

By the Committee on Appropriations; and Senators Gaetz and Galvano

576-02881-15

2015602c1

1 A bill to be entitled
2 An act relating to students with disabilities;
3 amending s. 11.45, F.S.; revising the duties of the
4 Auditor General to include annual audits of
5 educational fiscal intermediaries; creating s.
6 1002.384, F.S.; defining terms; requiring the
7 Department of Education to issue a competitive
8 solicitation to procure an educational fiscal
9 intermediary; prescribing requirements and
10 qualifications for an educational fiscal intermediary
11 to compete for a contract; authorizing an educational
12 fiscal intermediary to collect an administrative fee;
13 specifying authorized and prohibited actions and
14 requirements for an educational fiscal intermediary
15 that is awarded a contract; establishing requirements
16 for the department with respect to the oversight of
17 contracted educational fiscal intermediaries;
18 providing transitional provisions; amending s.
19 1002.385, F.S.; revising definitions applicable to the
20 Florida Personal Learning Scholarship Accounts
21 Program; revising scholarship application deadlines
22 and guidelines; revising provisions to conform to the
23 designation of educational fiscal intermediaries;
24 requiring authorized program funds to support the
25 student's educational needs; requiring the Florida
26 Prepaid College Board to create certain procedures;
27 authorizing part-time private tutoring services by
28 persons meeting certain requirements; authorizing
29 program funds to be spent for specified education

576-02881-15

2015602c1

30 programs and services; revising the conditions under
31 which a student's personal learning scholarship
32 account must be closed; revising the responsibilities
33 for school districts; revising requirements for a
34 private school's eligibility to participate in the
35 program; revising responsibilities of the Department
36 of Education and the Commissioner of Education with
37 respect to program administration; revising
38 responsibilities for parents and students to
39 participate in the program; requiring a parent to
40 affirm that program funds are used only for authorized
41 purposes that serve the student's educational needs;
42 revising responsibilities of education fiscal
43 intermediaries pertaining to the administration of
44 personal learning scholarship accounts; revising the
45 wait list and priority of approving renewal and new
46 applications; revising the notice requirement of an
47 education fiscal intermediary; authorizing accrued
48 interest to be used for authorized expenditures;
49 requiring accrued interest to be reverted as a part of
50 reverted scholarship funds; revising taxable income
51 requirements; removing obsolete audit requirements;
52 requiring the Auditor General to provide a copy of
53 each annual operational audit performed to the
54 Commissioner of Education within a specified
55 timeframe; requiring the department to provide an
56 annual report to the Governor and the Legislature
57 regarding the program; prescribing report
58 requirements; providing for future repeal of

576-02881-15

2015602c1

59 provisions pertaining to an implementation schedule of
60 notification and eligibility timelines; amending s.
61 1009.971, F.S.; revising the powers and duties of the
62 Florida Prepaid College Board to include specified
63 rulemaking authority; amending ss. 1009.98 and
64 1009.981, F.S.; authorizing a prepaid college plan or
65 a college savings plan to be purchased, accounted for,
66 used, and terminated under certain circumstances;
67 specifying rulemaking requirements applicable to the
68 department; providing an effective date.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. Paragraph (k) of subsection (2) of section
73 11.45, Florida Statutes, is amended to read:

74 11.45 Definitions; duties; authorities; reports; rules.—

75 (2) DUTIES.—The Auditor General shall:

76 (k) Annually conduct operational audits of the accounts and
77 records of educational fiscal intermediaries issued a contract
78 under s. 1002.384 and eligible nonprofit scholarship-funding
79 organizations receiving eligible contributions under s.
80 1002.395, including any contracts for services with related
81 entities, to determine compliance with the respective sections
82 ~~provisions of that section.~~ An audit of an educational fiscal
83 intermediary must include, but not be limited to, a
84 determination of the educational fiscal intermediary's
85 compliance with s. 1002.384(3)(d). An audit of an eligible
86 nonprofit scholarship-funding organization must ~~Such audits~~
87 ~~shall~~ include, but not be limited to, a determination of the

576-02881-15

2015602c1

88 ~~eligible nonprofit scholarship funding~~ organization's compliance
89 with s. 1002.395(6)(j). The Auditor General shall provide its
90 report on the results of the audits to the Governor, the
91 President of the Senate, the Speaker of the House of
92 Representatives, the Chief Financial Officer, and the
93 Legislative Auditing Committee, within 30 days of completion of
94 the audit.

95
96 The Auditor General shall perform his or her duties
97 independently but under the general policies established by the
98 Legislative Auditing Committee. This subsection does not limit
99 the Auditor General's discretionary authority to conduct other
100 audits or engagements of governmental entities as authorized in
101 subsection (3).

102 Section 2. Section 1002.384, Florida Statutes, is created
103 to read:

104 1002.384 Educational fiscal intermediaries.-

105 (1) DEFINITIONS.-As used in this section, the term:

106 (a) "Educational fiscal intermediary" or "EFI" includes,
107 but is not limited to, a school district direct-support
108 organization; a state university; or an independent college or
109 university that is eligible to participate in the William L.
110 Boyd, IV, Florida Resident Access Grant Program, located and
111 chartered in this state, is not for profit, and is accredited by
112 the Commission on Colleges of the Southern Association of
113 Colleges and Schools; or a charitable organization that is:

114 1. Exempt from federal income tax under s. 501(c)(3) of the
115 Internal Revenue Code;

116 2. A Florida entity formed under chapter 607, chapter 608,

576-02881-15

2015602c1

117 or chapter 617 whose principal office is located in this state;
118 and

119 3. In compliance with this section and s. 1002.385.

120 (b) "Owner or operator" means an owner, president, officer,
121 or director of an eligible nonprofit scholarship-funding
122 organization or a person with equivalent decisionmaking
123 authority over an EFI.

124 (c) "Program" means the Florida Personal Learning
125 Scholarship Accounts Program established under s. 1002.385.

126 (2) COMPETITIVE SOLICITATION.—The department shall:

127 (a)1. Issue a competitive solicitation to select one or
128 more entities to serve as EFIs for a 3-year term. The department
129 may issue the competitive solicitation by a request for
130 proposals or an invitation to negotiate. The resulting contracts
131 are not renewable or extendable. Before expiration of the
132 resulting contracts, the department shall issue a new
133 competitive solicitation and execute a new contract or contracts
134 in accordance with this section.

135 2. Require that an EFI's response to a competitive
136 solicitation include the authority and obligations of an EFI
137 identified in this section and in s. 1002.385. Such authority
138 and obligations must be scored in the department's evaluation of
139 responses to the competitive solicitation and contained in the
140 EFI's contract with the department.

141 3. Include representatives of the Department of Revenue and
142 the Chief Financial Officer to participate as evaluators, and
143 negotiators if an invitation to negotiate is issued, in the
144 department's competitive selection process for the contract
145 required under this section.

576-02881-15

2015602c1

146 (b) Consider the criteria, authorities, and obligations for
147 an EFI under this section and s. 1002.385 when awarding
148 contracts to one or more EFIs by the competitive solicitation.
149 The resulting contracts must include the criteria, authorities,
150 and obligations under this section and s. 1002.385. The
151 following requirements must receive priority in scoring and
152 preference in the competitive solicitation:

153 1. Experience and personnel.—The EFI must have experience
154 providing services that are similar to, or exceed, the size and
155 scope of the services required under this section and s.
156 1002.385. Personnel for the EFI must be sufficient to provide
157 all services and regulations under the scope of EFI
158 responsibility.

159 2. Fiscal responsibility.—The EFI must have at least one
160 previous audit accomplished to be eligible to seek a contract.
161 The audit must have been conducted by the Auditor General or
162 must be subsequently reviewed and certified by the Auditor
163 General. The EFI must not have any negative financial findings
164 in its most recent audits required under this section and ss.
165 11.45 and 1002.385.

