

1 A bill to be entitled
2 An act relating to educational options; amending s.
3 1002.385, F.S.; revising definitions for the Gardiner
4 Scholarship Program; defining the term "inactive" for
5 the purposes of the program; revising student
6 eligibility criteria; authorizing program funds to be
7 used for specified purposes and by specified entities;
8 prohibiting billing of certain entities for services
9 paid for through the program; revising private school
10 eligibility requirements; providing that consecutive
11 years of certain material exceptions constitutes
12 program ineligibility for certain private schools;
13 prohibiting certain students from receiving additional
14 scholarship payments until certain conditions are met;
15 revising funding calculations; amending s. 1002.395,
16 F.S.; revising student eligibility criteria for the
17 Florida Tax Credit Scholarship Program; requiring the
18 Department of Education to provide a letter of denial
19 to participate in the program to a specified entity
20 within a certain period; requiring the department to
21 provide a letter of acceptance or denial of specified
22 actions related to a tax credit to a specified entity
23 and include that entity on certain letters and
24 correspondence; authorizing a child of a parent who is
25 a member of the United States Armed Forces to apply

26 | for a scholarship at any time; requiring a parent to
27 | approve each payment made by funds transfer;
28 | prohibiting a parent from designating certain entities
29 | or individuals to approve a funds transfer; requiring
30 | certain private schools to submit a report by a
31 | specified date; providing that consecutive years of
32 | certain material exceptions constitutes program
33 | ineligibility for certain private schools; revising
34 | the annual limits of a scholarship awarded to certain
35 | students; authorizing payment of the scholarship to be
36 | made by funds transfer; specifying approved means of
37 | funds transfer; requiring a parent to approve a funds
38 | transfer before funds are deposited; providing an
39 | effective date.

40 |
41 | Be It Enacted by the Legislature of the State of Florida:

42 |
43 | Section 1. Paragraphs (i) and (j) of subsection (2) of
44 | section 1002.385, Florida Statutes, are redesignated as
45 | paragraphs (j) and (k), respectively, paragraphs (d) and (h) of
46 | subsection (2), paragraph (a) of subsection (3), subsection (5),
47 | paragraph (b) of subsection (6), subsection (8), paragraphs (e)
48 | and (f) of subsection (11), paragraph (j) of subsection (12),
49 | and paragraph (a) of subsection (13) are amended, and a new
50 | paragraph (i) is added to subsection (2) of that section, to

51 read:

52 1002.385 The Gardiner Scholarship.—

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

54 (d) "Disability" means, for a 3- or 4-year-old child or
55 for a student in kindergarten to grade 12, autism spectrum
56 disorder, as defined in the Diagnostic and Statistical Manual of
57 Mental Disorders, Fifth Edition, published by the American
58 Psychiatric Association; cerebral palsy, as defined in s.
59 393.063(6); Down syndrome, as defined in s. 393.063(15); an
60 intellectual disability, as defined in s. 393.063(24); Phelan-
61 McDermid syndrome, as defined in s. 393.063(28); Prader-Willi
62 syndrome, as defined in s. 393.063(29); spina bifida, as defined
63 in s. 393.063(40); being a high-risk child, as defined in s.
64 393.063(23) (a); muscular dystrophy; rare diseases which affect
65 patient populations of fewer than 200,000 individuals in the
66 United States; anaphylaxis; and Williams syndrome or
67 identification as orthopedically impaired, deaf, visually
68 impaired, dual sensory impaired, traumatic brain injured, other
69 health impaired, as defined by rules of the State Board of
70 Education and evidenced by reports from the local school
71 district, or a student who is hospital or homebound, with a
72 medically diagnosed physical or psychiatric condition or illness
73 as defined by rules of the State Board of Education, and will be
74 confined to the home or hospital for more than 6 months.

75 (h) "IEP" means individual education plan, regardless of

76 whether the plan has been reviewed or revised within the last 12
 77 months.

