

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 7045 — School Choice

by Appropriations Committee; Education and Employment Committee; and Reps. Fine, Fischer, and others (CS/CS/SB 48 by Appropriations Committee; Education Committee; and Senator Diaz and others)

The bill consolidates student scholarship programs and provides parents with flexibility to meet the educational needs of their child. The bill repeals the Gardiner Scholarship Program (GSP) beginning in 2021-2022 and the McKay Scholarship Program for Students with Disabilities (McKay) in 2022-23, and merges similar provisions into the Family Empowerment Scholarship Program (FES). Specifically, the bill:

- Increases the scholarship award for recipients of the FES to 100 percent of the calculated amount under the Florida Education Finance Program (FEFP).
- Expands program eligibility to include students who are dependents of a member of the U.S. Armed Forces and adopted children.
- Provides for transportation scholarship options to another public school.
- Establishes the FES disability scholarship as an education savings account (ESA) allowing parents to choose from both public and private options. In addition, the FES disability scholarship:
 - Establishes a maximum program capacity of 20,000 students beginning in 2021-2022, but excludes a student from the maximum program capacity if the student received specialized instructional services in VPK the prior school year; attended public school in the prior school year or received a McKay Scholarship in the 2021-2022 school year; is a dependent child of a member of the U.S. Armed Forces, a foster child, or an adopted child;
 - Beginning in 2022-2023, annually increases the maximum program capacity by one percent of the state's total exceptional student education full-time equivalent (FTE) enrollment, not including gifted students.
 - Prioritizes, for the 2021-2022 school year, an eligible student who received a GSP award in the 2020-2021 school year.
 - Transitions the funding of scholarships to the FEFP with the amount dependent on the student's matrix of services or the physician or psychologist's diagnosis.
 - Protects the funding of students who received a GSP or McKay scholarship in the 2020-2021 school year to receive the greater of the prior award amount or the new award amount.
 - Authorizes the physician or psychologist who issued the scholarship student's diagnosis or the IEP team to determine if standardized testing is appropriate.
- Removes the prior public attendance requirement for the FES scholarship for families with limited financial resources, and:
 - Increases the household income eligibility limit to 375 percent of the federal poverty level, or an adjusted maximum percent of the federal poverty level that is increased by 25 percentage points in the fiscal year following any fiscal year in which more than 5 percent of the available scholarships have not been funded.

- Maintains that scholarship priority must be given to a student whose household income level does not exceed 185 percent of the federal poverty level or who is in foster care.
- Specifies that a sibling of an FES scholarship recipient is eligible for a scholarship.
- Excludes from the maximum program capacity a student who: is a dependent child of a member of the U.S. Armed Forces, a foster child, or an adopted child; meets certain eligibility requirements and attended public school in the prior school year; received a Florida Tax Credit (FTC) or Hope scholarship in the prior year that was not renewed due to a lack of available funds, up to 15,000 students; or beginning in 2022-2023, is eligible to enroll in kindergarten.
- Authorizes costs required by the private school to provide a digital device, including Internet access to be paid from the total amount of the scholarship.
- Makes additional modifications to FES funding and payment, including:
 - Requiring all scholarships to be funded in the FEFP with state funds only, not local funds.
 - Requiring the Florida Department of Education (FDOE) to notify the nonprofit scholarship funding organization (SFO) that scholarships may not be awarded in a school district in which the award will exceed 99 percent of the school district's share of state funds.
 - Removing the provision excluding the teacher salary increase allocation from the calculation of scholarship amounts under the FEFP.
 - Requiring the FDOE to transfer the calculated scholarship amount to the SFO for quarterly disbursement to parents of participating students.
 - Requiring the SFO to ensure that the parent endorses the warrant to the private school or that the parent has approved a funds transfer before and scholarship funds are deposited.
 - Authorizing an administrative fee up to 2.5 percent of funded scholarships for the SFOs administering the FES and requiring the administrative fee be collected from eligible contributions under the FTC and Hope scholarship programs.

The bill also makes modifications to the FTC and Hope scholarship programs, including:

- Increasing the scholarship award for recipients to 100 percent of the calculated amount under the FEFP.
- Modifying scholarship eligibility by increasing the household income limit to 375 percent of the federal poverty level, or an adjusted maximum percentage of the federal poverty level authorized in the FES.
- Revising the frequency of operational audits of the SFOs receiving eligible contributions under FTC by the Auditor General from every year to at least once every three years.

These provisions were approved by the Governor and take effect on July 1, 2021, except as otherwise provided.

Vote: Senate 25-14; House 79-36