

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Eskamani offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 10-115 and insert:

5 Section 1. Subsection (4) and paragraph (b) of subsection
6 (12) of section 1002.394, Florida Statutes, are amended to read:

7 1002.394 The Family Empowerment Scholarship Program.—

8 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

11 1. Tuition and fees at an eligible private school.

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

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

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

16 | 3. Instructional materials, including digital materials
17 | and Internet resources.

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

19 | 5. Tuition and fees associated with full-time or part-time
20 | enrollment in an eligible postsecondary educational institution
21 | or a program offered by the postsecondary educational
22 | institution, unless the program is subject to s. 1009.25 or
23 | reimbursed pursuant to s. 1009.30; an approved preapprenticeship
24 | program as defined in s. 446.021(5) which is not subject to s.
25 | 1009.25 and complies with all applicable requirements of the
26 | department pursuant to chapter 1005; a private tutoring program
27 | authorized under s. 1002.43; a virtual program offered by a
28 | department-approved private online provider that meets the
29 | provider qualifications specified in s. 1002.45(2)(a); the
30 | Florida Virtual School as a private paying student; or an
31 | approved online course offered pursuant to s. 1003.499 or s.
32 | 1004.0961.

33 | 6. Fees for nationally standardized, norm-referenced
34 | achievement tests, Advanced Placement Examinations, industry
35 | certification examinations, assessments related to postsecondary
36 | education, or other assessments.

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

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

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

43 8. Tuition and fees for part-time tutoring services or
44 fees for services provided by a choice navigator. Such services
45 must be provided by a person who holds a valid Florida
46 educator's certificate pursuant to s. 1012.56, a person who
47 holds an adjunct teaching certificate pursuant to s. 1012.57, a
48 person who has a bachelor's degree or a graduate degree in the
49 subject area in which instruction is given, a person who has
50 demonstrated a mastery of subject area knowledge pursuant to s.
51 1012.56(5), or a person certified by a nationally or
52 internationally recognized research-based training program as
53 approved by the department. As used in this subparagraph, the
54 term "part-time tutoring services" does not qualify as regular
55 school attendance as defined in s. 1003.01(16)(e).

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

59 1. Instructional materials, including digital devices,
60 digital periphery devices, and assistive technology devices that
61 allow a student to access instruction or instructional content
62 and training on the use of and maintenance agreements for these
63 devices.

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

- 64 2. Curriculum as defined in subsection (2).
- 65 3. Specialized services by approved providers or by a
66 hospital in this state which are selected by the parent. These
67 specialized services may include, but are not limited to:
- 68 a. Applied behavior analysis services as provided in ss.
69 627.6686 and 641.31098.
- 70 b. Services provided by speech-language pathologists as
71 defined in s. 468.1125(8).
- 72 c. Occupational therapy as defined in s. 468.203.
- 73 d. Services provided by physical therapists as defined in
74 s. 486.021(8).
- 75 e. Services provided by listening and spoken language
76 specialists and an appropriate acoustical environment for a
77 child who has a hearing impairment, including deafness, and who
78 has received an implant or assistive hearing device.
- 79 4. Tuition and fees associated with full-time or part-time
80 enrollment in a home education program; an eligible private
81 school; an eligible postsecondary educational institution or a
82 program offered by the postsecondary educational institution,
83 unless the program is subject to s. 1009.25 or reimbursed
84 pursuant to s. 1009.30; an approved preapprenticeship program as
85 defined in s. 446.021(5) which is not subject to s. 1009.25 and
86 complies with all applicable requirements of the department
87 pursuant to chapter 1005; a private tutoring program authorized
88 under s. 1002.43; a virtual program offered by a department-

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

89 approved private online provider that meets the provider
90 qualifications specified in s. 1002.45(2)(a); the Florida
91 Virtual School as a private paying student; or an approved
92 online course offered pursuant to s. 1003.499 or s. 1004.0961.

93 5. Fees for nationally standardized, norm-referenced
94 achievement tests, Advanced Placement Examinations, industry
95 certification examinations, assessments related to postsecondary
96 education, or other assessments.

97 6. Contributions to the Stanley G. Tate Florida Prepaid
98 College Program pursuant to s. 1009.98 or the Florida College
99 Savings Program pursuant to s. 1009.981 for the benefit of the
100 eligible student.

101 7. Contracted services provided by a public school or
102 school district, including classes. A student who receives
103 services under a contract under this paragraph is not considered
104 enrolled in a public school for eligibility purposes as
105 specified in subsection (6) but rather attending a public school
106 on a part-time basis as authorized under s. 1002.44.

