

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Bileca offered the following:

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

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 1002.385, Florida Statutes, is amended
6 to read:

7 1002.385 Florida personal learning scholarship accounts.—

8 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personal
9 Learning Scholarship Accounts Program is established to provide
10 the option for a parent to better meet the individual
11 educational needs of his or her eligible child.

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

13 (a) "Approved provider" means a provider approved by the
14 Agency for Persons with Disabilities, a health care practitioner

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

15 as defined in s. 456.001(4), or a provider approved by the
16 department pursuant to s. 1002.66.

17 (b) "Curriculum" means a complete course of study for a
18 particular content area or grade level, including any required
19 supplemental materials.

20 (c) "Department" means the Department of Education.

21 (d) "Disability" means, for a child who has reached 3 or 4
22 years of age, or for a student in kindergarten to grade 12,
23 autism spectrum disorder, as defined in the Diagnostic and
24 Statistical Manual of Mental Disorders, Fifth Edition, published
25 by the American Psychiatric Association ~~s. 393.063(3)~~; cerebral
26 palsy, as defined in s. 393.063(4); Down syndrome, as defined in
27 s. 393.063(13); an intellectual disability, as defined in s.
28 393.063(21); Prader-Willi syndrome, as defined in s.
29 393.063(25); ~~or~~ spina bifida, as defined in s. 393.063(36); for
30 a student in kindergarten, being a high-risk child, as defined
31 in s. 393.063(20) (a); ~~and~~ Williams syndrome; or muscular
32 dystrophy.

33 (e) "Eligible nonprofit scholarship-funding organization"
34 or "organization" has the same meaning as in s. 1002.395.

35 (f) "Eligible postsecondary educational institution" means
36 a Florida College System institution, a state university, a
37 school district technical center, a school district adult
38 general education center, an institution that is eligible to
39 participate in the William L. Boyd, IV, Florida Resident Access
40 Grant Program under s. 1009.89, or an accredited independent

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

41 ~~nonpublic~~ postsecondary educational institution, as defined in
42 s. 1005.02, which is licensed to operate in the state pursuant
43 to requirements specified in part III of chapter 1005.

44 (g) "Eligible private school" means a private school, as
45 defined in s. 1002.01, which is located in this state, which
46 offers an education to students in any grade from kindergarten
47 to grade 12, and which meets requirements of:

48 1. Sections 1002.42 and 1002.421; and

49 2. A scholarship program under s. 1002.39 or s. 1002.395,
50 ~~as applicable, if the private school participates in a~~
51 ~~scholarship program under s. 1002.39 or s. 1002.395.~~

52 (h) "IEP" means individual education plan.

53 (i) "Parent" means a resident of this state who is a
54 parent, as defined in s. 1000.21.

55 (j) "Program" means the Florida Personal Learning
56 Scholarship Accounts Program established in this section.

57 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
58 disability may request and receive from the state a Florida
59 personal learning scholarship account for the purposes specified
60 in subsection (5) if:

61 (a) The student:

62 1. Is a resident of this state;

63 2. Is or will be 3 or 4 years of age on or before
64 September 1 of the year in which the student applies for program
65 participation or is eligible to enroll in kindergarten through
66 grade 12 in a public school in this state;

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

67 3. Has a disability as defined in paragraph (2)(d); and

68 4. Is the subject of an IEP written in accordance with
69 rules of the State Board of Education or has received a
70 diagnosis of a disability as defined in subsection (2) from a
71 physician who is licensed under chapter 458 or chapter 459 or a
72 psychologist who is licensed under chapter 490 ~~in this state~~.

73 (b) ~~Beginning January 2015,~~ The parent has applied to an
74 eligible nonprofit scholarship-funding organization to
75 participate in the program by February 1 before the school year
76 in which the student will participate or an alternative date as
77 set by the organization for any vacant, funded slots. The
78 request must be communicated directly to the organization in a
79 manner that creates a written or electronic record of the
80 request and the date of receipt of the request. The organization
81 shall notify the district and the department of the parent's
82 intent upon receipt of the parent's request.

83 (4) PROGRAM PROHIBITIONS.—

84 (a) A student is not eligible for the program while he or
85 she is:

86 1. Enrolled in a public school, including, but not limited
87 to, the Florida School for the Deaf and the Blind; the Florida
88 Virtual School; the College-Preparatory Boarding Academy; a
89 developmental research school authorized under s. 1002.32; a
90 charter school authorized under s. 1002.33, s. 1002.331, or s.
91 1002.332; or a virtual education program authorized under s.
92 1002.45;

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

93 2. Enrolled in the Voluntary Prekindergarten Education
94 Program authorized under part V of this chapter;

95 ~~3.2.~~ Enrolled in a school operating for the purpose of
96 providing educational services to youth in the Department of
97 Juvenile Justice commitment programs;

98 ~~4.3.~~ Receiving a scholarship pursuant to the Florida Tax
99 Credit Scholarship Program under s. 1002.395 or the John M.
100 McKay Scholarships for Students with Disabilities Program under
101 s. 1002.39; or

102 ~~5.4.~~ Receiving any other educational scholarship pursuant
103 to this chapter.

104
105 For purposes of subparagraph 1., a child who is 3 or 4 years of
106 age who receives services funded through the Florida Education
107 Finance Program is considered a student enrolled in a public
108 school.