78 (i) "Inactive" means that no eligible expenditures have
 79 been made from an account funded pursuant to paragraph (13)(d).

80 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
 81 disability may request and receive from the state a Gardiner
 82 Scholarship for the purposes specified in subsection (5) if:

83 (a) The student:

84 1. Is a resident of this state;

85 2. Is ~~3 or 4~~ years of age or older when ~~on or before~~
 86 ~~September 1 of the year in which~~ the student applies for program
 87 participation or is eligible to enroll in kindergarten through
 88 grade 12 in a public school in this state; and

89 3. Meets one or more of the following criteria:

90 a. Has a disability as defined in paragraph (2)(d) which
 91 is documented by an IEP or by a diagnosis of a disability from a
 92 physician who is licensed under chapter 458 or chapter 459 or a
 93 psychologist who is licensed under chapter 490;

94 b. Is currently participating in the program, is 5 years
 95 of age or older, and has previously been identified as a high-
 96 risk child, as defined in s. 393.063(23)(a); or ~~and~~

97 c.4. Is the subject of an IEP written in accordance with
 98 rules of the State Board of Education or with the applicable
 99 rules of another state. However, a student with an IEP whose
 100 sole exceptionality is gifted is not eligible for the Gardiner

101 ~~Scholarship has received a diagnosis of a disability from a~~
 102 ~~physician who is licensed under chapter 458 or chapter 459 or a~~
 103 ~~psychologist who is licensed under chapter 490.~~

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

107 (a) Instructional materials, including digital devices,
 108 digital periphery devices, and assistive technology devices that
 109 allow a student to access instruction or instructional content
 110 and training on the use of and maintenance agreements for these
 111 devices.

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

113 (c) Specialized services by approved providers or a
 114 Florida hospital that are selected by the parent. These
 115 specialized services may include, but are not limited to:

116 1. Applied behavior analysis services as provided in ss.
 117 627.6686 and 641.31098.

118 2. Services provided by speech-language pathologists as
 119 defined in s. 468.1125.

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

121 4. Services provided by physical therapists as defined in
 122 s. 486.021.

123 5. Services provided by listening and spoken language
 124 specialists and an appropriate acoustical environment for a
 125 child who is deaf or hard of hearing and who has received an

126 | implant or assistive hearing device.

127 | (d) Enrollment in, or tuition or fees associated with
128 | enrollment in, a home education program, an eligible private
129 | school, an eligible postsecondary educational institution or a
130 | program offered by the institution, a private tutoring program
131 | authorized under s. 1002.43, a virtual program offered by a
132 | department-approved private online provider that meets the
133 | provider qualifications specified in s. 1002.45(2)(a), the
134 | Florida Virtual School as a private paying student, or an
135 | approved online course offered pursuant to s. 1003.499 or s.
136 | 1004.0961.

137 | (e) Fees for nationally standardized, norm-referenced
138 | achievement tests, Advanced Placement Examinations, industry
139 | certification examinations, assessments related to postsecondary
140 | education, or other assessments.

141 | (f) Contributions to the Stanley G. Tate Florida Prepaid
142 | College Program pursuant to s. 1009.98 or the Florida College
143 | Savings Program pursuant to s. 1009.981, for the benefit of the
144 | eligible student.

145 | (g) Contracted services provided by a public school or
146 | school district, including classes. A student who receives
147 | services under a contract under this paragraph is not considered
148 | enrolled in a public school for eligibility purposes as
149 | specified in subsection (4).

150 | (h) Tuition and fees for part-time tutoring services

151 provided by a person who holds a valid Florida educator's
152 certificate pursuant to s. 1012.56; a person who holds an
153 adjunct teaching certificate pursuant to s. 1012.57; or a person
154 who has demonstrated a mastery of subject area knowledge
155 pursuant to s. 1012.56(5). As used in this paragraph, the term
156 "part-time tutoring services" does not qualify as regular school
157 attendance as defined in s. 1003.01(13)(e).

158 (i) Fees for specialized summer education programs.

