pursuant to such  
846 requirements. Any amounts carried forward shall be expended for  
847 annual scholarships or partial-year scholarships in the  
848 following state fiscal year. Net eligible contributions  
849 remaining on June 30 of each year which are in excess of the 5  
850 percent that may be carried forward shall be transferred to  
851 other eligible nonprofit scholarship-funding organizations  
852 participating in the Hope Scholarship Program to provide  
853 scholarships for eligible students. All transferred funds must  
854 be deposited by each eligible nonprofit scholarship-funding  
855 organization receiving such funds into the scholarship account  
856 of eligible students. All transferred amounts received by an  
857 eligible nonprofit scholarship-funding organization must be  
858 separately disclosed in the annual financial audit requirement  
859 under s. 1002.395(6)(o) ~~s. 1002.395(6)(m)~~. If no other eligible  
860 nonprofit scholarship-funding organization participates in the  
861 Hope Scholarship Program, net eligible contributions in excess  
862 of the 5 percent may be used to fund scholarships for students  
863 eligible under s. 1002.395 only after fully exhausting all  
864 contributions made in support of scholarships under that section  
865 in accordance with the priority established in s. 1002.395(6)(f)  
866 before ~~s. 1002.395(6)(e)~~ ~~prior to~~ awarding any initial

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867 scholarships.

868

869 -----

870 **D I R E C T O R Y A M E N D M E N T**

871 Remove lines 826-835 and insert:

872 through (f) and (g) through (q) of subsection (6) are  
873 redesignated as paragraphs (f) through (g) and (i) through (s),  
874 respectively, present paragraphs (e) and (g) of subsection (2),  
875 paragraph (b) of subsection (3), subsection (4), present  
876 paragraphs (b), (d), (f), (j), and (o) of subsection (6),  
877 subsection (7), paragraphs (a), (b), (c), (e), (f), and (j) of  
878 subsection (9), paragraph (b) of subsection (11), and subsection  
879 (15) are amended, and new paragraphs (b), (h), (l), (m), and (n)  
880 are added to subsection (2), paragraphs (e), (h), (t), (u), (v),  
881 (w), and (x) are added to subsection (6), paragraph (k) is added  
882 to subsection (9), and paragraphs (e) through (h) are added to  
883 subsection (11)

884

885 -----

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

887 Remove lines 36-53 and insert:

888 revising eligibility for administrative expenses for certain  
889 organizations; revising the amount of funds that must be awarded  
890 through scholarships; requiring the development of specified  
891 guidelines; authorizing organizations to require specified

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892 purchases so long as it does not limit specified choices;  
893 requiring an organization to provide reimbursement in specified  
894 circumstances; requiring organizations to submit specified  
895 quarterly reports; revising responsibilities of parents;  
896 requiring scholarship funds to be deposited by funds transfers  
897 rather than through warrant endorsement; revising the  
898 requirements for the department to publish specified tests;  
899 revising the requirements of a specified annual report; revising  
900 the duties to the department to notify school districts of  
901 specified estimates; prohibiting the transfer of funds to an  
902 eligible student's account under certain conditions; providing  
903 that certain scholarships remain in force until certain criteria  
904 are met; authorizing reimbursements for certain expenditures  
905 until certain criteria are met; requiring the closure of a  
906 scholarship account and the reversion of funds to the state  
907 under certain circumstances; requiring the Office of Independent  
908 Education and Parental choice to provide a specified number of  
909 application periods for specified purposes; deleting obsolete  
910 language; conforming provisions and cross-references to changes  
911 made by the act; amending s. 1002.40,