166 3. Administrative fee.—The EFI may collect an
167 administrative fee for its services. The administrative fee may
168 not be deducted from any scholarship funds, but may be provided
169 for in the General Appropriations Act. A preference is given to
170 the EFI with the lowest administrative fee offered in the
171 competitive solicitation. Scholarship funds are paid out as
172 required under s. 1002.385 or the General Appropriations Act.

173 (3) DUTIES, RESPONSIBILITIES, AND PROHIBITED ACTIONS.—An
174 EFI:

576-02881-15

2015602c1

175 (a) Shall implement this section, carry out its contract
176 with the department, and implement and manage the Florida
177 Personal Learning Scholarship Accounts Program established under
178 s. 1002.385.

179 (b) May not have an owner or operator who owns or operates
180 an eligible private school that is participating in a
181 scholarship program under s. 1002.385, s. 1002.39, or s.
182 1002.395.

183 (c) May not restrict or reserve scholarships for use at a
184 particular private school or provide scholarships to a child of
185 an owner or operator.

186 (d) May use for administrative expenses a percentage, as
187 identified in the contract, of the total individual scholarship
188 funding received by the EFI for the state fiscal year in which
189 such scholarships are issued. The administrative expenses must
190 be reasonable and necessary for the EFI's management and
191 distribution of scholarship funds pursuant to this section and
192 s. 1002.385. Administrative expenses may not be used for
193 lobbying or political activity or for expenses related to
194 lobbying or political activity. If an EFI charges an application
195 fee for a scholarship, the application fee must be immediately
196 refunded to the person who paid the fee if the student is placed
197 on a wait list. The administrative fee may not be deducted from
198 any scholarship funds, but may be provided for in the General
199 Appropriations Act. An application fee may not be deducted from
200 any scholarship funds.

201 (e) Must maintain separate accounts for scholarship funds
202 and operating funds.

203 (f) With the prior approval of the department, may transfer

576-02881-15

2015602c1

204 funds to another EFI if the student associated with the funds
205 transfers to another EFI.

206 (4) OBLIGATIONS.—An EFI must:

207 (a) Continually comply with subsections (2) and (3).

208 (b) Provide to the department, as part of the competitive
209 solicitation process; retain; and provide to the department upon
210 request, the following documentation:

211 1. A copy of the EFI's incorporation documents and
212 registration with the Division of Corporations of the Department
213 of State.

214 2. A copy of the EFI's Internal Revenue Service
215 determination letter as a s. 501(c)(3) not-for-profit
216 organization, if applicable.

217 3. A description of the EFI's financial plan that
218 demonstrates sufficient funds to operate throughout the school
219 year.

220 4. Notwithstanding the statewide or geographic contract
221 limitations of chapter 287, a description of the geographic
222 region that the EFI intends to serve and an analysis of the
223 demand and unmet need for eligible students in that area.

224 5. The EFI's organizational chart.

225 6. A description of the criteria and methodology that the
226 EFI will use to evaluate scholarship eligibility.

227 7. A description of the application process, including
228 deadlines and any associated fees.

229 8. A description of the deadlines for attendance
230 verification and scholarship payments.

231 9. A copy of the organization's policies on conflict of
232 interest and whistleblowers.

576-02881-15

2015602c1

233 10. A copy of a surety bond or letter of credit in an
234 amount equal to 25 percent of the scholarship funds anticipated
235 for each school year or \$100,000, whichever is greater.

236 (c) If the EFI is an existing EFI that seeks a new contract
237 during a subsequent competitive solicitation, include in its
238 proposal, in addition to the documentation required under
239 paragraph (b), the following documentation:

240 1. A surety bond or letter of credit equal to the amount of
241 undisbursed donations held by the EFI based on the annual report
242 submitted pursuant to paragraph (f). The amount of the surety
243 bond or letter of credit must be at least \$100,000, but not more
244 than \$25 million.

245 2. The EFI's completed Internal Revenue Service Form 990
246 submitted no later than November 30 of the year before the
247 school year that the organization intends to offer the
248 scholarships, notwithstanding the September 1 application
249 deadline. An organization that is not required by federal law to
250 complete this form is exempt from this subparagraph.

251 3. A copy of the statutorily required audit to the
252 department and the Auditor General.

253 4. An annual report that includes:

254 a. The number of students who completed applications, by
255 county, and by grade.

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

258 c. The number of students who received funding for
259 scholarships within each funding category, by county, and by
260 grade.

261 d. The amount of funds received, the amount of funds

576-02881-15

2015602c1

262 distributed in scholarships, and an accounting of the remaining
263 funds and the obligation of those funds.

264 e. A detailed accounting of how the organization spent the
265 administrative funds allowable under paragraphs (2) (b) and
266 (3) (d).

267 (d) Comply with the antidiscrimination provisions of 42
268 U.S.C. s. 2000d.

269 (e) Comply with the following background check
270 requirements:

271 1. All owners and operators are, before employment or
272 engagement to provide services, subject to level 2 background
273 screening as provided under chapter 435. The fingerprints for
274 the background screening must be electronically submitted to the
275 Department of Law Enforcement and may be taken by an authorized
276 law enforcement agency, by an employee of the EFI who is trained
277 to take fingerprints, or by a private company that is trained to
278 take fingerprints. However, the complete set of fingerprints of
279 an owner or operator may not be taken by the owner or operator.
280 The results of the state and national criminal history check
281 shall be provided to the department for screening under chapter
282 435. The cost of the background screening may be borne by the
283 EFI or the owner or operator.

284 2. As part of every new contract pursuant to this section,
285 each owner or operator must meet level 2 screening standards as
286 described in s. 435.04, at which time the EFI shall request the
287 Department of Law Enforcement to forward the fingerprints to the
288 Federal Bureau of Investigation for level 2 screening. If the
289 fingerprints of an owner or operator are not retained by the
290 Department of Law Enforcement under subparagraph 3., the owner

576-02881-15

2015602c1

291 or operator shall electronically file a complete set of
292 fingerprints with the Department of Law Enforcement. Upon
293 submission of fingerprints for this purpose, the EFI shall
294 request that the Department of Law Enforcement forward the
295 fingerprints to the Federal Bureau of Investigation for level 2
296 screening, and the fingerprints shall be retained by the
297 Department of Law Enforcement under subparagraph 3.

298 3. Fingerprints submitted to the Department of Law
299 Enforcement as required under this paragraph must be retained by
300 the Department of Law Enforcement in a manner approved by rule
301 and must be entered in the statewide automated biometric
302 identification system authorized under s. 943.05(2)(b). The
303 fingerprints must thereafter be available for all purposes and
304 uses authorized for arrest fingerprints that are entered in the
305 statewide automated biometric identification system pursuant to
306 s. 943.051.

307 4. The Department of Law Enforcement shall search all
308 arrest fingerprints received under s. 943.051 against the
309 fingerprints retained in the statewide automated biometric
310 identification system under subparagraph 3. An arrest record
311 that is identified with an owner's or operator's fingerprints
312 must be reported to the department. The department shall
313 participate in this search process by paying an annual fee to
314 the Department of Law Enforcement and by informing the
315 Department of Law Enforcement of any change in the employment,
316 engagement, or association status of the owners or operators
317 whose fingerprints are retained under subparagraph 3. The
318 Department of Law Enforcement shall adopt a rule setting the
319 amount of the annual fee to be imposed upon the department for

576-02881-15

2015602c1

320 performing the services required under this subparagraph and
321 subparagraph 3. and establishing the procedures for the
322 retention of owner and operator fingerprints and the
323 dissemination of search results. The fee may be borne by the
324 owner or operator.

325 5. An EFI whose owner or operator fails the level 2
326 background screening is not eligible to provide scholarships
327 under this section.

328 6. An EFI whose owner or operator in the last 7 years has
329 filed for personal bankruptcy or corporate bankruptcy in a
330 corporation of which he or she owned more than 20 percent is not
331 eligible to provide scholarships under this section.