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

160 (k) Transition services provided by job coaches.

161 (l) Fees for an annual evaluation of educational progress
162 by a state-certified teacher under s. 1002.41(1)(c), if this
163 option is chosen for a home education student.

164 (m) Tuition and fees associated with programs offered by
165 Voluntary Prekindergarten Education Program providers approved
166 pursuant to s. 1002.55 and school readiness providers approved
167 pursuant to s. 1002.88.

168 (n) Fees for services provided at a center that is a
169 member of the Professional Association of Therapeutic
170 Horsemanship International.

171 (o) Fees for services provided by a therapist who is
172 certified by the Certification Board for Music Therapists or
173 credentialed by the Art Therapy Credentials Board.

174

175 A provider of any services receiving payments pursuant to this

176 subsection may not share, refund, or rebate any moneys from the
 177 Gardiner Scholarship with the parent or participating student in
 178 any manner. A parent, student, or provider of any services may
 179 not bill an insurance company, Medicaid, or any other agency for
 180 the same services that are paid for using Gardiner Scholarship
 181 funds.

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

184 (b)1. A student's scholarship account must be closed and
 185 any remaining funds, including, but not limited to,
 186 contributions made to the Stanley G. Tate Florida Prepaid
 187 College Program or earnings from or contributions made to the
 188 Florida College Savings Program using program funds pursuant to
 189 paragraph (5) (f), shall revert to the state after ~~upon~~:

190 a. Denial or revocation of program eligibility by the
 191 commissioner for fraud or abuse, including, but not limited to,
 192 the student or student's parent accepting any payment, refund,
 193 or rebate, in any manner, from a provider of any services
 194 received pursuant to subsection (5); ~~or~~

195 b. ~~After~~ Any period of 3 consecutive years after high
 196 school completion or graduation during which the student has not
 197 been enrolled in an eligible postsecondary educational
 198 institution or a program offered by the institution; or

199 c. Three consecutive fiscal years in which an account has
 200 been inactive.

201 2. The commissioner must notify the parent and the
 202 organization when a Gardiner Scholarship account is closed and
 203 program funds revert to the state.

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

207 (a) Comply with all requirements for private schools
 208 participating in state school choice scholarship programs
 209 pursuant to s. 1002.421.

210 (b) Provide to the organization, upon request, all
 211 documentation required for the student's participation,
 212 including the private school's and student's fee schedules.

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

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

217 2. Annually administering or making provision for students
 218 participating in the program in grades 3 through 10 to take one
 219 of the nationally norm-referenced tests identified by the
 220 Department of Education or the statewide assessments pursuant to
 221 s. 1008.22. Students with disabilities for whom standardized
 222 testing is not appropriate are exempt from this requirement. A
 223 participating private school shall report a student's scores to
 224 the parent.

225 3. Cooperating with the scholarship student whose parent

226 chooses to have the student participate in the statewide
227 assessments pursuant to s. 1008.22 or, if a private school
228 chooses to offer the statewide assessments, administering the
229 assessments at the school.

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

233 b. A participating private school shall submit a request
234 in writing to the Department of Education by March 1 of each
235 year in order to administer the statewide assessments in the
236 subsequent school year.

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

240 (e) Provide a report from ~~Annually contract with~~ an
241 independent certified public accountant who performs ~~to perform~~
242 the agreed-upon procedures developed under s. 1002.395(6)(o) ~~and~~
243 ~~produce a report of the results~~ if the private school receives
244 more than \$250,000 in funds from scholarships awarded under this
245 section in ~~the 2014-2015 state fiscal year or~~ a state fiscal
246 year ~~thereafter~~. A private school subject to this paragraph must
247 submit the report by August 15, 2017 ~~September 15, 2015~~, and
248 annually thereafter to the organization that awarded the
249 majority of the school's scholarship funds. The agreed-upon
250 procedures must be conducted in accordance with attestation

251 standards established by the American Institute of Certified
252 Public Accountants.

