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1
 2 An act relating to K-12 scholarship programs; amending
 3 s. 1002.394, F.S.; revising initial scholarship
 4 eligibility criteria for the Family Empowerment
 5 Scholarship Program; establishing a priority order for
 6 award of a scholarship that includes an adjusted
 7 maximum eligible household income level that is
 8 increased in specified circumstances; requiring the
 9 Department of Education to maintain and publish a list
 10 of nationally norm-referenced tests and to establish
 11 deadlines for lists of eligible students,
 12 applications, and notifications; requiring a private
 13 school to report scores to a state university by a
 14 specified date; requiring parents to annually renew
 15 participation in the program; requiring an eligible
 16 nonprofit scholarship-funding organization to award
 17 scholarships in priority order and implement
 18 deadlines; requiring, rather than authorizing, an
 19 annual specified increase in the maximum number of
 20 students participating in the scholarship program;
 21 amending s. 1002.395, F.S.; revising eligibility
 22 criteria for the Florida Tax Credit Scholarship
 23 Program and applying the criteria only to initial
 24 eligibility; requiring that priority be given to
 25 students whose household income levels do not exceed a

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26 specified amount or who are in foster care or out-of-
 27 home care; requiring scholarship-funding organizations
 28 to prioritize renewal scholarships over initial
 29 scholarships; requiring a scholarship-funding
 30 organization to refer students who did not receive a
 31 scholarship because of lack of funds to another
 32 scholarship-funding organization; amending s. 1002.40,
 33 F.S.; requiring scholarship-funding organizations to
 34 use excess contributions to fund scholarships for
 35 specified students under certain conditions; amending
 36 s. 1011.62, F.S.; revising funding calculations for
 37 certain student memberships; providing an effective
 38 date.

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

41
 42 Section 1. Present paragraphs (b), (c), and (d) of
 43 subsection (10) of section 1002.394, Florida Statutes, are
 44 redesignated as paragraphs (c), (d), and (e), respectively,
 45 paragraph (i) of subsection (9) and a new paragraph (b) of
 46 subsection (10) are added to that section, and subsections (3)
 47 and (7), paragraph (c) of subsection (8), and paragraph (a) of
 48 subsection (11) of that section are amended, to read:

49 1002.394 The Family Empowerment Scholarship Program.—
 50 (3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible

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51 for a Family Empowerment Scholarship under this section if the
 52 student meets the following criteria:

53 (a)1. The student is on the direct certification list
 54 pursuant to s. 1002.395(2)(c) or the student's household income
 55 level does not exceed 185 ~~300~~ percent of the federal poverty
 56 level; ~~or~~

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

60 3. The student's household income level does not exceed
 61 300 percent of the federal poverty level or an adjusted maximum
 62 percent of the federal poverty level as established pursuant to
 63 paragraph (e).

64
 65 ~~Priority shall be given to students whose household income~~
 66 ~~levels do not exceed 185 percent of the federal poverty level or~~
 67 ~~who are in foster care or out-of-home care.~~ A student who
 68 initially receives a scholarship based on eligibility under
 69 subparagraph 2. remains eligible to participate until the
 70 student graduates from high school or attains the age of 21
 71 years, whichever occurs first, regardless of the student's
 72 household income level. A sibling of a student who is
 73 participating in the scholarship program under this subsection
 74 is eligible for a scholarship if the student resides in the same
 75 household as the sibling.

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76 (b)1. The student is eligible to enroll in kindergarten;

77 2. The student ~~or~~ has spent the prior school year in
78 attendance at a Florida public school; or

79 3. Beginning with the 2020-2021 school year, the student
80 received a scholarship pursuant to s. 1002.395 during the
81 previous school year but did not receive a renewal scholarship
82 based solely on the eligible nonprofit scholarship-funding
83 organization's lack of available funds after the organization
84 fully exhausts its efforts to use funds available for awards
85 under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit
86 scholarship-funding organizations with students who meet the
87 eligibility criterion of this subparagraph must annually notify
88 the department in a format and by a date established by the
89 department.