332 7. In addition to the offenses listed in s. 435.04, a
333 person required to undergo background screening under this
334 section may not have an arrest awaiting final disposition for;
335 been found guilty of, or entered a plea of nolo contendere to,
336 regardless of adjudication; been adjudicated delinquent, and the
337 record sealed or expunged for, any of the following offenses or
338 any similar offense in another jurisdiction:

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

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

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

342 d. Section 409.9201, relating to Medicaid fraud.

343 e. Section 741.28, relating to domestic violence.

344 f. Section 817.034, relating to fraudulent acts through
345 mail, wire, radio, electromagnetic, photoelectronic, or
346 photooptical systems.

347 g. Section 817.234, relating to false and fraudulent
348 insurance claims.

576-02881-15

2015602c1

- 349 h. Section 817.505, relating to patient brokering.
- 350 i. Section 817.568, relating to criminal use of personal
351 identification information.
- 352 j. Section 817.60, relating to obtaining a credit card
353 through fraudulent means.
- 354 k. Section 817.61, relating to fraudulent use of credit
355 cards, if the offense was a felony.
- 356 l. Section 831.01, relating to forgery.
- 357 m. Section 831.02, relating to uttering forged instruments.
- 358 n. Section 831.07, relating to forging bank bills, checks,
359 drafts, or promissory notes.
- 360 o. Section 831.09, relating to uttering forged bank bills,
361 checks, drafts, or promissory notes.
- 362 p. Section 831.30, relating to fraud in obtaining medicinal
363 drugs.
- 364 q. Section 831.31, relating to the sale, manufacture,
365 delivery, or possession with the intent to sell, manufacture, or
366 deliver any counterfeit controlled substance, if the offense was
367 a felony.
- 368 (f) Provide to the Auditor General and the Department of
369 Education a report on the results of an annual financial audit
370 of its accounts and records conducted by an independent
371 certified public accountant in accordance with auditing
372 standards generally accepted in the United States, government
373 auditing standards, and rules promulgated by the Auditor
374 General. The audit report must include a report on financial
375 statements presented in accordance with generally accepted
376 accounting principles. Audit reports must be provided to the
377 Auditor General and the department within 180 days after

576-02881-15

2015602c1

378 completion of the EFI's fiscal year. The Auditor General shall
379 review all audit reports submitted pursuant to this paragraph.
380 The Auditor General shall request any significant items that
381 were omitted in violation of a rule adopted by the Auditor
382 General. The items must be provided within 45 days after the
383 date of the request. If the EFI does not comply with the Auditor
384 General's request, the Auditor General shall notify the
385 Legislative Auditing Committee.

386 (g) Prepare and submit annual reports to the department
387 pursuant to s. 1002.385(9)(d). In addition, an EFI must submit
388 in a timely manner any information requested by the department
389 relating to the program.

390 (h)1. Participate in the joint development of agreed-upon
391 procedures to be performed by an independent certified public
392 accountant as required under s. 1002.385(8)(e) if the EFI
393 provided more than \$250,000 in scholarship funds to an eligible
394 private school under this section during the 2015-2016 state
395 fiscal year. This requirement also applies to an EFI acting as
396 an eligible nonprofit scholarship-funding organization that
397 provided more than \$250,000 in scholarship funds to an eligible
398 private school during the 2014-2015 state fiscal year. The
399 agreed-upon procedures must uniformly apply to all private
400 schools and must determine, at a minimum, whether the private
401 school has been verified as eligible by the department under s.
402 1002.385; has an adequate accounting system, a system of
403 financial controls, and a process for deposit and classification
404 of scholarship funds; and has properly expended scholarship
405 funds for education-related expenses. During the development of
406 the procedures, the EFIs shall specify guidelines governing the

576-02881-15

2015602c1

407 materiality of exceptions that may be found during the
408 accountant's performance of the procedures. The procedures and
409 guidelines shall be provided to private schools and the
410 Commissioner of Education by August 1, 2015.

411 2. Participate in a joint review of the agreed-upon
412 procedures and guidelines required under subparagraph 1.
413 biennially if the EFI provided more than \$250,000 in scholarship
414 funds to an eligible private school under this section during
415 the state fiscal year preceding the biennial review. If the
416 procedures and guidelines are revised, the revisions must be
417 provided to the eligible private schools and the Commissioner of
418 Education by March 15, 2016, and biennially thereafter.

419 3. Monitor the compliance of a private school with ss.
420 1002.385, 1002.42, and 1002.421 if the EFI provided the majority
421 of the scholarship funding to the school. For each private
422 school subject to s. 1002.385, the appropriate EFI shall notify
423 the Commissioner of Education by October 30, 2015, and annually
424 thereafter of:

425 a. A private school's failure to submit a report required
426 under s. 1002.385; or

427 b. Any material exceptions set forth in the report required
428 under s. 1002.385.

429 4. Seek input from the accrediting associations that are
430 members of the Florida Association of Academic Nonpublic Schools
431 when jointly developing the agreed-upon procedures and
432 guidelines under subparagraph 1. and conducting a review of
433 those procedures and guidelines under subparagraph 2.

434 (i) Maintain the surety bond or letter of credit required
435 under subparagraph (b)10. The requirements of this paragraph are

576-02881-15

2015602c1

436 waived for a state university; or an independent college or
437 university that is eligible to participate in the William L.
438 Boyd, IV, Florida Resident Access Grant Program, is located and
439 chartered in this state, is not for profit, and is accredited by
440 the Commission on Colleges of the Southern Association of
441 Colleges and Schools.

442 (j) Provide to the Auditor General any information or
443 documentation requested in connection with an operational audit
444 of an EFI conducted pursuant to s. 11.45.

445 (5) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
446 shall:

447 (a) Ensure an EFI's compliance with the contract, this
448 section, and s. 1002.385. In instances of noncompliance by an
449 EFI, the department may terminate the contract or, if the
450 noncompliance is of a nonsubstantive or minimal nature, require
451 the EFI to take necessary action to return to compliance.

452 (b) Annually publish on its website, by August 30 of each
453 year, a list of eligible EFIs that are under contract with the
454 department under this section. In addition, the department shall
455 submit the list to the President of the Senate and the Speaker
456 of the House of Representatives.

457 (c) Annually verify the eligibility of EFIs that are under
458 contract by the department pursuant to this section. The
459 department shall annually submit a report concerning the
460 verification, including, but not limited to, actions taken by
461 the department related to an EFI's noncompliance with the
462 contract, actions taken by the parties to return the EFI to
463 compliance, actions taken by the department to impose liquidated
464 damages or other similar fund offsets to recover funds pursuant

576-02881-15

2015602c1

465 to s. 1002.385, and actions taken by the department to terminate
466 any such contract. In addition, the department shall publish the
467 report on its website.

468 (d) Ensure that, if the contract with an EFI is terminated
469 and a new contract is not entered into pursuant to subsection
470 (2), the EFI must notify the affected eligible students and
471 parents of the decision within 15 days after termination of the
472 contract. An eligible student affected by the contract
473 termination remains eligible under s. 1002.385 until the end of
474 the school year in which the EFI's contract with the department
475 was terminated. The student must apply and be accepted by
476 another EFI for the upcoming school year pursuant to s.
477 1002.385. The student shall be given priority as a renewing
478 student in accordance with s. 1002.385.

479 (6) ELIGIBILITY.—An eligible nonprofit scholarship-funding
480 organization that participated in the Florida Personal Learning
481 Scholarship Accounts Program pursuant to s. 1002.385 in the
482 2014-2015 school year is eligible to participate in the program
483 for the 2015-2016 school year, and may receive administrative
484 funding as provided for in the General Appropriations Act, until
485 the department executes a contract pursuant to subsection (2).
486 The department shall expedite the competitive solicitation and
487 the issuance of subsequent contracts required under subsection
488 (2). This subsection is repealed June 30, 2016.