253
254 If ~~The inability of~~ a private school is unable to meet the
255 requirements of this subsection or has consecutive years of
256 material exceptions listed in the report required under
257 paragraph (e), the commissioner may determine that ~~constitutes a~~
258 ~~basis for the ineligibility of the private school~~ is ineligible
259 to participate in the program as determined by the commissioner.

260 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
261 PARTICIPATION.—A parent who applies for program participation
262 under this section is exercising his or her parental option to
263 determine the appropriate placement or the services that best
264 meet the needs of his or her child. The scholarship award for a
265 student is based on a matrix that assigns the student to support
266 Level III services. If a parent receives an IEP and a matrix of
267 services from the school district pursuant to subsection (7),
268 the amount of the payment shall be adjusted as needed, when the
269 school district completes the matrix.

270 (e) The parent must annually renew participation in the
271 program. Notwithstanding any changes to the student's IEP, a
272 student who was previously eligible for participation in the
273 program shall remain eligible to apply for renewal. ~~However, for~~
274 ~~a high-risk child to continue to participate in the program in~~
275 ~~the school year after he or she reaches 6 years of age, the~~

276 ~~child's application for renewal of program participation must~~
277 ~~contain documentation that the child has a disability defined in~~
278 ~~paragraph (2) (d) other than high-risk status.~~

279 (f) The parent is responsible for procuring the services
280 necessary to educate the student. If a parent does not procure
281 the necessary educational services for the student and the
282 student's account has been inactive for 2 consecutive fiscal
283 years, the student is ineligible for additional scholarship
284 payments until the scholarship funding organization verifies
285 that expenditures from the account have occurred. When the
286 student receives a Gardiner Scholarship, the district school
287 board is not obligated to provide the student with a free
288 appropriate public education. For purposes of s. 1003.57 and the
289 Individuals with Disabilities in Education Act, a participating
290 student has only those rights that apply to all other
291 unilaterally parentally placed students, except that, when
292 requested by the parent, school district personnel must develop
293 an individual education plan or matrix level of services.

294
295 A parent who fails to comply with this subsection forfeits the
296 Gardiner Scholarship.

297 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An
298 organization may establish Gardiner Scholarships for eligible
299 students by:

300 (j) Documenting each scholarship student's eligibility for

301 a fiscal year before granting a scholarship for that fiscal year
302 pursuant to paragraph (3)(b). A student is ineligible for a
303 scholarship if the student's account has been inactive for 2
304 consecutive fiscal years. However, once an eligible expenditure
305 is made pursuant to paragraph (11)(f), the student is eligible
306 for a scholarship based on available funds.

307 (13) FUNDING AND PAYMENT.—

308 (a)1. The maximum funding amount granted for an eligible
309 student with a disability, pursuant to subsection (3), shall be
310 equivalent to the base student allocation in the Florida
311 Education Finance Program multiplied by the appropriate cost
312 factor for the educational program that ~~which~~ would have been
313 provided for the student in the district school to which he or
314 she would have been assigned, multiplied by the district cost
315 differential.

316 2. In addition, an amount equivalent to a share of the
317 guaranteed allocation for exceptional students in the Florida
318 Education Finance Program shall be determined and added to the
319 amount in subparagraph 1. The calculation shall be based on the
320 methodology and the data used to calculate the guaranteed
321 allocation for exceptional students for each district in chapter
322 2000-166, Laws of Florida. Except as provided in subparagraph
323 3., the calculation shall be based on the student's grade, the
324 matrix level of services, and the difference between the 2000-
325 2001 basic program and the appropriate level of services cost

326 factor, multiplied by the 2000-2001 base student allocation and
327 the 2000-2001 district cost differential for the sending
328 district. The calculated amount must also include an amount
329 equivalent to the per-student share of supplemental academic
330 instruction funds, instructional materials funds, technology
331 funds, and other categorical funds as provided in the General
332 Appropriations Act.