90
91 For purposes of this paragraph, the term "prior school year in
92 attendance" means that the student was enrolled full time and
93 reported by a school district for funding during the preceding
94 October and February Florida Education Finance Program surveys
95 in kindergarten through grade 12, which includes time spent in a
96 Department of Juvenile Justice commitment program if funded
97 under the Florida Education Finance Program. However, a
98 dependent child of a member of the United States Armed Forces
99 who transfers to a school in this state from out of state or
100 from a foreign country due to a parent's permanent change of

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101 station orders or a foster child is exempt from the prior public
102 school attendance requirement under this paragraph, but must
103 meet the other eligibility requirements specified under this
104 section to participate in the program.

105 (c) The parent has obtained acceptance for admission of
106 the student to a private school that is eligible for the program
107 under subsection (8), and the parent has requested a scholarship
108 from the Department of Education by a date established by the
109 department pursuant to paragraph (7)(e), but no later than at
110 least 60 days before the date of the first scholarship payment.
111 The request must be communicated directly to the department in a
112 manner that creates a written or electronic record of the
113 request and the date of receipt of the request. The department
114 must notify the school district of the parent's intent upon
115 receipt of the parent's request.

116 (d) The student is awarded a scholarship in accordance
117 with the following priority order:

118 1. An eligible student who received a Family Empowerment
119 Scholarship during the previous school year and requested a
120 renewal scholarship award.

121 2. An eligible student who meets the criteria for an
122 initial award under both paragraph (a) and subparagraph (b)3.

123 3. An eligible student who meets the criteria for an
124 initial award under subparagraph (b)2. and either subparagraph
125 (a)1. or subparagraph (a)2.

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126 4. An eligible student who meets the criteria for an
127 initial award under subparagraph (b)1. and either subparagraph
128 (a)1. or subparagraph (a)2.

129 5. An eligible student who meets the criteria for an
130 initial award under subparagraph (a)3. and, in priority order,
131 either subparagraph (b)2. or subparagraph (b)1.

132 (e) The student's household income level does not exceed
133 an adjusted maximum percent of the federal poverty level that is
134 increased by 25 percent in the fiscal year following any fiscal
135 year in which more than 5 percent of the available scholarships
136 authorized under subsection (11) have not been awarded.

137 (7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
138 shall:

139 (a) Publish and update, as necessary, information on the
140 department website about the Family Empowerment Scholarship
141 Program, including, but not limited to, student eligibility
142 criteria, parental responsibilities, and relevant data.

143 (b) Cross-check the list of participating scholarship
144 students with the public school enrollment lists before each
145 scholarship payment to avoid duplication.

146 (c) Maintain and publish a list of nationally norm-
147 referenced tests identified for purposes of satisfying the
148 testing requirement in subparagraph (8)(c)1. The tests must meet
149 industry standards of quality in accordance with state board
150 rule.

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151 (d) Notify eligible nonprofit scholarship-funding
 152 organizations of the deadlines for submitting the verified list
 153 of students determined to be eligible for an initial or renewal
 154 scholarship.

155 (e) Establish deadlines for the receipt of initial
 156 applications and renewal notifications in order to implement the
 157 priority order for scholarship awards pursuant to paragraph
 158 (3) (d).

159 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
 160 eligible to participate in the Family Empowerment Scholarship
 161 Program, a private school may be sectarian or nonsectarian and
 162 must:

163 (c)1. Annually administer or make provision for students
 164 participating in the program in grades 3 through 10 to take one
 165 of the nationally norm-referenced tests that are identified by
 166 the department pursuant to paragraph (7) (c) or to take the
 167 statewide assessments pursuant to s. 1008.22. Students with
 168 disabilities for whom standardized testing is not appropriate
 169 are exempt from this requirement. A participating private school
 170 shall report a student's scores to his or her parent. By August
 171 15 of each year, a participating private school must report the
 172 scores of all participating students to a state university as
 173 described in s. 1002.395(9) (f).

174 2. Administer the statewide assessments pursuant to s.
 175 1008.22 if the private school chooses to offer the statewide

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176 assessments. A participating private school may choose to offer
 177 and administer the statewide assessments to all students who
 178 attend the private school in grades 3 through 10 and must submit
 179 a request in writing to the department by March 1 of each year
 180 in order to administer the statewide assessments in the
 181 subsequent school year.

182
 183 If a private school fails to meet the requirements of this
 184 subsection or s. 1002.421, the commissioner may determine that
 185 the private school is ineligible to participate in the
 186 scholarship program.