489 Section 3. Section 1002.385, Florida Statutes, is amended
490 to read:

491 1002.385 Florida personal learning scholarship accounts.—

492 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personal Learning
493 Scholarship Accounts Program is established to provide the

576-02881-15

2015602c1

494 option for a parent to better meet the individual educational
495 needs of his or her eligible child.

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

497 (a) "Approved provider" means a provider approved by the
498 Agency for Persons with Disabilities, a health care practitioner
499 as defined in s. 456.001(4), or a provider approved by the
500 department pursuant to s. 1002.66. The term also includes
501 providers outside this state which are subject to similar
502 regulation or approval requirements.

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

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

507 (d) "Disability" means, for a student in kindergarten to
508 grade 12, autism spectrum disorder, as defined in the Diagnostic
509 and Statistical Manual of Mental Disorders, Fifth Edition,~~as~~
510 ~~defined in s. 393.063(3);~~ cerebral palsy, as defined in s.
511 393.063(4); Down syndrome, as defined in s. 393.063(13); an
512 intellectual disability, as defined in s. 393.063(21); Prader-
513 Willi syndrome, as defined in s. 393.063(25); or spina bifida,
514 as defined in s. 393.063(36); for a 3- or 4-year old child or a
515 student in kindergarten, being a high-risk child, as defined in
516 s. 393.063(20) (a); muscular dystrophy; and Williams syndrome.

517 (e) "Educational fiscal intermediary" or "EFI" ~~"Eligible~~
518 ~~nonprofit scholarship-funding organization" or "organization"~~
519 has the same meaning as in s. 1002.384 ~~s. 1002.395.~~

520 (f) "Eligible postsecondary educational institution" means
521 a Florida College System institution;i~~T~~ a state university;i~~T~~
522 a school district technical center;i~~T~~ a school district adult

576-02881-15

2015602c1

523 general education center; an independent college or university
524 that is eligible to participate in the William L. Boyd, IV,
525 Florida Resident Access Grant Program under s. 1009.89;~~7~~ or an
526 accredited independent ~~nonpublic~~ postsecondary educational
527 institution, as defined in s. 1005.02, which is licensed to
528 operate in the state pursuant to requirements specified in part
529 III of chapter 1005.

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

- 534 1. Sections 1002.42 and 1002.421; and
535 2. A scholarship program under s. 1002.39 or s. 1002.395~~7~~
536 ~~as applicable, if the private school participates in a~~
537 ~~scholarship program under s. 1002.39 or s. 1002.395.~~

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

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

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

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

547 (a) The student:

- 548 1. Is a resident of this state;
549 2. Is or will be 3 or 4 years old on or before September 1
550 of the year in which the student applies for program
551 participation, or is eligible to enroll in kindergarten through

576-02881-15

2015602c1

552 grade 12 in a public school in this state;

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

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

559 (b) Beginning January 2015, and each year thereafter, the
560 following application deadlines and guidelines are met:

561 1. The parent of a student seeking program renewal must
562 submit a completed application to an EFI for renewal by February
563 1 before the school year in which the student wishes to
564 participate.

565 2. The parent of a student seeking initial approval to
566 participate in the program must submit a completed application
567 to an EFI by June 30 before the school year in which the student
568 wishes to participate.

569 3. The parent of a student seeking approval to participate
570 in the program who does not comply with the requirements of
571 subparagraph 1. or subparagraph 2. may late file a completed
572 application by August 15 before the school year in which the
573 student wishes to participate.

574 4. A parent must submit final verification to the
575 organization before the EFI opens a personal learning
576 scholarship account for the student. The final verification must
577 consist of only the following items that apply to the student:

578 a. A completed withdrawal form from the school district if
579 the student was enrolled in a public school before the
580 determination of program eligibility;

576-02881-15

2015602c1

581 b. A letter of admission or enrollment from an eligible
582 private school for the school year in which the student wishes
583 to participate;

584 c. A copy of the notice of the parent's intent to establish
585 and maintain a home education program required by s.
586 1002.41(1)(a), or a copy of the district school superintendent's
587 review of the annual educational evaluation of the student in a
588 home education program required by s. 1002.41(2); or

589 d. A copy of notification from a private school that the
590 student has withdrawn from the John M. McKay Scholarships for
591 Students with Disabilities Program or the Florida Tax Credit
592 Scholarship Program.

593 5. A parent's completed application and final verification
594 submitted pursuant to this paragraph ~~the parent has applied to~~
595 ~~an eligible nonprofit scholarship funding organization to~~
596 ~~participate in the program by February 1 before the school year~~
597 ~~in which the student will participate or an alternative date as~~
598 ~~set by the organization for any vacant, funded slots. The~~
599 ~~request~~ must be communicated directly to the EFI organization in
600 a manner that creates a written or electronic record including
601 ~~of the request~~ and the date of receipt ~~of the request~~. The EFI
602 ~~organization~~ shall notify the district and the department of the
603 parent's intent upon receipt of the parent's completed
604 application and final verification request. The completed
605 application must include, but is not limited to, an application;
606 required documentation and forms; an initial or revised matrix
607 of services, if requested; and any additional information or
608 documentation required by the EFI or by State Board of Education
609 rule.

576-02881-15

2015602c1

610 (4) PROGRAM PROHIBITIONS.—

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

613 1. Enrolled in a public school, including, but not limited
614 to, the Florida School for the Deaf and the Blind; the Florida
615 Virtual School; the College-Preparatory Boarding Academy; a
616 developmental research school authorized under s. 1002.32; a
617 charter school authorized under s. 1002.33, s. 1002.331, or s.
618 1002.332; or a virtual education program authorized under s.
619 1002.45;

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

622 3. Enrolled in a school operating for the purpose of
623 providing educational services to youth in the Department of
624 Juvenile Justice commitment programs;

625 ~~4.3.~~ Receiving a scholarship pursuant to the Florida Tax
626 Credit Scholarship Program under s. 1002.395 or the John M.
627 McKay Scholarships for Students with Disabilities Program under
628 s. 1002.39; or

629 ~~5.4.~~ Receiving any other educational scholarship pursuant
630 to this chapter.

631

632 For purposes of subparagraph 1., a 3- or 4-year old who receives
633 services that are funded through the Florida Education Finance
634 Program is considered to be a student enrolled in a public
635 school.

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

637 1. The student or student's parent has accepted any
638 payment, refund, or rebate, in any manner, from a provider of

576-02881-15

2015602c1

639 any services received pursuant to subsection (5);

640 2. The student's participation in the program, or receipt
641 or expenditure of program funds, has been denied or revoked by
642 the commissioner ~~of Education pursuant to subsection (10); or~~

643 3. The student's parent has forfeited participation in the
644 program for failure to comply with requirements pursuant to
645 subsection (11); or

646 4. The student's application for program eligibility has
647 been denied by an EFI.

648 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be
649 spent if used to support the student's educational needs, for
650 the following purposes:

651 (a) Instructional materials, including digital devices,
652 digital periphery devices, and assistive technology devices that
653 allow a student to access instruction or instructional content
654 and training on the use of and maintenance agreements for these
655 devices.

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

657 (c) Specialized services by approved providers which have
658 been approved by a physician licensed under chapter 458 or
659 chapter 459 and that are selected by the parent. These
660 specialized services may include, but are not limited to:

661 1. Applied behavior analysis services as provided in ss.
662 627.6686 and 641.31098.

663 2. Services provided by speech-language pathologists as
664 defined in s. 468.1125.

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

666 4. Services provided by physical therapists as defined in
667 s. 486.021.

576-02881-15

2015602c1

668 5. Services provided by listening and spoken language
669 specialists and an appropriate acoustical environment for a
670 child who is deaf or hard of hearing and who has received an
671 implant or assistive hearing device.

672

673 Specialized services outside this state are authorized under
674 this paragraph if the services are subject to similar regulation
675 or approval requirements.