107 8. Tuition and fees for part-time tutoring services or
108 fees for services provided by a choice navigator. Such services
109 must be provided by a person who holds a valid Florida
110 educator's certificate pursuant to s. 1012.56, a person who
111 holds an adjunct teaching certificate pursuant to s. 1012.57, a
112 person who has a bachelor's degree or a graduate degree in the
113 subject area in which instruction is given, a person who has

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

114 demonstrated a mastery of subject area knowledge pursuant to s.
115 1012.56(5), or a person certified by a nationally or
116 internationally recognized research-based training program as
117 approved by the department. As used in this subparagraph, the
118 term "part-time tutoring services" does not qualify as regular
119 school attendance as defined in s. 1003.01(16)(e).

120 9. Fees for specialized summer education programs.

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

122 11. Transition services provided by job coaches.

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

126 13. Tuition and fees associated with programs offered by
127 Voluntary Prekindergarten Education Program providers approved
128 pursuant to s. 1002.55 and school readiness providers approved
129 pursuant to s. 1002.88.

130 14. Fees for services provided at a center that is a
131 member of the Professional Association of Therapeutic
132 Horsemanship International.

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

136
137 Program funds may not be used to purchase theme park tickets.

138 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

139 (b)1. For the 2023-2024 school year, the maximum number of
140 students participating in the scholarship program under
141 paragraph (3)(b) shall be the number of Scholarships for
142 students the organization and the department determined eligible
143 pursuant to this section paragraph (3)(b) are established for up
144 to 26,500 students annually beginning in the 2022-2023 school
145 year. Beginning in the 2024-2025 ~~2023-2024~~ school year, the
146 maximum number of students participating in the scholarship
147 program under paragraph (3)(b) ~~this section~~ shall annually
148 increase by 3.0 percent of the state's total exceptional student
149 education full-time equivalent student membership, not including
150 gifted students. An eligible student who meets any of the
151 following requirements shall be excluded from the maximum number
152 of students if the student:

153 a. Received specialized instructional services under the
154 Voluntary Prekindergarten Education Program pursuant to s.
155 1002.66 during the previous school year and the student has a
156 current IEP developed by the district school board in accordance
157 with rules of the State Board of Education;

158 b. Is a dependent child of a law enforcement officer or a
159 member of the United States Armed Forces, a foster child, or an
160 adopted child; or

161 c. Spent the prior school year in attendance at a Florida
162 public school or the Florida School for the Deaf and the Blind.
163 For purposes of this subparagraph, the term "prior school year

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

164 in attendance" means that the student was enrolled and reported
165 by:

166 (I) A school district for funding during either the
167 preceding October or February full-time equivalent student
168 membership surveys in kindergarten through grade 12, which
169 includes time spent in a Department of Juvenile Justice
170 commitment program if funded under the Florida Education Finance
171 Program;

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

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

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

181 2. For a student who has a Level I to Level III matrix of
182 services or a diagnosis by a physician or psychologist, the
183 calculated scholarship amount for a student participating in the
184 program must be based upon the grade level and school district
185 in which the student would have been enrolled as the total funds
186 per unweighted full-time equivalent in the Florida Education
187 Finance Program for a student in the basic exceptional student
188 education program pursuant to s. 1011.62(1)(c) and (d), plus a

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

189 per full-time equivalent share of funds for the categorical
190 programs established in s. 1011.62(5), (7) (a), (8), and (16), as
191 funded in the General Appropriations Act. For the categorical
192 program established in s. 1011.62(8), the funds must be
193 allocated based on the school district's average exceptional
194 student education guaranteed allocation funds per exceptional
195 student education full-time equivalent student.

196 3. For a student with a Level IV or Level V matrix of
197 services, the calculated scholarship amount must be based upon
198 the school district to which the student would have been
199 assigned as the total funds per full-time equivalent for the
200 Level IV or Level V exceptional student education program
201 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
202 equivalent share of funds for the categorical programs
203 established in s. 1011.62(5), (7) (a), and (16), as funded in the
204 General Appropriations Act.

205 4. For a student who received a Gardiner Scholarship
206 pursuant to former s. 1002.385 in the 2020-2021 school year, the
207 amount shall be the greater of the amount calculated pursuant to
208 subparagraph 2. or the amount the student received for the 2020-
209 2021 school year.

210 5. For a student who received a John M. McKay Scholarship
211 pursuant to former s. 1002.39 in the 2020-2021 school year, the
212 amount shall be the greater of the amount calculated pursuant to

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

213 subparagraph 2. or the amount the student received for the 2020-
214 2021 school year.

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

217 7. Upon receiving the documentation, the department shall
218 release, from state funds only, the student's scholarship funds
219 to the organization, to be deposited into the student's account
220 in four equal amounts no later than September 1, November 1,
221 February 1, and April 1 of each school year in which the
222 scholarship is in force.

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

226 9. The organization may develop a system for payment of
227 benefits by funds transfer, including, but not limited to, debit
228 cards, electronic payment cards, or any other means of payment
229 which the department deems to be commercially viable or cost-
230 effective. A student's scholarship award may not be reduced for
231 debit card or electronic payment fees. Commodities or services
232 related to the development of such a system must be procured by
233 competitive solicitation unless they are purchased from a state
234 term contract pursuant to s. 287.056.

