

By Senator Collins

14-00005-23C

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1 A bill to be entitled
2 An act relating to the Family Empowerment Scholarship
3 Program; amending s. 1002.394, F.S.; revising the
4 number of certain students eligible to participate in
5 the Family Empowerment Scholarship Program; providing
6 an effective date.

8 Be It Enacted by the Legislature of the State of Florida:

10 Section 1. Paragraph (b) of subsection (12) of section
11 1002.394, Florida Statutes, is amended to read:

12 1002.394 The Family Empowerment Scholarship Program.—

13 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

14 (b)1. For the 2023-2024 school year, the maximum number of
15 students participating in the scholarship program under
16 paragraph (3) (b) shall be the number of Scholarships for
17 students the organization and the department determined eligible
18 pursuant to this section paragraph (3) (b) are established for up
19 to 26,500 students annually beginning in the 2022-2023 school
20 year. Beginning in the 2024-2025 2023-2024 school year, the
21 maximum number of students participating in the scholarship
22 program under paragraph (3) (b) this section shall annually
23 increase by 3.0 percent of the state's total exceptional student
24 education full-time equivalent student membership, not including
25 gifted students. An eligible student who meets any of the
26 following requirements shall be excluded from the maximum number
27 of students if the student:

28 a. Received specialized instructional services under the
29 Voluntary Prekindergarten Education Program pursuant to s.

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30 1002.66 during the previous school year and the student has a
31 current IEP developed by the district school board in accordance
32 with rules of the State Board of Education;

33 b. Is a dependent child of a law enforcement officer or a
34 member of the United States Armed Forces, a foster child, or an
35 adopted child; or

36 c. Spent the prior school year in attendance at a Florida
37 public school or the Florida School for the Deaf and the Blind.
38 For purposes of this subparagraph, the term "prior school year
39 in attendance" means that the student was enrolled and reported
40 by:

41 (I) A school district for funding during either the
42 preceding October or February full-time equivalent student
43 membership surveys in kindergarten through grade 12, which
44 includes time spent in a Department of Juvenile Justice
45 commitment program if funded under the Florida Education Finance
46 Program;

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

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

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

56 2. For a student who has a Level I to Level III matrix of
57 services or a diagnosis by a physician or psychologist, the
58 calculated scholarship amount for a student participating in the

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59 program must be based upon the grade level and school district
60 in which the student would have been enrolled as the total funds
61 per unweighted full-time equivalent in the Florida Education
62 Finance Program for a student in the basic exceptional student
63 education program pursuant to s. 1011.62(1)(c) and (d), plus a
64 per full-time equivalent share of funds for the categorical
65 programs established in s. 1011.62(5), (7)(a), (8), and (16), as
66 funded in the General Appropriations Act. For the categorical
67 program established in s. 1011.62(8), the funds must be
68 allocated based on the school district's average exceptional
69 student education guaranteed allocation funds per exceptional
70 student education full-time equivalent student.

71 3. For a student with a Level IV or Level V matrix of
72 services, the calculated scholarship amount must be based upon
73 the school district to which the student would have been
74 assigned as the total funds per full-time equivalent for the
75 Level IV or Level V exceptional student education program
76 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
77 equivalent share of funds for the categorical programs
78 established in s. 1011.62(5), (7)(a), and (16), as funded in the
79 General Appropriations Act.

80 4. For a student who received a Gardiner Scholarship
81 pursuant to former s. 1002.385 in the 2020-2021 school year, the
82 amount shall be the greater of the amount calculated pursuant to
83 subparagraph 2. or the amount the student received for the 2020-
84 2021 school year.

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

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88 subparagraph 2. or the amount the student received for the 2020-
89 2021 school year.

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

92 7. Upon receiving the documentation, the department shall
93 release, from state funds only, the student's scholarship funds
94 to the organization, to be deposited into the student's account
95 in four equal amounts no later than September 1, November 1,
96 February 1, and April 1 of each school year in which the
97 scholarship is in force.

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

101 9. The organization may develop a system for payment of
102 benefits by funds transfer, including, but not limited to, debit
103 cards, electronic payment cards, or any other means of payment
104 which the department deems to be commercially viable or cost-
105 effective. A student's scholarship award may not be reduced for
106 debit card or electronic payment fees. Commodities or services
107 related to the development of such a system must be procured by
108 competitive solicitation unless they are purchased from a state
109 term contract pursuant to s. 287.056.

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

113 11. Moneys received pursuant to this section do not
114 constitute taxable income to the qualified student or the parent
115 of the qualified student.

116 Section 2. This act shall take effect upon becoming a law.