109 (b) A student is not eligible for the program if:

110 1. The student or student's parent has accepted any
111 payment, refund, or rebate, in any manner, from a provider of
112 any services received pursuant to subsection (5);

113 2. The student's participation in the program, or the
114 receipt or expenditure of program funds, has been denied or
115 revoked by the Commissioner of Education pursuant to subsection
116 (10); or

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

117 3. The student's parent has forfeited participation in the
118 program for failure to comply with requirements pursuant to
119 subsection (11).

120 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
121 be used to meet the individual educational needs of an eligible
122 student and may be spent for the following purposes:

123 (a) Instructional materials, including digital devices,
124 digital periphery devices, and assistive technology devices that
125 allow a student to access instruction or instructional content.

126 (b) Curriculum as defined in paragraph (2) (b).

127 (c) Specialized services by approved providers that are
128 selected by the parent. These specialized services may include,
129 but are not limited to:

130 1. Applied behavior analysis services as provided in ss.
131 627.6686 and 641.31098.

132 2. Services provided by speech-language pathologists as
133 defined in s. 468.1125.

134 3. Occupational therapy services as defined in s. 468.203.

135 4. Services provided by physical therapists as defined in
136 s. 486.021.

137 5. Services provided by listening and spoken language
138 specialists and an appropriate acoustical environment for a
139 child who is deaf or hard of hearing and who has received an
140 implant or assistive hearing device.

141 (d) Enrollment in, or tuition or fees associated with
142 enrollment in, an eligible private school, an eligible

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

143 | postsecondary educational institution or a program offered by an
144 | eligible postsecondary educational institution, a private
145 | tutoring program authorized under s. 1002.43, a virtual program
146 | offered by a department-approved private online provider that
147 | meets the provider qualifications specified in s. 1002.45(2)(a),
148 | the Florida Virtual School as a private paying student, or an
149 | approved online course offered pursuant to s. 1003.499 or s.
150 | 1004.0961.

151 | (e) Fees for nationally standardized, norm-referenced
152 | achievement tests, Advanced Placement Examinations, industry
153 | certification examinations, assessments related to postsecondary
154 | education, or other assessments.

155 | (f) Contributions to the Stanley G. Tate Florida Prepaid
156 | College Program pursuant to s. 1009.98 or the Florida College
157 | Savings Program pursuant to s. 1009.981, for the benefit of the
158 | eligible student.

159 | (g) Contracted services provided by a public school or
160 | school district, including classes. A student who receives
161 | services under a contract under this paragraph is not considered
162 | enrolled in a public school for eligibility purposes as
163 | specified in subsection (4).

164 | (h) Tuition and fees for part-time tutoring services
165 | provided by a person who holds a valid Florida educator's
166 | certificate pursuant to s. 1012.56, a person who holds an
167 | adjunct teaching certificate pursuant to s. 1012.57, or a person
168 | who has demonstrated a mastery of subject area knowledge

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

169 pursuant to s. 1012.56(5). For purposes of this paragraph, the
170 term "part-time tutoring services" does not satisfy regular
171 school attendance as defined in s. 1003.01(13)(e).

172 (i) Fees for an annual evaluation of educational progress
173 under s. 1002.41(1)(c).

174 (j) Fees associated with the use of an electronic payment
175 system under paragraph (13)(c).

176

177 A specialized service provider, eligible private school,
178 eligible postsecondary educational institution, private tutoring
179 program provider, online or virtual program provider, public
180 school, school district, or other entity receiving payments
181 pursuant to this subsection may not share, refund, or rebate any
182 moneys from the Florida Personal learning scholarship account
183 with the parent or participating student in any manner.

184 (6) TERM OF THE PROGRAM.—For purposes of continuity of
185 educational choice and program integrity:

186 (a) The program payments made by the state to an
187 organization for a personal learning scholarship account under
188 this section shall continue ~~remain in force~~ until the parent
189 does not renew program eligibility; the eligible nonprofit
190 scholarship-funding organization determines that a student is
191 not eligible for program renewal; the Commissioner of Education
192 denies, suspends, or revokes program participation or the use of
193 funds; or a student participating in the program participates in
194 any of the prohibited activities specified in subsection (4),

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

195 ~~has funds revoked by the Commissioner of Education pursuant to~~
196 ~~subsection (10),~~ returns to a public school, graduates from high
197 school, or attains 22 years of age, whichever occurs first. A
198 participating student who enrolls in a public school or public
199 school program is considered to have returned to a public school
200 for the purpose of determining the end of the program's term.

201 (b) Payments for program expenditures by a parent from the
202 account may continue until a student's personal learning
203 scholarship account is closed pursuant to paragraph (c).

204 (c) A student's personal learning scholarship account
205 shall be closed, and any remaining funds, including
206 contributions made to the Stanley G. Tate Florida Prepaid
207 College Program or the Florida College Savings Program using
208 program funds pursuant to paragraph (5)(f), shall revert to the
209 state if:

210 1. The student's program eligibility is denied or revoked;

211 2. The eligible nonprofit scholarship-funding organization
212 denies the student's application;

213 3. The student does not enroll in an eligible
214 postsecondary education institution within 4 years after high
215 school graduation or completion;

216 4. The student is no longer enrolled in an eligible
217 postsecondary educational institution or a program offered by
218 the institution; or

219 5. The student graduates from an eligible postsecondary
220 educational institution.