676 (d) Enrollment in, or tuition or fees associated with
677 enrollment in, an eligible private school, an eligible
678 postsecondary educational institution or a program offered by
679 the institution, a private tutoring program authorized under s.
680 1002.43, a virtual program offered by a department-approved
681 private online provider that meets the provider qualifications
682 specified in s. 1002.45(2)(a), the Florida Virtual School as a
683 private paying student, or an approved online course offered
684 pursuant to s. 1003.499 or s. 1004.0961.

685 (e) Fees for nationally standardized, norm-referenced
686 achievement tests, Advanced Placement Examinations, industry
687 certification examinations, assessments related to postsecondary
688 education, or other assessments.

689 (f) Contributions to the Stanley G. Tate Florida Prepaid
690 College Program pursuant to s. 1009.98 or the Florida College
691 Savings Program pursuant to s. 1009.981, for the benefit of the
692 eligible student. The Florida Prepaid College Board shall, by
693 the earliest date that a school may open pursuant to s.
694 1001.42(4)(f), create procedures to allow program funds to be
695 used in conjunction with other funds used by the parent in the
696 purchase of a prepaid college plan or a college savings plan;

576-02881-15

2015602c1

697 require program funds to be tracked and accounted for separately
698 from other funds contributed to a prepaid college plan or a
699 college savings plan; require program funds and associated
700 interest to be reverted as specified in this section; and
701 require program funds to be used only after private payments
702 have been used for prepaid college plan or a college savings
703 plan expenditures. The EFI shall enter into a contract with the
704 Florida Prepaid College Board to enable the board to establish
705 mechanisms to implement this section, including, but not limited
706 to, identifying the source of funds being deposited in these
707 plans. A qualified or designated beneficiary may not be changed
708 while these plans contain funds contributed from this section.

709 (g) Contracted services provided by a public school or
710 school district, including classes. A student who receives
711 services under a contract under this paragraph is not considered
712 enrolled in a public school for eligibility purposes as
713 specified in subsection (4).

714 (h) Tuition and fees for part-time tutoring services
715 provided by a person who holds a valid Florida educator's
716 certificate pursuant to s. 1012.56; a person who holds an
717 adjunct teaching certificate pursuant to s. 1012.57; or a person
718 who has demonstrated a mastery of subject area knowledge
719 pursuant to 1012.56(5). The term "part-time tutoring services"
720 as used in this paragraph does not meet the definition of the
721 term "regular school attendance" in s. 1003.01(13) (e).

722 (i) Fees for specialized summer education programs.

723 (j) Fees for specialized after-school education programs.

724 (k) Transition services provided by job coaches.

725 (l) Fees for an annual evaluation of educational progress

576-02881-15

2015602c1

726 by a state-certified teacher, if this option is chosen for a
727 home education student pursuant to s. 1002.41(1)(c)1.

728

729 A specialized service provider, eligible private school,
730 eligible postsecondary educational institution, private tutoring
731 program provider, online or virtual program provider, public
732 school, school district, or other entity receiving payments
733 pursuant to this subsection may not share, refund, or rebate any
734 moneys from the Florida personal learning scholarship account
735 with the parent or participating student in any manner.

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

738 (a) The program payments made by the state to an EFI for a
739 personal learning scholarship account under this section shall
740 continue remain in force until the parent does not renew program
741 eligibility; the EFI determines a student is not eligible for
742 program renewal; the commissioner denies, suspends, or revokes
743 program participation or use of funds; or a student enrolls in
744 participating in the program participates in any of the
745 prohibited activities specified in subsection (4), has funds
746 revoked by the Commissioner of Education pursuant to subsection
747 (10), returns to a public school or in the Voluntary
748 Prekindergarten Education Program, graduates from high school,
749 or attains 22 years of age, whichever occurs first. A
750 participating student who enrolls in a public school or public
751 school program is considered to have returned to a public school
752 for the purpose of determining the end of the program's term.

753 (b) Program expenditures by the parent from the program
754 account are authorized until a student's personal learning

576-02881-15

2015602c1

755 scholarship account is closed pursuant to paragraph (c).

756 (c) A student's personal learning scholarship account shall
757 be closed, and any remaining funds, including accrued interest
758 or contributions made using program funds pursuant to paragraph
759 (5) (f), shall revert to the state upon:

760 1. The eligible student no longer being enrolled in an
761 eligible postsecondary educational institution or a program
762 offered by the institution;

763 2. Denial or revocation of program eligibility by the
764 commissioner;

765 3. Denial of program application by an EFI; or

766 4. After any period of 4 consecutive years after high
767 school completion or graduation in which the student is not
768 enrolled in an eligible postsecondary educational institution or
769 a program offered by the institution.

770
771 The commissioner must notify the parent and EFI of any reversion
772 determination.

773 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

774 (a)1. For a student with a disability who does not have a
775 matrix of services under s. 1011.62(1)(e), or who wants a
776 revised matrix of services, and for whom the parent requests a
777 new or revised matrix of services, the school district must
778 complete a matrix that assigns the student to one of the levels
779 of service as they existed before the 2000-2001 school year.

780 2.a. Within 10 calendar ~~school~~ days after a school district
781 receives notification of a parent's request for completion of a
782 matrix of services, the school district must notify the
783 student's parent if the matrix of services has not been

576-02881-15

2015602c1

784 completed and inform the parent that the district is required to
785 complete the matrix within 30 days after receiving notice of the
786 parent's request for the matrix of services. This notice must
787 include the required completion date for the matrix.

788 b. The school district shall complete the matrix of
789 services for a student whose parent has made a request. The
790 school district must provide the student's parent, the EFI, and
791 the department with the student's matrix level within 10
792 calendar school days after its completion.

793 c. The department shall notify the parent and the EFI
794 ~~eligible nonprofit scholarship funding organization~~ of the
795 amount of the funds awarded within 10 days after receiving the
796 school district's notification of the student's matrix level.

797 d. A school district may change a matrix of services only
798 if the change is to correct a technical, typographical, or
799 calculation error, except that a parent may annually request a
800 matrix reevaluation for each student participating in the
801 program pursuant to paragraph (12) (h).

802 (b) For each student participating in the program who
803 chooses to participate in statewide, standardized assessments
804 under s. 1008.22 or the Florida Alternate Assessment, the school
805 district in which the student resides must notify the student
806 and his or her parent about the locations and times to take all
807 statewide, standardized assessments.

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

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

576-02881-15

2015602c1

813 (a) Comply with all requirements for private schools
814 participating in state school choice scholarship programs
815 pursuant to s. 1002.421. To participate in the program, a
816 private school must submit to the department a notification for
817 eligibility to participate in its application for the John M.
818 McKay Scholarships for Students with Disabilities and Florida
819 Tax Credit Scholarship programs identified in ss. 1002.39 and
820 1002.395.

821 (b) Provide to the department and EFI ~~eligible nonprofit~~
822 ~~scholarship-funding organization~~, upon request, all
823 documentation required for the student's participation,
824 including the private school's and student's fee schedules.

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

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

829 2. Annually administering or making provision for students
830 participating in the program in grades 3 through 10 to take one
831 of the nationally norm-referenced tests identified by the State
832 Board ~~Department~~ of Education or the statewide assessments
833 pursuant to s. 1008.22. Students with disabilities for whom
834 standardized testing is not appropriate are exempt from this
835 requirement. A participating private school shall report a
836 student's scores to the parent.

837 3. Cooperating with the scholarship student whose parent
838 chooses to have the student participate in the statewide
839 assessments pursuant to s. 1008.22 or, if a private school
840 chooses to offer the statewide assessments, administering the
841 assessments at the school.

576-02881-15

2015602c1

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

845 b. A participating private school shall submit a request in
846 writing to the Department of Education by March 1 of each year
847 in order to administer the statewide assessments in the
848 subsequent school year.