333 3. Beginning with the 2017-2018 fiscal year and each
334 fiscal year thereafter, the calculation for a new student
335 entering the program shall be based on the student's matrix
336 level of services. The funding for a student without a matrix of
337 services ~~Except as otherwise provided in subsection (7), the~~
338 ~~calculation for all students participating in the program shall~~
339 be based on the matrix that assigns the student to support Level
340 III of services. If a parent chooses to request and receive a
341 matrix of services from the school district, when the school
342 district completes the matrix, the amount of the payment shall
343 be adjusted as needed.

344 Section 2. Paragraph (f) of subsection (5) of section
345 1002.395, Florida Statutes, is redesignated as paragraph (g),
346 subsection (3), paragraph (b) of subsection (5), paragraph (h)
347 of subsection (6), paragraph (f) of subsection (7), subsection
348 (8), and paragraphs (a) and (b) of subsection (12) are amended,
349 and a new paragraph (f) is added to subsection (5) of that
350 section, to read:

351 1002.395 Florida Tax Credit Scholarship Program.—

352 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

353 (a) The Florida Tax Credit Scholarship Program is
354 established.

355 ~~(b) For the 2014-2015 and 2015-2016 school years,~~
356 ~~contingent upon available funds, a student is eligible for a~~
357 ~~Florida tax credit scholarship under this section if the student~~
358 ~~meets one or more of the following criteria:~~

359 1. ~~The student qualifies for free or reduced-price school~~
360 ~~lunches under the National School Lunch Act or is on the direct~~
361 ~~certification list;~~

362 2. ~~The student is currently placed, or during the previous~~
363 ~~state fiscal year was placed, in foster care or in out-of-home~~
364 ~~care as defined in s. 39.01; or~~

365 3. ~~The student continues in the scholarship program as~~
366 ~~long as the student's household income level does not exceed 230~~
367 ~~percent of the federal poverty level.~~

368 (b)(c) ~~For the 2016-2017 school year and thereafter,~~
369 ~~contingent upon available funds,~~ A student is eligible for a
370 Florida tax credit scholarship under this section if the student
371 meets one or more of the following criteria:

372 1. The student is on the direct certification list or the
373 student's household income level does not exceed 185 percent of
374 the federal poverty level; or

375 2. The student is currently placed, or during the previous

376 state fiscal year was placed, in foster care or in out-of-home
377 care as defined in s. 39.01.

378 3. The student's household income level is greater than
379 185 percent of the federal poverty level but does not exceed 260
380 percent of the federal poverty level.

381
382 A student who initially receives a scholarship based on
383 eligibility under subparagraph (b)2. ~~or subparagraph (c)2.~~
384 remains eligible to participate until the student graduates from
385 high school or attains the age of 21 years, whichever occurs
386 first, regardless of the student's household income level. A
387 sibling of a student who is participating in the scholarship
388 program under this subsection is eligible for a scholarship if
389 the student resides in the same household as the sibling.

390 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

391 (b) A taxpayer may submit an application to the department
392 for a tax credit or credits under one or more of s. 211.0251, s.
393 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

394 1. The taxpayer shall specify in the application each tax
395 for which the taxpayer requests a credit and the applicable
396 taxable year for a credit under s. 220.1875 or s. 624.51055 or
397 the applicable state fiscal year for a credit under s. 211.0251,
398 s. 212.1831, or s. 561.1211. The department shall approve tax
399 credits on a first-come, first-served basis and must obtain the
400 division's approval before approving a tax credit under s.

401 561.1211.

402 2. Within 10 days after approving or denying an
403 application, the department shall provide a copy of its approval
404 or denial letter to the eligible nonprofit scholarship-funding
405 organization specified by the taxpayer in the application.

406 (f) Within 10 days after approving or denying an
407 application for a carryforward tax credit under paragraph (c),
408 the conveyance, transfer, or assignment of a tax credit under
409 paragraph (d), or the rescindment of a tax credit under
410 paragraph (e), the department shall provide a copy of its
411 approval or denial letter to the eligible nonprofit scholarship-
412 funding organization specified by the taxpayer. The department
413 shall also include the eligible nonprofit scholarship-funding
414 organization specified by the taxpayer on all letters or
415 correspondence of acknowledgment for tax credits under s.
416 212.1831.