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

221
222 The eligible nonprofit scholarship-funding organization must
223 notify a parent when a personal learning scholarship account is
224 closed.

225 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

226 (a)1. For a student with a disability who does not have an
227 IEP in accordance with subparagraph (3) (a)4., a matrix of
228 services under s. 1011.62(1) (e) and for whom the parent may
229 request an IEP meeting and evaluation from the school district.

230 The school district shall conduct a meeting and develop an IEP
231 in accordance with rules of the State Board of Education. Upon
232 completion of the IEP requests a matrix of services, the school
233 district must complete a matrix that assigns the student to one
234 of the levels of service as they existed before the 2000-2001
235 school year.

236 ~~2.a. Within 10 school days after a school district~~
237 ~~receives notification of a parent's request for completion of a~~
238 ~~matrix of services, the school district must notify the~~
239 ~~student's parent if the matrix of services has not been~~
240 ~~completed and inform the parent that the district is required to~~
241 ~~complete the matrix within 30 days after receiving notice of the~~
242 ~~parent's request for the matrix of services. This notice must~~
243 ~~include the required completion date for the matrix.~~

244 ~~a.b.~~ The school district shall complete the matrix of
245 services for a student whose parent has made a request. The
246 school district must provide the student's parent with the

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

247 student's matrix level within 10 school days after its
248 completion.

249 ~~b.e.~~ The department shall notify the parent and the
250 eligible nonprofit scholarship-funding organization of the
251 amount of the funds awarded within 10 days after receiving the
252 school district's notification of the student's matrix level.

253 ~~c.d.~~ A school district may change a matrix of services
254 only if the change is to correct a technical, typographical, or
255 calculation error.

256 (b) For each student participating in the program who
257 chooses to participate in statewide, standardized assessments
258 under s. 1008.22 or the Florida Alternate Assessment, the school
259 district in which the student resides must notify the student
260 and his or her parent about the locations and times to take all
261 statewide, standardized assessments.

262 ~~(c) For each student participating in the program, a~~
263 ~~school district shall notify the parent about the availability~~
264 ~~of a reevaluation at least every 3 years.~~

265 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
266 eligible private school may be sectarian or nonsectarian and
267 shall:

268 (a) Comply with all requirements for private schools
269 participating in state school choice scholarship programs
270 pursuant to s. 1002.421. A private school must register its
271 intent to participate in the program and complete all required

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

272 documentation pursuant to ss. 1002.39 and 1002.395 and rules of
273 the State Board of Education.

274 (b) Provide to the eligible nonprofit scholarship-funding
275 organization, upon request, all documentation required for the
276 student's participation, including the private school's and
277 student's fee schedules.

278 (c) Be academically accountable to the parent for meeting
279 the educational needs of the student by:

280 1. At a minimum, annually providing to the parent a
281 written explanation of the student's progress.

282 2. Annually administering or making provision for students
283 participating in the program in grades 3 through 10 to take one
284 of the nationally norm-referenced tests identified by the
285 Department of Education or the statewide assessments pursuant to
286 s. 1008.22. Students with disabilities for whom standardized
287 testing is not appropriate are exempt from this requirement. A
288 participating private school shall report a student's scores to
289 the parent.

290 3. Cooperating with the scholarship student whose parent
291 chooses to have the student participate in the statewide
292 assessments pursuant to s. 1008.22 or, if a private school
293 chooses to offer the statewide assessments, administering the
294 assessments at the school.

295 a. A participating private school may choose to offer and
296 administer the statewide assessments to all students who attend
297 the private school in grades 3 through 10.

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

298 b. A participating private school shall submit a request
299 in writing to the Department of Education by March 1 of each
300 year in order to administer the statewide assessments in the
301 subsequent school year.

302 (d) Employ or contract with teachers who have regular and
303 direct contact with each student receiving a scholarship under
304 this section at the school's physical location.

305 (e) Annually contract with an independent certified public
306 accountant to perform the agreed-upon procedures developed under
307 s. 1002.395(6)(o) ~~1002.395(6)(n)~~ and produce a report of the
308 results if the private school receives more than \$250,000 in
309 funds from scholarships awarded under this section in the 2014-
310 2015 state fiscal year or a state fiscal year thereafter. A
311 private school subject to this paragraph must submit the report
312 by September 15, 2015, and annually thereafter to the eligible
313 nonprofit scholarship-funding organization that awarded the
314 majority of the school's scholarship funds. The agreed-upon
315 procedures must be conducted in accordance with attestation
316 standards established by the American Institute of Certified
317 Public Accountants.

318
319 The inability of a private school to meet the requirements of
320 this subsection constitutes a basis for the ineligibility of the
321 private school to participate in the program as determined by
322 the department.

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

323 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
324 shall:

325 (a) Maintain a list of approved providers.

326 (b) Require each eligible nonprofit scholarship-funding
327 organization to verify eligible expenditures made pursuant to
328 subsection (5) before reimbursement ~~the distribution of funds~~
329 ~~for any expenditures made pursuant to paragraphs (5) (a) and (b).~~
330 ~~Review of expenditures made for services in paragraphs (5) (c)–~~
331 ~~(g) may be completed after the payment has been made.~~

332 (c) Investigate any written complaint of a violation of
333 this section in accordance with the process established by s.
334 1002.395(9) (f).