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

852 (e) Annually contract with an independent certified public
853 accountant to perform the agreed-upon procedures developed under
854 s. 1002.384(4)(h) ~~s. 1002.395(6)(n)~~ and produce a report of the
855 results if the private school receives more than \$250,000 in
856 funds from scholarships awarded under this section in the 2014-
857 2015 state fiscal year or a state fiscal year thereafter. A
858 private school subject to this paragraph must submit the report
859 by September 15, 2015, and annually thereafter to the EFI
860 ~~scholarship-funding organization~~ that awarded the majority of
861 the school's scholarship funds. The agreed-upon procedures must
862 be conducted in accordance with attestation standards
863 established by the American Institute of Certified Public
864 Accountants.

865
866 The inability of a private school to meet the requirements of
867 this subsection constitutes a basis for the ineligibility of the
868 private school to participate in the program as determined by
869 the commissioner ~~department~~.

870 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department

576-02881-15

2015602c1

871 shall:

872 (a) Maintain a list of approved providers pursuant to s.
873 1002.66, and eligible postsecondary educational institutions,
874 eligible private schools, and EFIs on its website. The
875 department may identify or provide links to lists of other
876 approved providers on its website.

877 (b) Require each EFI ~~eligible nonprofit scholarship-funding~~
878 ~~organization to preapprove verify eligible expenditures to be~~
879 ~~before the distribution of funds for any expenditures made~~
880 ~~pursuant to paragraphs (5) (a) and (b). Review of expenditures~~
881 ~~made for services in paragraphs (5) (c)-(h) must (5) (e)-(g) may~~
882 ~~be completed after the purchase payment has been made.~~

883 (c) Investigate any written complaint of a violation of
884 this section by a parent, student, private school, public school
885 or school district, EFI, provider, or other appropriate party in
886 accordance with the process established by s. 1002.395(9) (f).

887 (d) Require annually by December 1 ~~quarterly~~ reports by an
888 EFI, which must include, but need not be limited to, eligible
889 ~~nonprofit scholarship-funding organization regarding~~ the number
890 of students participating in the program, demographics of
891 program participants; disability category; matrix level of
892 services, if known; award amount per student; total expenditures
893 for the categories in subsection (5); and the types of providers
894 ~~of services to students, and other information deemed necessary~~
895 ~~by the department.~~

896 (e) Compare the list of students participating in the
897 program with the public school student enrollment lists and the
898 list of students participating in school choice scholarship
899 programs established pursuant to this chapter, throughout the

576-02881-15

2015602c1

900 school year, before each program payment to avoid duplicate
 901 payments and confirm program eligibility.

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

903 (a) The Commissioner of Education:

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

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

910 3. May ~~deny, suspend, or revoke~~ an authorized use of
 911 program funds for material failure to comply with this section
 912 and applicable State Board of Education ~~department~~ rules if the
 913 noncompliance is correctable within a reasonable period of time.
 914 Otherwise, the commissioner shall ~~deny, suspend,~~ or revoke an
 915 authorized use for failure to materially comply with the law and
 916 rules adopted under this section.

917 4. Shall require compliance by the appropriate party by a
 918 date certain for all nonmaterial failures to comply with this
 919 section and applicable State Board of Education ~~department~~
 920 rules.

921 5. Notwithstanding the other provisions of this section,
 922 the commissioner may deny, suspend, or revoke program
 923 participation or use of program funds by the student; or
 924 participation or eligibility of an EFI, eligible private school,
 925 eligible postsecondary educational institution, approved
 926 provider, or other appropriate party for a violation of this
 927 section. The commissioner may determine the length of, and
 928 conditions for lifting, the suspension or revocation specified

576-02881-15

2015602c1

929 in this paragraph. The length of suspension or revocation may
930 not exceed 5 years, except for instances of fraud, in which case
931 the length of suspension or revocation may not exceed 10 years.
932 The commissioner may employ mechanisms allowed by law to recover
933 unexpended program funds or withhold payment of an equal amount
934 of program funds to recover program funds that were not
935 authorized for use under this section thereafter.

936 6. Shall deny or terminate program participation upon a
937 parent's forfeiture of a personal learning scholarship account
938 pursuant to subsection (11).

939 (b) In determining whether to deny, suspend, ~~or~~ revoke, or
940 lift a suspension or revocation, in accordance with this
941 subsection, the commissioner may consider factors that include,
942 but are not limited to, acts or omissions that ~~by a~~
943 ~~participating entity which~~ led to a previous denial, suspension,
944 or revocation of participation in a state or federal program or
945 an education scholarship program; failure to reimburse the EFI
946 ~~eligible nonprofit scholarship funding organization for program~~
947 funds improperly received or retained ~~by the entity;~~ failure to
948 reimburse government funds improperly received or retained;
949 imposition of a prior criminal sanction related to the person or
950 entity or its officers or employees; imposition of a civil fine
951 or administrative fine, license revocation or suspension, or
952 program eligibility suspension, termination, or revocation
953 related to a person's or ~~an~~ entity's management or operation; or
954 other types of criminal proceedings in which the person or the
955 entity or its officers or employees were found guilty of,
956 regardless of adjudication, or entered a plea of nolo contendere
957 or guilty to, any offense involving fraud, deceit, dishonesty,

576-02881-15

2015602c1

958 or moral turpitude.

959 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
960 PARTICIPATION.—A parent who applies for program participation
961 under this section is exercising his or her parental option to
962 determine the appropriate placement or the services that best
963 meet the needs of his or her child. The scholarship award for a
964 student is based on a matrix that assigns the student to support
965 Level III services. If a parent chooses to request and receive
966 an IEP and a matrix of services from the school district, the
967 amount of the payment shall be adjusted as needed, when the
968 school district completes the matrix.

969 (a) To satisfy or maintain program eligibility, including,
970 but not limited to, eligibility to receive program payments and
971 expend program payments ~~enroll an eligible student in the~~
972 ~~program,~~ the parent must sign an agreement with the EFI ~~eligible~~
973 ~~nonprofit scholarship-funding organization~~ and annually submit a
974 notarized, sworn compliance statement to the EFI ~~organization~~
975 to:

976 1. Affirm that the student is enrolled in a program that
977 meets regular school attendance requirements as provided in s.
978 1003.01(13)(b)-(d).

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

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

984 a. If the parent enrolls the child in an eligible private
985 school, the student must take an assessment selected by the
986 private school pursuant to s. 1002.395(7)(e) or, if requested by

576-02881-15

2015602c1

987 the parent, the statewide, standardized assessments pursuant to
988 s. 1002.39(8)(c)2. and (9)(e).

989 b. If the parent enrolls the child in a home education
990 program, the parent may choose to participate in an assessment
991 as part of the annual evaluation provided for in s.
992 1002.41(1)(c).

993 4. Notify the school district that the student is
994 participating in the program ~~Personal Learning Scholarship~~
995 ~~Accounts~~ if the parent chooses to enroll in a home education
996 program as provided in s. 1002.41.

997 5. File a completed application for initial program
998 participation with an EFI ~~Request participation in the program~~
999 ~~by the dates~~ date ~~established pursuant to this section~~ by the
1000 ~~eligible nonprofit scholarship funding organization.~~

1001 6. Affirm that the student remains in good standing with
1002 the entities identified in paragraph (5)(d), paragraph (5)(g),
1003 or paragraph (5)(h) ~~provider or school~~ if those options are
1004 selected by the parent.

1005 7. Apply for admission of his or her child if the private
1006 school option is selected by the parent.

1007 8. Annually file a completed application to renew
1008 participation in the program if renewal is desired by the
1009 parent. Notwithstanding any changes to the student's IEP, a
1010 student who was previously eligible for participation in the
1011 program shall remain eligible to apply for renewal ~~as provided~~
1012 ~~in subsection (6).~~ However, in order for a high-risk child to
1013 continue to participate in the program in the school year after
1014 he or she reaches 6 years of age, the child's completed
1015 application for renewal of program participation must contain

576-02881-15

2015602c1

1016 documentation that the child has a disability defined in
1017 paragraph (2)(d) other than high-risk status.

1018 9. Affirm that the parent is prohibited from transferring
1019 and will not transfer any prepaid college plan or college
1020 savings plan funds contributed pursuant to paragraph (5)(f) to
1021 another beneficiary while the plan contains funds contributed
1022 pursuant to this section.

