



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; providing
30 | that consecutive years of certain material exceptions
31 | constitutes program ineligibility for certain private
32 | schools; revising the annual limits of a scholarship
33 | awarded to certain students; authorizing payment of
34 | the scholarship to be made by funds transfer;
35 | specifying approved means of funds transfer; requiring
36 | a parent to approve a funds transfer before funds are
37 | deposited; providing an effective date.

38 |
39 | Be It Enacted by the Legislature of the State of Florida:
40 |

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

50 | 1002.385 The Gardiner Scholarship.—



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



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

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

81 (a) The student:

82 1. Is a resident of this state;

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

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

88 a. Has a disability as defined in paragraph (2)(d) which
89 is documented by an IEP or by a diagnosis of a disability from a
90 physician who is licensed under chapter 458 or chapter 459, a
91 psychologist who is licensed under chapter 490, or a physician
92 who holds an active license issued by another state or territory
93 of the United States or the District of Columbia;

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 annually submit the report by September 15, ~~2015,~~ and ~~annually~~
248 ~~thereafter~~ to the organization that awarded the majority of the
249 school's scholarship funds. The agreed-upon procedures must be
250 conducted in accordance with attestation standards established



251 by the American Institute of Certified Public Accountants.
252
253 If ~~The inability of~~ a private school is unable to meet the
254 requirements of this subsection or has consecutive years of
255 material exceptions listed in the report required under
256 paragraph (e), the commissioner may determine that ~~constitutes a~~
257 ~~basis for the ineligibility of~~ the private school is ineligible
258 to participate in the program as determined by the commissioner.

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

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



276 | ~~contain documentation that the child has a disability defined in~~
277 | ~~paragraph (2)(d) other than high-risk status.~~

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

293 |

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

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

299 | (j) Documenting each scholarship student's eligibility for
300 | a fiscal year before granting a scholarship for that fiscal year



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

306 | (13) FUNDING AND PAYMENT.—

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

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



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

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

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

350 1002.395 Florida Tax Credit Scholarship Program.—



351 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

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

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

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

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

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

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

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

374 2. The student is currently placed, or during the previous
375 state fiscal year was placed, in foster care or in out-of-home



376 care as defined in s. 39.01.

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

380

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

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

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

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



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

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

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

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

423
424 Information and documentation provided to the Department of
425 Education and the Auditor General relating to the identity of a



426 taxpayer that provides an eligible contribution under this
427 section shall remain confidential at all times in accordance
428 with s. 213.053.

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

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

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

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

448 (b) Provide to the eligible nonprofit scholarship-funding
449 organization, upon request, all documentation required for the
450 student's participation, including the private school's and



451 student's fee schedules.

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

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

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

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

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

475 b. A participating private school must submit a request in



476 writing to the Department of Education by March 1 of each year
477 in order to administer the statewide assessments in the
478 subsequent school year.

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

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

495
496 If ~~The inability of~~ a private school is unable to meet the
497 requirements of this subsection or has consecutive years of
498 material exceptions listed in the report required under
499 paragraph (e), the commissioner may determine that shall
500 ~~constitute a basis for the ineligibility of the private school~~



501 is ineligible to participate in the scholarship program as
502 determined by the Department of Education.

503 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

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

510 1.a. The base amount ~~For a scholarship~~ awarded to a
511 student enrolled in an eligible private school, ~~the limit~~ shall
512 be determined as a percentage ~~by multiplying the unweighted FTE~~
513 ~~funding amount in that state fiscal year by the percentage used~~
514 ~~to determine the limit in the prior state fiscal year. However,~~
515 ~~in each state fiscal year that the tax credit cap amount~~
516 ~~increases pursuant to paragraph (5) (a), the prior year~~
517 ~~percentage shall be increased by 4 percentage points and the~~
518 ~~increased percentage shall be used to determine the limit for~~
519 ~~that state fiscal year. If the percentage so calculated reaches~~
520 ~~80 percent in a state fiscal year, no further increase in the~~
521 ~~percentage is allowed and the limit shall be 80 percent of the~~
522 ~~unweighted FTE funding amount for that state fiscal year and~~
523 ~~thereafter. Beginning in the 2016-2017 state fiscal year, the~~
524 ~~amount of a scholarship awarded to a student enrolled in an~~
525 ~~eligible private school shall be equal to 82 percent of the~~



526 unweighted FTE funding amount for that state fiscal year and
527 thereafter as follows:-

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

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

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

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

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

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

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

547 ~~2.3. For the 2016-2017 state fiscal year and thereafter,~~
548 The annual limit for a scholarship under sub-subparagraph 1.a.
549 shall be reduced by:

550 a. Twelve percent if the student's household income level



551 is greater than or equal to 200 percent, but less than 215
552 percent, of the federal poverty level.

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

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

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

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



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576 | account of the private school or that the parent has approved a
577 | funds transfer before any scholarship funds are deposited.

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