335 (d) Require quarterly reports by an eligible nonprofit
336 scholarship-funding organization regarding the number of
337 students participating in the program, the providers of services
338 to students, and other information deemed necessary by the
339 department.

340 (e) Compare the list of students participating in the
341 program with the public school enrollment lists and the list of
342 students participating in school choice scholarship programs
343 established pursuant to this chapter throughout the school year
344 ~~before each program payment~~ to avoid duplicate payments and
345 confirm program eligibility.

346 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

347 (a) The Commissioner of Education:

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

348 1. Shall deny, suspend, or revoke a student's
349 participation in the program if the health, safety, or welfare
350 of the student is threatened or fraud is suspected.

351 2. Shall deny, suspend, or revoke an authorized use of
352 program funds if the health, safety, or welfare of the student
353 is threatened or fraud is suspected.

354 3. May ~~deny, suspend, or revoke~~ an authorized use of
355 program funds for material failure to comply with this section
356 and applicable State Board of Education ~~department~~ rules if the
357 noncompliance is correctable within a reasonable period of time.
358 Otherwise, the commissioner shall ~~deny, suspend,~~ or revoke an
359 authorized use for failure to materially comply with the law and
360 rules adopted under this section.

361 4. Shall require compliance by the appropriate party by a
362 date certain for all nonmaterial failures to comply with this
363 section and applicable State Board of Education ~~department~~
364 rules.

365 5. Notwithstanding any other provision of this section,
366 ~~The commissioner~~ may deny, suspend, or revoke program
367 participation or the use of program funds by the student or the
368 participation or eligibility of an organization, eligible
369 private school, eligible postsecondary educational institution,
370 approved provider, or other appropriate party for a violation of
371 this section. The commissioner may determine the length of, and
372 conditions for lifting, a suspension or revocation specified in
373 this paragraph ~~under this section thereafter.~~

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

374 6. Shall deny or revoke a student's participation in the
375 program upon forfeiture of a personal learning scholarship
376 account pursuant to subsection (11).

377 (b) In determining whether to deny, suspend, ~~or~~ revoke, or
378 lift a suspension or revocation in accordance with this
379 subsection, the commissioner may consider factors that include,
380 but are not limited to, acts or omissions that by a
381 ~~participating entity which~~ led to a previous denial, suspension,
382 or revocation of participation in a state or federal program or
383 an education scholarship program; failure to reimburse the
384 eligible nonprofit scholarship-funding organization for program
385 funds improperly received or retained by the entity; imposition
386 of a prior criminal sanction related to the person or entity or
387 its officers or employees; imposition of a civil fine or
388 administrative fine, license revocation or suspension, or
389 program eligibility suspension, termination, or revocation
390 related to a person's or an entity's management or operation; or
391 other types of criminal proceedings in which the person or
392 entity or its officers or employees were found guilty of,
393 regardless of adjudication, or entered a plea of nolo contendere
394 or guilty to, any offense involving fraud, deceit, dishonesty,
395 or moral turpitude.

396 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
397 PARTICIPATION.—A parent who applies for program participation
398 under this section is exercising his or her parental option to
399 determine the appropriate placement or the services that best

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

400 meet the needs of his or her child. The scholarship award for a
401 student is based on a matrix that assigns the student to support
402 Level III services. If a parent chooses to request and receive
403 an IEP and a matrix of services from the school district, the
404 amount of the payment shall be adjusted as needed, when the
405 school district completes the matrix.

406 (a) To satisfy and maintain program eligibility ~~enroll an~~
407 ~~eligible student in the program~~, the parent must sign an
408 agreement with the eligible nonprofit scholarship-funding
409 organization and annually submit a notarized, sworn compliance
410 statement to the organization to:

411 1. Affirm that the student is enrolled in a program that
412 meets regular school attendance requirements as provided in s.
413 1003.01(13)(b)-(e) ~~1003.01(13)(b)-(d)~~.

414 2. Affirm that ~~Use~~ the program funds are used only for
415 authorized purposes serving the student's educational needs, as
416 described in subsection (5).

417 3. Affirm that the student takes all appropriate
418 standardized assessments as specified in this section.

419 a. If the parent enrolls the child in an eligible private
420 school, the student must take an assessment selected by the
421 private school pursuant to s. 1002.395(7)(e) or, if requested by
422 the parent, the statewide, standardized assessments pursuant to
423 s. 1002.39(8)(c)2. and (9)(e).

424 b. If the parent enrolls the child in a home education
425 program, the parent may choose to participate in an assessment

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

426 as part of the annual evaluation provided for in s.

427 1002.41(1)(c).

428 4. Notify the school district that the student is
429 participating in the Personal Learning Scholarship Accounts if
430 the parent chooses to enroll in a home education program as
431 provided in s. 1002.41.

432 5. Request participation in the program by the date
433 established by the eligible nonprofit scholarship-funding
434 organization.

435 6. Affirm that the student remains in good standing with
436 the provider or school if those options are selected by the
437 parent.

438 7. Apply for admission of his or her child if the private
439 school option is selected by the parent.

440 8. Annually renew participation in the program.
441 Notwithstanding any changes to the student's IEP, a student who
442 was previously eligible for participation in the program shall
443 remain eligible to apply for renewal ~~as provided in subsection~~
444 ~~(6)~~. However, in order for a high-risk child to continue to
445 participate in the program in the school year after he or she
446 reaches 6 years of age, the child's application for renewal of
447 program participation must contain documentation that the child
448 has a disability as defined in paragraph (2)(d) other than high-
449 risk status.