1023 10. Affirm that the parent will not take possession of any
1024 funding provided by the state for the program ~~Florida Personal~~
1025 ~~Learning Scholarship Accounts.~~

1026 11. Affirm that the parent will maintain a portfolio of
1027 records and materials which must be preserved ~~by the parent~~ for
1028 2 years and be made available for inspection by the EFI, the
1029 department, or the district school superintendent or the
1030 superintendent's designee upon 15 days' written notice. This
1031 paragraph does not require inspection of ~~the superintendent to~~
1032 ~~inspect~~ the portfolio. The portfolio of records and materials
1033 must consist of:

1034 a. A log of educational instruction and services which is
1035 made contemporaneously with delivery of the instruction and
1036 services and which designates by title any reading materials
1037 used; ~~and~~

1038 b. Samples of any writings, worksheets, workbooks, or
1039 creative materials used or developed by the student; and

1040 c. Other records, documents, or materials required by the
1041 EFI or specified by the department in rule, to facilitate
1042 program implementation.

1043 (b) The parent is responsible for procuring the services
1044 necessary to educate the student. When the student receives a

576-02881-15

2015602c1

1045 personal learning scholarship account, the district school board
 1046 is not obligated to provide the student with a free appropriate
 1047 public education. For purposes of s. 1003.57 and the Individuals
 1048 with Disabilities in Education Act, a participating student has
 1049 only those rights that apply to all other unilaterally
 1050 parentally placed students, except that, when requested by the
 1051 parent, school district personnel must develop an individual
 1052 education plan or matrix level of services.

1053 (c) The parent is responsible for ~~the payment of all~~
 1054 eligible expenses in excess of the amount of the personal
 1055 learning scholarship account ~~in accordance with the terms agreed~~
 1056 ~~to between the parent and the providers.~~

1057
 1058 A parent who fails to comply with this subsection forfeits the
 1059 personal learning scholarship account.

1060 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP
 1061 ACCOUNTS.—An EFI ~~eligible nonprofit scholarship funding~~
 1062 ~~organization participating in the Florida Tax Credit Scholarship~~
 1063 ~~Program established under s. 1002.395~~ may establish personal
 1064 learning scholarship accounts for eligible students, in
 1065 accordance with the deadlines established in this section, by:

1066 (a) Receiving completed applications and final verification
 1067 and determining student eligibility in accordance with the
 1068 requirements of this section. For initial program participation,
 1069 preference must first be provided to students retained on a wait
 1070 list created by the EFI in the order that completed applications
 1071 are approved ~~The organization shall notify the department of the~~
 1072 ~~applicants for the program by March 1 before the school year in~~
 1073 ~~which the student intends to participate.~~ When a completed an

576-02881-15

2015602c1

1074 application and final verification are ~~is~~ received and approved,

1075 the EFI scholarship funding organization must provide the

1076 department with information on the student to enable the

1077 department to report the student for funding in an amount

1078 determined in accordance with subsection (13).

1079 (b) Notifying parents of their receipt of a scholarship on

1080 a first-come, first-served basis, after approving the completed

1081 application and confirming receipt of the parent's final

1082 verification, based upon the funds provided for this program in

1083 the General Appropriations Act.

1084 (c) Establishing a date pursuant to paragraph (3)(b) by

1085 which a parent must confirm initial or continuing participation

1086 in the program and confirm the establishment or continuance of a

1087 personal learning scholarship account.

1088 (d) Establishing a date and process pursuant to paragraph

1089 (3)(b) by which completed applications may be approved and

1090 students on the wait list or late-filing applicants may be

1091 allowed to participate in the program during the school year,

1092 within the amount of funds provided for this program in the

1093 General Appropriations Act. The process must allow timely filed

1094 completed applications to take precedence before late-filed

1095 completed applications for purposes of creating a wait list for

1096 participation in the program.

1097 (e) Establishing and maintaining separate accounts for each

1098 eligible student. For each account, the EFI must maintain a

1099 record of interest accrued that is retained in the student's

1100 account and available only for authorized program expenditures.

1101 (f) Verifying qualifying educational expenditures pursuant

1102 to the requirements of subsection (5) ~~paragraph (8)(b)~~.

576-02881-15

2015602c1

1103 (g) Returning any remaining program ~~unused~~ funds pursuant
1104 to paragraph (6) (c) to the department when the student is no
1105 longer authorized to expend program funds. The EFI may reimburse
1106 a parent for authorized program expenditures made during the
1107 fiscal year before funds are deposited in the student's ~~eligible~~
1108 ~~for a personal scholarship learning~~ account.

1109 (h) Annually notifying the parent about the availability of
1110 and the requirements associated with requesting an initial
1111 matrix or matrix reevaluation annually for each student
1112 participating in the program.

1113 (13) FUNDING AND PAYMENT.—

1114 (a)1. The maximum funding amount granted for an eligible
1115 student with a disability, pursuant to this section ~~subsection~~
1116 ~~(3)~~, shall be equivalent to the base student allocation in the
1117 Florida Education Finance Program multiplied by the appropriate
1118 cost factor for the educational program which would have been
1119 provided for the student in the district school to which he or
1120 she would have been assigned, multiplied by the district cost
1121 differential.

1122 2. In addition, an amount equivalent to a share of the
1123 guaranteed allocation for exceptional students in the Florida
1124 Education Finance Program shall be determined and added to the
1125 amount in subparagraph 1. The calculation shall be based on the
1126 methodology and the data used to calculate the guaranteed
1127 allocation for exceptional students for each district in chapter
1128 2000-166, Laws of Florida. Except as provided in subparagraph
1129 3., the calculation shall be based on the student's grade, the
1130 matrix level of services, and the difference between the 2000-
1131 2001 basic program and the appropriate level of services cost

576-02881-15

2015602c1

1132 factor, multiplied by the 2000-2001 base student allocation and
1133 the 2000-2001 district cost differential for the sending
1134 district. The calculated amount must also include an amount
1135 equivalent to the per-student share of supplemental academic
1136 instruction funds, instructional materials funds, technology
1137 funds, and other categorical funds as provided in the General
1138 Appropriations Act.

1139 3. Except as otherwise provided, the calculation for all
1140 students participating in the program shall be based on the
1141 matrix that assigns the student to support Level III of
1142 services. If a parent chooses to request and receive a matrix of
1143 services from the school district, when the school district
1144 completes the matrix, the amount of the payment shall be
1145 adjusted as needed.

1146 (b) The amount of the awarded funds shall be 90 percent of
1147 the calculated amount. One hundred percent of the funds
1148 appropriated for this program shall be released in the first
1149 quarter of each fiscal year. Accrued interest is in addition to,
1150 and not part of, the awarded funds. Program funds include both
1151 the awarded funds and the accrued interest.

1152 ~~(c) Upon an eligible student's graduation from an eligible~~
1153 ~~postsecondary educational institution or after any period of 4~~
1154 ~~consecutive years after high school graduation in which the~~
1155 ~~student is not enrolled in an eligible postsecondary educational~~
1156 ~~institution, the student's personal learning scholarship account~~
1157 ~~shall be closed, and any remaining funds shall revert to the~~
1158 ~~state.~~

1159 (c)-(d) The EFI ~~eligible nonprofit scholarship funding~~
1160 ~~organization~~ shall develop a system for payment of benefits by

576-02881-15

2015602c1

1161 ~~electronic~~ funds transfer, including, but not limited to, debit
1162 cards, electronic payment cards, or any other means of
1163 ~~electronic~~ payment that the department deems to be commercially
1164 viable or cost-effective. Commodities or services related to the
1165 development of such a system shall be procured by competitive
1166 solicitation unless they are purchased from a state term
1167 contract pursuant to s. 287.056.

1168 (d) ~~(e)~~ Moneys received pursuant to this section do not
1169 constitute taxable income to the student or parent of the
1170 qualified student.