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

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

238 11. Moneys received pursuant to this section do not
239 constitute taxable income to the qualified student or the parent
240 of the qualified student.

241 Section 2. Paragraph (d) of subsection (6) of section
242 1002.395, Florida Statutes, is amended to read:

243 1002.395 Florida Tax Credit Scholarship Program.—

244 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
245 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
246 organization:

247 (d)1. For the 2023-2024 school year, may fund no more than
248 20,000 scholarships for students who are enrolled pursuant to
249 paragraph (7)(b). The number of scholarships funded for such
250 students may increase by 40,000 in each subsequent school year.
251 This subparagraph is repealed July 1, 2027.

252 2. Must establish and maintain separate empowerment
253 accounts from eligible contributions for each eligible student.
254 For each account, the organization must maintain a record of
255 accrued interest retained in the student's account. The
256 organization must verify that scholarship funds are used for:

257 a. Tuition and fees for full-time or part-time enrollment
258 in an eligible private school.

259 b. Transportation to a Florida public school in which a
260 student is enrolled and that is different from the school to
261 which the student was assigned or to a lab school as defined in
262 s. 1002.32.

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

- 263 c. Instructional materials, including digital materials
264 and Internet resources.
- 265 d. Curriculum as defined in s. 1002.394(2).
- 266 e. Tuition and fees associated with full-time or part-time
267 enrollment in a home education instructional program; an
268 eligible postsecondary educational institution or a program
269 offered by the postsecondary educational institution, unless the
270 program is subject to s. 1009.25 or reimbursed pursuant to s.
271 1009.30; an approved preapprenticeship program as defined in s.
272 446.021(5) which is not subject to s. 1009.25 and complies with
273 all applicable requirements of the Department of Education
274 pursuant to chapter 1005; a private tutoring program authorized
275 under s. 1002.43; a virtual program offered by a department-
276 approved private online provider that meets the provider
277 qualifications specified in s. 1002.45(2)(a); the Florida
278 Virtual School as a private paying student; or an approved
279 online course offered pursuant to s. 1003.499 or s. 1004.0961.
- 280 f. Fees for nationally standardized, norm-referenced
281 achievement tests, Advanced Placement Examinations, industry
282 certification examinations, assessments related to postsecondary
283 education, or other assessments.
- 284 g. Contracted services provided by a public school or
285 school district, including classes. A student who receives
286 contracted services under this sub-subparagraph is not
287 considered enrolled in a public school for eligibility purposes

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

288 as specified in subsection (11) but rather attending a public
289 school on a part-time basis as authorized under s. 1002.44.

290 h. Tuition and fees for part-time tutoring services or
291 fees for services provided by a choice navigator. Such services
292 must be provided by a person who holds a valid Florida
293 educator's certificate pursuant to s. 1012.56, a person who
294 holds an adjunct teaching certificate pursuant to s. 1012.57, a
295 person who has a bachelor's degree or a graduate degree in the
296 subject area in which instruction is given, a person who has
297 demonstrated a mastery of subject area knowledge pursuant to s.
298 1012.56(5), or a person certified by a nationally or
299 internationally recognized research-based training program as
300 approved by the Department of Education. As used in this
301 paragraph, the term "part-time tutoring services" does not
302 qualify as regular school attendance as defined in s.
303 1003.01(16)(e).

304 3. Scholarship funds may not be used to purchase theme
305 park tickets.

306
307 Information and documentation provided to the Department of
308 Education and the Auditor General relating to the identity of a
309 taxpayer that provides an eligible contribution under this
310 section shall remain confidential at all times in accordance
311 with s. 213.053.

078879

Approved For Filing: 11/7/2023 7:59:48 AM

Amendment No.

312 Section 3. Paragraph (h) is added to subsection (9) of
313 section 1002.40, Florida Statutes, to read:

314 1002.40 The Hope Scholarship Program.—

315 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
316 PARTICIPATION.—A parent who applies for a Hope scholarship is
317 exercising his or her parental option to place his or her
318 student in an eligible private school.

319 (h) The parent must ensure that scholarship funds are not
320 used to purchase theme park tickets.

321

322

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

323

Remove lines 2-5 and insert:

324

An act relating to K-12 educational scholarship

325

programs; amending s. 1002.394, F.S.; revising the

326

number of certain students eligible to participate in

327

the Family Empowerment Scholarship Program;

328

prohibiting scholarship funds from being used to buy

329

theme park tickets; amending ss. 1002.395 and 1002.40,

330

F.S.; prohibiting specified educational scholarship

331

program funds from being used to buy theme park

332

tickets; providing

333

078879

Approved For Filing: 11/7/2023 7:59:48 AM