450 9. Affirm that the parent will comply with the rules of
451 the Florida Prepaid College Board relating to the contribution

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

452 ~~and use of program funds not transfer any college savings funds~~
453 ~~to another beneficiary.~~

454 10. Affirm that the parent will not take possession of any
455 funding provided by the state for the Florida Personal Learning
456 Scholarship Accounts.

457 11. If a parent chooses to enroll the child in a home
458 education program pursuant to s. 1002.41, affirm that the parent
459 complies with all home education requirements ~~Maintain a~~
460 ~~portfolio of records and materials which must be preserved by~~
461 ~~the parent for 2 years and be made available for inspection by~~
462 ~~the district school superintendent or the superintendent's~~
463 ~~designee upon 15 days' written notice. This paragraph does not~~
464 ~~require the superintendent to inspect the portfolio. The~~
465 ~~portfolio of records and materials must consist of:~~

466 a. ~~A log of educational instruction and services which is~~
467 ~~made contemporaneously with delivery of the instruction and~~
468 ~~services and which designates by title any reading materials~~
469 ~~used; and~~

470 b. ~~Samples of any writings, worksheets, workbooks, or~~
471 ~~creative materials used or developed by the student.~~

472 (b) The parent is responsible for procuring the services
473 necessary to educate the student. When the student receives a
474 personal learning scholarship account, the district school board
475 is not obligated to provide the student with a free appropriate
476 public education. For purposes of s. 1003.57 and the Individuals
477 with Disabilities in Education Act, a participating student has

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

478 only those rights that apply to all other unilaterally
479 parentally placed students, except that, when requested by the
480 parent, school district personnel must develop an individual
481 education plan or matrix level of services.

482 (c) The parent is responsible for the payment of all
483 eligible expenses in excess of the amount of the personal
484 learning scholarship account in accordance with the terms agreed
485 to between the parent and the providers.

486

487 A parent who fails to comply with this subsection forfeits the
488 personal learning scholarship account.

489 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP
490 ACCOUNTS.—An eligible nonprofit scholarship-funding organization
491 participating in the Florida Tax Credit Scholarship Program
492 established under s. 1002.395 may establish personal learning
493 scholarship accounts for eligible students by:

494 (a) Receiving applications and determining student
495 eligibility in accordance with the requirements of this section.
496 The organization shall notify the department of the applicants
497 for the program by March 1 before the school year in which the
498 student intends to participate. When an application is received,
499 the eligible nonprofit scholarship-funding ~~scholarship funding~~
500 organization must provide the department with information on the
501 student ~~to enable the department to report the student for~~
502 ~~funding in accordance with subsection (13).~~

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

503 (b) Notifying parents of their receipt of a scholarship on
504 a first-come, first-served basis based upon the funds provided
505 for this program in the General Appropriations Act. However,
506 first priority must be given to eligible students who receive a
507 personal learning scholarship during the previous school year
508 and apply for renewal.

509 (c) Establishing a date by which a parent must confirm
510 initial or continuing participation in the program and confirm
511 the establishment or continuance of a personal learning
512 scholarship account.

513 (d) Establishing a date and process by which students on
514 the wait list or late-filing applicants may be allowed to
515 participate in the program during the school year, within the
516 amount of funds provided for this program in the General
517 Appropriations Act.

518 (e) Establishing and maintaining separate accounts for
519 each eligible student. For each account, the organization must
520 maintain a record of accrued interest that is retained in the
521 student's account and available only for authorized program
522 expenditures.

523 (f) Verifying qualifying expenditures pursuant to ~~the~~
524 ~~requirements of paragraph (9) (b) (8) (b).~~

525 (g) Returning any unused funds to the department when the
526 student is no longer eligible for a personal learning
527 scholarship ~~learning~~ account pursuant to paragraph (6) (c).

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

528 (h) Entering into an agreement with the Florida Prepaid
529 College Board pursuant to s. 1009.971(z)1. to enable
530 participants to contribute program funds to the Stanley G. Tate
531 Florida Prepaid College Program or the Florida College Savings
532 Program.

533 (13) FUNDING AND PAYMENT.—

534 (a)1. The maximum funding amount granted for an eligible
535 student with a disability, pursuant to subsection (3), shall be
536 equivalent to the base student allocation in the Florida
537 Education Finance Program multiplied by the appropriate cost
538 factor for the educational program which would have been
539 provided for the student in the district school to which he or
540 she would have been assigned, multiplied by the district cost
541 differential.

542 2. In addition, an amount equivalent to a share of the
543 guaranteed allocation for exceptional students in the Florida
544 Education Finance Program shall be determined and added to the
545 amount in subparagraph 1. The calculation shall be based on the
546 methodology and the data used to calculate the guaranteed
547 allocation for exceptional students for each district in chapter
548 2000-166, Laws of Florida. Except as provided in subparagraph
549 3., the calculation shall be based on the student's grade, the
550 matrix level of services, and the difference between the 2000-
551 2001 basic program and the appropriate level of services cost
552 factor, multiplied by the 2000-2001 base student allocation and
553 the 2000-2001 district cost differential for the sending

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

554 district. The calculated amount must also include an amount
555 equivalent to the per-student share of supplemental academic
556 instruction funds, instructional materials funds, technology
557 funds, and other categorical funds as provided in the General
558 Appropriations Act.