1171 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

1172 (a) The Auditor General shall conduct an annual ~~financial~~
1173 ~~and~~ operational audit of accounts and records of each EFI
1174 ~~eligible scholarship funding organization~~ that participates in
1175 the program. As part of this audit, the Auditor General shall
1176 verify, at a minimum, the total amount of students served and
1177 eligibility of reimbursements made by each EFI eligible
1178 ~~nonprofit scholarship funding organization~~ and transmit that
1179 information to the department.

1180 (b) The Auditor General shall notify the department of any
1181 EFI eligible ~~nonprofit scholarship funding organization~~ that
1182 fails to comply with a request for information.

1183 (c) The Auditor General shall provide the Commissioner of
1184 Education with a copy of each annual operational audit performed
1185 pursuant to this subsection within 10 days after each audit is
1186 finalized.

1187 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
1188 Department of Health, the Agency for Persons with Disabilities,
1189 and the Department of Education shall work with an EFI eligible

576-02881-15

2015602c1

1190 ~~nonprofit scholarship funding organization~~ for easy or automated
1191 access to lists of licensed providers of services specified in
1192 paragraph (5) (c) to ensure efficient administration of the
1193 program.

1194 (16) LIABILITY.—The state is not liable for the award or
1195 any use of awarded funds under this section.

1196 (17) SCOPE OF AUTHORITY.—This section does not expand the
1197 regulatory authority of this state, its officers, or any school
1198 district to impose additional regulation on participating
1199 private schools, independent nonpublic postsecondary educational
1200 institutions, and private providers beyond those reasonably
1201 necessary to enforce requirements expressly set forth in this
1202 section.

1203 (18) REPORTS.—The department shall, by February 1 of each
1204 year, provide an annual report to the Governor, the President of
1205 the Senate, and the Speaker of the House of Representatives
1206 regarding the effectiveness of the Florida Personal Learning
1207 Scholarship Accounts Program. The report must address the scope
1208 and size of the program, with regard to participation and other
1209 related data, and analyze the effectiveness of the program
1210 pertaining to cost, education, and therapeutic services.

1211 (19) ~~(18)~~ RULES.—The State Board of Education shall adopt
1212 rules pursuant to ss. 120.536(1) and 120.54 to administer this
1213 section.

1214 (20) ~~(19)~~ IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL
1215 YEAR.—Notwithstanding the provisions of this section related to
1216 notification and eligibility timelines, an EFI eligible
1217 ~~nonprofit scholarship funding organization~~ may enroll parents on
1218 a rolling schedule on a first-come, first-served basis, within

576-02881-15

2015602c1

1219 the amount of funds provided in the General Appropriations Act.
1220 This subsection is repealed July 1, 2015.

1221 Section 4. Paragraph (z) is added to subsection (4) of
1222 section 1009.971, Florida Statutes, to read:

1223 1009.971 Florida Prepaid College Board.—

1224 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
1225 board shall have the powers and duties necessary or proper to
1226 carry out the provisions of ss. 1009.97-1009.984, including, but
1227 not limited to, the power and duty to:

1228 (z) Adopt rules governing:

1229 1. The purchase and use of a prepaid college plan
1230 authorized under s. 1009.98 or a college savings plan authorized
1231 under s. 1009.981 for the Florida Personal Learning Scholarship
1232 Accounts Program pursuant to ss. 1002.385, 1009.98, and
1233 1009.981.

1234 2. The use of a prepaid college plan authorized under s.
1235 1009.98 or a college savings plan authorized under s. 1009.981
1236 for postsecondary education programs for students with
1237 disabilities.

1238 Section 5. Subsection (11) is added to section 1009.98,
1239 Florida Statutes, to read:

1240 1009.98 Stanley G. Tate Florida Prepaid College Program.—

1241 (11) IMPLEMENTATION PROCEDURES.—

1242 (a) Notwithstanding any other provision in this section, a
1243 prepaid college plan may be purchased, accounted for, used, and
1244 terminated as provided in s. 1002.385. By July 1, 2015, the
1245 board shall develop procedures, contracts, and any other
1246 required forms or documentation necessary to fully implement
1247 this subsection. The board shall enter into a contract with

576-02881-15

2015602c1

1248 educational fiscal intermediaries pursuant to s. 1002.385 to
1249 enable the board to establish mechanisms to implement this
1250 subsection, including, but not limited to, identifying the
1251 source of funds being deposited into a prepaid college plan. A
1252 qualified beneficiary may not be changed while a prepaid college
1253 plan contains funds contributed from s. 1002.385.

1254 (b) A qualified beneficiary may apply the benefits of an
1255 advance payment contract toward the program fees of a program
1256 designed for students with disabilities conducted by a state
1257 postsecondary institution. A transfer authorized under this
1258 subsection may not exceed the redemption value of the advance
1259 payment contract at a state postsecondary institution or the
1260 number of semester credit hours contracted on behalf of a
1261 qualified beneficiary.

1262 Section 6. Subsection (10) is added to section 1009.981,
1263 Florida Statutes, to read:

1264 1009.981 Florida College Savings Program.—

1265 (10) IMPLEMENTATION PROCEDURES.—

1266 (a) Notwithstanding any other provision in this section, a
1267 college savings plan may be purchased, accounted for, used, and
1268 terminated as provided in s. 1002.385. By July 1, 2015, the
1269 board shall develop procedures, contracts, and any other
1270 required forms or documentation necessary to fully implement
1271 this subsection. The board shall enter into a contract with
1272 educational fiscal intermediaries pursuant to s. 1002.385 to
1273 enable the board to establish mechanisms to implement this
1274 subsection, including, but not limited to, identifying the
1275 source of funds being deposited into a college savings plan. A
1276 designated beneficiary may not be changed while a college

576-02881-15

2015602c1

1277 savings plan contains funds contributed from s. 1002.385.

1278 (b) A designated beneficiary may apply the benefits of a
1279 participation agreement toward the program fees of a program
1280 designed for students with disabilities conducted by a state
1281 postsecondary institution.

1282 Section 7. The Department of Education shall adopt rules to
1283 implement s. 1002.385, Florida Statutes.

1284 (1) Such rules must be effective by July 1, 2015, and must
1285 include, but need not be limited to:

1286 (a) Establishing procedures concerning the student,
1287 organization, eligible private school, eligible postsecondary
1288 educational institution, or other appropriate party to
1289 participate in the program, including approval, suspension, and
1290 termination of eligibility;

1291 (b) Establishing uniform forms for use by organizations for
1292 parents and students;

1293 (c) Approving providers pertaining to the Florida K-20
1294 Education Code;

1295 (d) Incorporating program participation in existing private
1296 school scholarship program applications, including, but not
1297 limited to, ensuring that the process for obtaining eligibility
1298 under s. 1002.385, Florida Statutes, is as administratively
1299 convenient as possible for a private school;

1300 (e) Establishing a matrix of services calculations and
1301 timelines, so that the initial and revised matrix is completed
1302 by a school district in time to be included in the completed
1303 application;

1304 (f) Establishing a deadline for an organization to provide
1305 annual notice of the ability for a parent to request an initial

576-02881-15

2015602c1

1306 or revised matrix of services, which must enable the initial or
1307 revised matrix to be included in the completed application;

1308 (g) Establishing additional records, documents, or
1309 materials a parent must collect and retain in the student's
1310 portfolio;

1311 (h) Establishing preliminary timelines and procedures that
1312 enable a parent to submit a completed application to the
1313 organization, and for the organization to review and approve the
1314 completed application; and

1315 (i) Defining terms, including, but not limited to, the
1316 terms "participating student," "new student," "eligible
1317 student," "award letter," "program funds," "associated
1318 interest," "program payments," "program expenditures," "initial
1319 program participation," "program renewal," "wait list," "timely
1320 filed application," and "late-filed application."

1321 (2) Such rules should maximize flexibility and ease of
1322 program use for the parent and student.

1323 Section 8. This act shall take effect upon becoming a law.