417 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
418 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
419 organization:

420 (h) Must allow a student in foster care or out-of-home
421 care or a dependent child of a parent who is a member of the
422 United States Armed Forces to apply for a scholarship at any
423 time.

424
425 Information and documentation provided to the Department of

426 Education and the Auditor General relating to the identity of a
427 taxpayer that provides an eligible contribution under this
428 section shall remain confidential at all times in accordance
429 with s. 213.053.

430 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
431 PARTICIPATION.—

432 (f) Upon receipt of a scholarship warrant from the
433 eligible nonprofit scholarship-funding organization, the parent
434 to whom the warrant is made must restrictively endorse the
435 warrant to the private school for deposit into the account of
436 the private school. If payments are made by funds transfer, the
437 parent must approve each payment before the scholarship funds
438 may be deposited. The parent may not designate any entity or
439 individual associated with the participating private school as
440 the parent's attorney in fact to endorse a scholarship warrant
441 or approve a funds transfer. A participant who fails to comply
442 with this paragraph forfeits the scholarship.

443 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
444 eligible private school may be sectarian or nonsectarian and
445 must:

446 (a) Comply with all requirements for private schools
447 participating in state school choice scholarship programs
448 pursuant to s. 1002.421.

449 (b) Provide to the eligible nonprofit scholarship-funding
450 organization, upon request, all documentation required for the

451 student's participation, including the private school's and
452 student's fee schedules.

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

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

457 2. Annually administering or making provision for students
458 participating in the scholarship program in grades 3 through 10
459 to take one of the nationally norm-referenced tests identified
460 by the Department of Education or the statewide assessments
461 pursuant to s. 1008.22. Students with disabilities for whom
462 standardized testing is not appropriate are exempt from this
463 requirement. A participating private school must report a
464 student's scores to the parent. A participating private school
465 must annually report by August 15 the scores of all
466 participating students to the Learning System Institute
467 described in paragraph (9)(j).

468 3. Cooperating with the scholarship student whose parent
469 chooses to have the student participate in the statewide
470 assessments pursuant to s. 1008.22 or, if a private school
471 chooses to offer the statewide assessments, administering the
472 assessments at the school.

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

476 b. A participating private school must submit a request in
477 writing to the Department of Education by March 1 of each year
478 in order to administer the statewide assessments in the
479 subsequent school year.

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

483 (e) Provide a report from ~~Annually contract with~~ an
484 independent certified public accountant who performs ~~to perform~~
485 the agreed-upon procedures developed under paragraph (6)(o) ~~and~~
486 ~~produce a report of the results~~ if the private school receives
487 more than \$250,000 in funds from scholarships awarded under this
488 section in ~~the 2010-2011 state fiscal year or~~ a state fiscal
489 year ~~thereafter~~. A private school subject to this paragraph must
490 submit the report by August 15, 2017 ~~September 15, 2011~~, and
491 annually thereafter to the scholarship-funding organization that
492 awarded the majority of the school's scholarship funds. The
493 agreed-upon procedures must be conducted in accordance with
494 attestation standards established by the American Institute of
495 Certified Public Accountants.

496
497 If ~~The inability of~~ a private school is unable to meet the
498 requirements of this subsection or has consecutive years of
499 material exceptions listed in the report required under
500 paragraph (e), the commissioner may determine that shall

501 ~~constitute a basis for the ineligibility of the private school~~
502 is ineligible to participate in the scholarship program as
503 determined by the Department of Education.