559 3. Except as otherwise provided, the calculation for all
560 students participating in the program shall be based on the
561 matrix that assigns the student to support Level III of
562 services. If a parent requests ~~chooses to request~~ and receives
563 ~~receive~~ a matrix of services from the school district, when the
564 school district completes the matrix, the amount of the payment
565 shall be adjusted as needed.

566 4.(b) The amount of the awarded funds shall be 90 percent
567 of the calculated amount.

568 (b) One hundred percent of the funds appropriated for the
569 program shall be released to the department at the beginning of
570 the first quarter of each fiscal year.

571 ~~(c) Upon an eligible student's graduation from an eligible~~
572 ~~postsecondary educational institution or after any period of 4~~
573 ~~consecutive years after high school graduation in which the~~
574 ~~student is not enrolled in an eligible postsecondary educational~~
575 ~~institution, the student's personal learning scholarship account~~
576 ~~shall be closed, and any remaining funds shall revert to the~~
577 ~~state.~~

578 (c)(d) The eligible nonprofit scholarship-funding
579 organization shall develop a system for payment of benefits by

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

580 electronic funds transfer, including, but not limited to, debit
581 cards, electronic payment cards, or any other means of
582 electronic payment that the department deems to be commercially
583 viable or cost-effective. Commodities or services related to the
584 development of such a system shall be procured by competitive
585 solicitation unless they are purchased from a state term
586 contract pursuant to s. 287.056.

587 (d) An eligible nonprofit scholarship-funding organization
588 may use up to 3 percent of the total amount of payments received
589 during the state fiscal year for administrative expenses if the
590 organization has operated as an nonprofit scholarship-funding
591 organization for at least 3 fiscal years and did not have any
592 findings of material weakness or material noncompliance in its
593 most recent audit under s. 1002.395(6)(m). Such administrative
594 expenses must be reasonable and necessary for the organization's
595 management and distribution of scholarships under this section.
596 No funds authorized under this paragraph shall be used for
597 lobbying or political activity or expenses related to lobbying
598 or political activity. If an eligible nonprofit scholarship-
599 funding organization charges an application fee for a
600 scholarship, the application fee must be immediately refunded to
601 the person who paid the fee if the student is determined
602 ineligible for the program.

603 (e) Moneys received pursuant to this section do not
604 constitute taxable income to the parent of the qualified
605 student.

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

606 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

607 (a) The Auditor General shall conduct an annual ~~financial~~
608 ~~and~~ operational audit of accounts and records of each eligible
609 nonprofit scholarship-funding organization that participates in
610 the program. As part of this audit, the Auditor General shall
611 verify, at a minimum, the total amount of students served and
612 eligibility of reimbursements made by each eligible nonprofit
613 scholarship-funding organization ~~and transmit that information~~
614 ~~to the department.~~ The Auditor General shall provide the
615 Commissioner of Education with a copy of each annual operational
616 audit performed pursuant to this paragraph within 10 days after
617 each audit is finalized.

618 (b) The Auditor General shall notify the department of any
619 eligible nonprofit scholarship-funding organization that fails
620 to comply with a request for information.

621 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
622 Department of Health, the Agency for Persons with Disabilities,
623 and the Department of Education shall work with an eligible
624 nonprofit scholarship-funding organization for easy or automated
625 access to lists of licensed providers of services specified in
626 paragraph (5) (c) to ensure efficient administration of the
627 program.

628 (16) LIABILITY.—The state is not liable for the award or
629 any use of awarded funds under this section.

630 (17) SCOPE OF AUTHORITY.—This section does not expand the
631 regulatory authority of this state, its officers, or any school

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

632 district to impose additional regulation on participating
633 private schools, independent nonpublic postsecondary educational
634 institutions, and private providers beyond those reasonably
635 necessary to enforce requirements expressly set forth in this
636 section.

637 (18) RULES.—The State Board of Education shall adopt rules
638 pursuant to ss. 120.536(1) and 120.54 to administer this
639 section.

640 ~~(19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL~~
641 ~~YEAR. Notwithstanding the provisions of this section related to~~
642 ~~notification and eligibility timelines, an eligible nonprofit~~
643 ~~scholarship-funding organization may enroll parents on a rolling~~
644 ~~schedule on a first-come, first-served basis, within the amount~~
645 ~~of funds provided in the General Appropriations Act.~~

646 Section 2. Paragraphs (j) and (l) of subsection (6) and
647 paragraphs (a), (b), and (f) of subsection (16) of section
648 1002.395, Florida Statutes, are amended to read:

649 1002.395 Florida Tax Credit Scholarship Program.—

650 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
651 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
652 organization:

653 (j)1. May use up to 3 percent of eligible contributions
654 received during the state fiscal year in which such
655 contributions are collected for administrative expenses if the
656 organization has operated as an eligible nonprofit scholarship-
657 funding organization ~~under this section~~ for at least 3 state

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

658 fiscal years and did not have any ~~negative financial~~ findings of
659 material weakness or material noncompliance in its most recent
660 audit under paragraph (m). Such administrative expenses must be
661 reasonable and necessary for the organization's management and
662 distribution of eligible contributions under this section. No
663 funds authorized under this subparagraph shall be used for
664 lobbying or political activity or expenses related to lobbying
665 or political activity. Up to one-third of the funds authorized
666 for administrative expenses under this subparagraph may be used
667 for expenses related to the recruitment of contributions from
668 taxpayers. If an eligible nonprofit scholarship-funding
669 organization charges an application fee for a scholarship, the
670 application fee must be immediately refunded to the person that
671 paid the fee if the student is not enrolled in a participating
672 school within 12 months.

673 2. Must expend for annual or partial-year scholarships an
674 amount equal to or greater than 75 percent of the net eligible
675 contributions remaining after administrative expenses during the
676 state fiscal year in which such contributions are collected. No
677 more than 25 percent of such net eligible contributions may be
678 carried forward to the following state fiscal year. All amounts
679 carried forward, for audit purposes, must be specifically
680 identified for particular students, by student name and the name
681 of the school to which the student is admitted, subject to the
682 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
683 and the applicable rules and regulations issued pursuant

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

684 thereto. Any amounts carried forward shall be expended for
685 annual or partial-year scholarships in the following state
686 fiscal year. ~~Net eligible contributions remaining on June 30 of~~
687 ~~each year that are in excess of the 25 percent that may be~~
688 ~~carried forward shall be returned to the State Treasury for~~
689 ~~deposit in the General Revenue Fund.~~

690 3. Must, before granting a scholarship for an academic
691 year, document each scholarship student's eligibility for that
692 academic year. An eligible nonprofit A scholarship-funding
693 organization may not grant multiyear scholarships in one
694 approval process.

695 (1) With the prior approval of the Department of
696 Education, may transfer funds to another eligible nonprofit
697 scholarship-funding organization if additional funds are
698 required to meet scholarship demand at the receiving eligible
699 nonprofit scholarship-funding organization. A transfer is
700 limited to the greater of \$500,000 or 20 percent of the total
701 contributions received by the eligible nonprofit scholarship-
702 funding organization making the transfer. All transferred funds
703 must be deposited by the receiving eligible nonprofit
704 scholarship-funding organization into its scholarship accounts.
705 All transferred amounts received by any eligible nonprofit
706 scholarship-funding organization must be separately disclosed in
707 the annual financial ~~and compliance~~ audit required in this
708 section.

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103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

710 Information and documentation provided to the Department of
711 Education and the Auditor General relating to the identity of a
712 taxpayer that provides an eligible contribution under this
713 section shall remain confidential at all times in accordance
714 with s. 213.053.

715 (16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
716 APPLICATION.—In order to participate in the scholarship program
717 created under this section, a charitable organization that seeks
718 to be a nonprofit scholarship-funding organization must submit
719 an application for initial approval or renewal to the Office of
720 Independent Education and Parental Choice no later than
721 September 1 of each year before the school year for which the
722 organization intends to offer scholarships.

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

724 1. A copy of the organization's incorporation documents
725 and registration with the Division of Corporations of the
726 Department of State.

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

730 3. A description of the organization's financial plan that
731 demonstrates sufficient funds to operate throughout the school
732 year.

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

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

- 736 5. The organization's organizational chart.
- 737 6. A description of the criteria and methodology that the
738 organization will use to evaluate scholarship eligibility.
- 739 7. A description of the application process, including
740 deadlines and any associated fees.
- 741 8. A description of the deadlines for attendance
742 verification and scholarship payments.
- 743 9. A copy of the organization's policies on conflict of
744 interest and whistleblowers.
- 745 10. A copy of a surety bond or letter of credit in an
746 amount equal to 25 percent of the scholarship funds anticipated
747 for each school year or \$100,000, whichever is greater, to
748 secure the faithful performance of the obligations of the
749 eligible nonprofit scholarship-funding organization in
750 accordance with this section. The surety bond or letter of
751 credit must specify that any claim against the bond or letter of
752 credit may only be made by an eligible nonprofit scholarship-
753 funding organization to provide scholarships to and on behalf of
754 students who transferred from the ineligible nonprofit
755 scholarship-funding organization.
- 756 (b) In addition to the information required by
757 subparagraphs (a)1.-9., an application for renewal must include:
- 758 1. A surety bond or letter of credit equal to the amount
759 of undisbursed donations held by the organization based on the
760 annual report submitted pursuant to paragraph (6) (m). The amount
761 of the surety bond or letter of credit must be at least

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

762 \$100,000, but not more than \$25 million, to secure the faithful
763 performance of the obligations of the nonprofit scholarship-
764 funding organization in accordance with this section. The surety
765 bond or letter of credit must specify that any claim against the
766 bond or letter of credit may only be made by an eligible
767 nonprofit scholarship-funding organization to provide
768 scholarships to and on behalf of students who transferred from
769 the ineligible nonprofit scholarship-funding organization.

770 2. The organization's completed Internal Revenue Service
771 Form 990 submitted no later than November 30 of the year before
772 the school year that the organization intends to offer the
773 scholarships, notwithstanding the September 1 application
774 deadline.

775 3. A copy of the most recently available financial
776 statutorily required audit conducted pursuant to paragraph
777 (6) (m) and submitted to the Department of Education and Auditor
778 General.

779 4. An annual report that includes:

780 a. The number of students who completed applications, by
781 county and by grade.