504 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

505 (a) Except as provided in subparagraph 2., the scholarship
506 amount ~~of a scholarship~~ provided to any student for any single
507 school year by an eligible nonprofit scholarship-funding
508 organization from eligible contributions shall be for total
509 costs authorized under paragraph (6) (d), not to exceed annual
510 limits, which shall be determined as follows:

511 1.a. The base amount ~~For a scholarship~~ awarded to a
512 student enrolled in an eligible private school, ~~the limit~~ shall
513 be determined as a percentage ~~by multiplying the unweighted FTE~~
514 ~~funding amount in that state fiscal year by the percentage used~~
515 ~~to determine the limit in the prior state fiscal year. However,~~
516 ~~in each state fiscal year that the tax credit cap amount~~
517 ~~increases pursuant to paragraph (5) (a), the prior year~~
518 ~~percentage shall be increased by 4 percentage points and the~~
519 ~~increased percentage shall be used to determine the limit for~~
520 ~~that state fiscal year. If the percentage so calculated reaches~~
521 ~~80 percent in a state fiscal year, no further increase in the~~
522 ~~percentage is allowed and the limit shall be 80 percent of the~~
523 ~~unweighted FTE funding amount for that state fiscal year and~~
524 ~~thereafter. Beginning in the 2016-2017 state fiscal year, the~~
525 ~~amount of a scholarship awarded to a student enrolled in an~~

526 ~~eligible private school shall be equal to 82 percent~~ of the
527 unweighted FTE funding amount for that state fiscal year and
528 thereafter as follows:-

529 (I) Eighty-eight percent for a student enrolled in
530 kindergarten through grade 5.

531 (II) Ninety-two percent for a student enrolled in grade 6
532 through grade 8.

533 (III) Ninety-six percent for a student enrolled in grade 9
534 through grade 12.

535 b. The ~~For a~~ scholarship amount awarded to a student
536 enrolled in a Florida public school that is located outside the
537 district in which the student resides or in a lab school as
538 defined in s. 1002.32, is limited to \$750 ~~the limit shall be~~
539 ~~\$500.~~

540 ~~2. The annual limit for a scholarship under sub-~~
541 ~~subparagraph 1.a. shall be reduced by:~~

542 ~~a. Twenty-five percent if the student's household income~~
543 ~~level is equal to or greater than 200 percent, but less than 215~~
544 ~~percent, of the federal poverty level.~~

545 ~~b. Fifty percent if the student's household income level~~
546 ~~is equal to or greater than 215 percent, but equal to or less~~
547 ~~than 230 percent, of the federal poverty level.~~

548 2.3. ~~For the 2016-2017 state fiscal year and thereafter,~~
549 The annual limit for a scholarship under sub-subparagraph 1.a.
550 shall be reduced by:

551 a. Twelve percent if the student's household income level
552 is greater than or equal to 200 percent, but less than 215
553 percent, of the federal poverty level.

554 b. Twenty-six percent if the student's household income
555 level is greater than or equal to 215 percent, but less than 230
556 percent, of the federal poverty level.

557 c. Forty percent if the student's household income level
558 is greater than or equal to 230 percent, but less than 245
559 percent, of the federal poverty level.

560 d. Fifty percent if the student's household income level
561 is greater than or equal to 245 percent, but less than or equal
562 to 260 percent, of the federal poverty level.

563 (b) Payment of the scholarship by the eligible nonprofit
564 scholarship-funding organization shall be by individual warrant
565 made payable to the student's parent or by funds transfer,
566 including, but not limited to, debit cards, electronic payment
567 cards, or any other means of payment that the department deems
568 to be commercially viable or cost-effective. If the payment is
569 made by warrant ~~parent chooses that his or her child attend an~~
570 ~~eligible private school,~~ the warrant must be delivered by the
571 eligible nonprofit scholarship-funding organization to the
572 private school of the parent's choice, and the parent shall
573 restrictively endorse the warrant to the private school. An
574 eligible nonprofit scholarship-funding organization shall ensure
575 that the parent to whom the warrant is made restrictively

576 | endorsed the warrant to the private school for deposit into the
577 | account of the private school or that the parent has approved a
578 | funds transfer before any scholarship funds are deposited.

579 | Section 3. This act shall take effect July 1, 2017.