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

784 c. The number of students who received funding for
785 scholarships within each funding category, by county and by
786 grade.

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

787 d. The amount of funds received, the amount of funds
788 distributed in scholarships, and an accounting of remaining
789 funds and the obligation of those funds.

790 e. A detailed accounting of how the organization spent the
791 administrative funds allowable under paragraph (6)(j).

792 (f) All remaining funds held by a nonprofit scholarship-
793 funding organization that is disapproved for participation shall
794 be transferred ~~must revert to the Department of Revenue for~~
795 ~~redistribution~~ to other eligible nonprofit scholarship-funding
796 organizations to provide scholarships for eligible students. All
797 transferred funds must be deposited by each eligible nonprofit
798 scholarship-funding organization receiving such funds into its
799 scholarship account. All transferred amounts received by any
800 eligible nonprofit scholarship-funding organization must be
801 separately disclosed in the annual financial audit required
802 under subsection (6).

803 Section 3. Paragraph (z) is added to subsection (4) of
804 section 1009.971, Florida Statutes, to read:

805 1009.971 Florida Prepaid College Board.—

806 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
807 board shall have the powers and duties necessary or proper to
808 carry out the provisions of ss. 1009.97-1009.984, including, but
809 not limited to, the power and duty to:

810 (z) Adopt rules governing the contribution and use of
811 funds from the Florida Personal Learning Scholarship Accounts
812 Program pursuant to s. 1002.385(5)(f) for the Stanley G. Tate

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

813 Florida Prepaid College Program and the Florida College Savings
814 Program. The rules, at a minimum, shall provide for the:

815 1. Development of a written agreement to be signed with an
816 eligible nonprofit scholarship-funding organization which shall
817 include, at a minimum, the direct transfer of program funds
818 between an eligible nonprofit scholarship-funding organization
819 and the Florida Prepaid College Board;

820 2. Development of a written agreement that defines the
821 owner and beneficiary of an account and outlines
822 responsibilities for the use of the advance payment contract
823 funds or savings program funds;

824 3. Development of procedures and mechanisms to account for
825 and track scholarship funds separately from other contributions
826 to the advance payment contract or savings program;

827 4. Reversion of scholarship funds pursuant to s.
828 1002.385(6)(c), including any earnings from contributions to the
829 Florida College Savings Plan; and

830 5. Use of private payments from the advance payment
831 contract or the savings program before the use of scholarship
832 funds.

833 Section 4. This act shall take effect July 1, 2015.

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835 -----

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

837 Remove everything before the enacting clause and insert:

838 A bill to be entitled

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

839 An act relating to Florida personal learning
840 scholarship accounts; amending s. 1002.385, F.S.,
841 relating to the Florida Personal Learning Scholarship
842 Accounts Program; revising definitions of the terms
843 "disability," "eligible postsecondary educational
844 institution," and "eligible private school" to revise
845 eligibility for the program; revising requirements for
846 the authorized uses of program funds; revising
847 provisions relating to the term of the program;
848 authorizing payments for program expenditures by a
849 parent to continue until the account is closed;
850 providing criteria for account closure; requiring
851 remaining funds to revert to the state; requiring
852 notice to a parent upon the closure of the account;
853 providing that parents of certain students may request
854 an individual education plan (IEP) meeting and
855 evaluation from the school district under certain
856 circumstances; requiring the school district to
857 conduct the meeting and develop an IEP; deleting
858 certain school district notification requirements;
859 requiring the Department of Education to compare
860 specified lists throughout the school year for certain
861 purposes; revising authority of the Commissioner of
862 Education to deny, suspend, or revoke program
863 participation or use of program funds; revising parent
864 responsibilities for program participation; requiring

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

865 the provision of certain documentation for a high-risk
866 child to remain eligible for program participation
867 upon attaining a certain age; deleting a requirement
868 for a parent to maintain certain records and materials
869 for a specified period; requiring priority to be given
870 to certain students for participation in the program;
871 requiring scholarship-funding organizations to
872 maintain records of accrued interest in scholarship
873 accounts; requiring program funds to be released
874 during the first quarter of each fiscal year;
875 authorizing the use of certain funds for
876 administrative expenses by eligible nonprofit
877 scholarship-funding organizations; prohibiting the use
878 of such funds for lobbying or political activity;
879 providing for the refund of an application fee under
880 certain circumstances; deleting a requirement for a
881 financial audit; requiring the Auditor General to
882 provide the Commissioner of Education with certain
883 information; deleting obsolete provisions; amending s.
884 1002.395, F.S., relating to the Florida Tax Credit
885 Scholarship Program; revising eligibility for using
886 certain funds for administrative expenses for a
887 scholarship-funding organization; revising the
888 contents of an application for initial approval and
889 renewal; providing for the transfer of certain funds
890 to provide scholarships for certain students;

103497

Approved For Filing: 4/22/2015 12:30:44 PM

Amendment No.

891 providing for the deposit of transferred funds;
892 requiring that transferred funds be disclosed
893 separately in a specific audit; requiring that the
894 results of certain audits be submitted to the
895 department and Auditor General; amending s. 1009.971,
896 F.S.; requiring the Florida Prepaid College Board to
897 develop rules governing the contribution and use of
898 funds from the Florida Personal Learning Scholarship
899 Accounts Program; providing an effective date.

103497

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