187 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 188 PARTICIPATION.—A parent who applies for a Family Empowerment
 189 Scholarship is exercising his or her parental option to place
 190 his or her child in a private school.

191 (i) The parent must annually renew participation in the
 192 program by the date established by the department pursuant to
 193 paragraph (7) (e).

194 (10) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
 195 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 196 organization:

197 (b) Shall award initial and renewal scholarships in
 198 priority order pursuant to paragraph (3) (d). The eligible
 199 nonprofit scholarship-funding organization shall implement the
 200 deadlines established by the department pursuant to paragraphs

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201 (7) (d) and (e).

202 (11) SCHOLARSHIP FUNDING AND PAYMENT.—

203 (a) The scholarship is established for up to 18,000
 204 students annually ~~on a first-come, first-served basis~~ beginning
 205 in ~~with~~ the 2019-2020 school year. Beginning in the 2020-2021
 206 school year, the maximum number of students participating in the
 207 scholarship program under this section shall ~~may~~ annually
 208 increase by 1.0 ~~0.25~~ percent of the state's total public school
 209 student enrollment.

210 Section 2. Subsection (3) and paragraphs (e) and (f) of
 211 subsection (6) of section 1002.395, Florida Statutes, are
 212 amended to read:

213 1002.395 Florida Tax Credit Scholarship Program.—

214 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

215 (a) The Florida Tax Credit Scholarship Program is
 216 established.

217 (b) A student is eligible for a Florida tax credit
 218 scholarship under this section if the student meets one or more
 219 of the following criteria:

220 1. The student is on the direct certification list or the
 221 student's household income level does not exceed 260 ~~185~~ percent
 222 of the federal poverty level; or

223 2. The student is currently placed, or during the previous
 224 state fiscal year was placed, in foster care or in out-of-home
 225 care as defined in s. 39.01.

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226 ~~3. The student's household income level is greater than~~
 227 ~~185 percent of the federal poverty level but does not exceed 260~~
 228 ~~percent of the federal poverty level.~~

229
 230 Priority must be given to a student whose household income level
 231 does not exceed 185 percent of the federal poverty level or who
 232 is in foster care or out-of-home care. A student who initially
 233 receives a scholarship based on eligibility under this paragraph
 234 ~~subparagraph (b)2.~~ remains eligible to participate until he or
 235 she ~~the student~~ graduates from high school or attains the age of
 236 21 years, whichever occurs first, regardless of the student's
 237 household income level. ~~A student who initially received a~~
 238 ~~scholarship based on income eligibility before the 2019-2020~~
 239 ~~school year remains eligible to participate until he or she~~
 240 ~~graduates from high school, attains the age of 21 years, or the~~
 241 ~~student's household income level exceeds 260 percent of the~~
 242 ~~federal poverty level, whichever occurs first.~~ A sibling of a
 243 student who is participating in the scholarship program under
 244 this subsection is eligible for a scholarship if the student
 245 resides in the same household as the sibling.

246 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 247 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 248 organization:

249 (e) Must give first priority to eligible renewal students
 250 who received a scholarship from an eligible nonprofit

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251 scholarship-funding organization or from the State of Florida
252 during the previous school year. The eligible nonprofit
253 scholarship-funding organization must fully apply and exhaust
254 all funds available under this section and s. 1002.40(11)(i) for
255 renewal scholarship awards before awarding any initial
256 scholarships. ~~Beginning in the 2016-2017 school year, an~~
257 ~~eligible nonprofit scholarship-funding organization shall give~~
258 ~~priority to new applicants whose household income levels do not~~
259 ~~exceed 185 percent of the federal poverty level or who are in~~
260 ~~foster care or out-of-home care.~~

261 (f) Must provide a renewal or initial scholarship to an
262 eligible student on a first-come, first-served basis unless the
263 student qualifies for priority pursuant to paragraph (e). Each
264 eligible nonprofit scholarship-funding organization must refer
265 any student eligible for a scholarship pursuant to this section
266 who did not receive a renewal or initial scholarship based
267 solely on the lack of available funds under this section and s.
268 1002.40(11)(i) to another eligible nonprofit scholarship-funding
269 organization that may have funds available.

270
271 Information and documentation provided to the Department of
272 Education and the Auditor General relating to the identity of a
273 taxpayer that provides an eligible contribution under this
274 section shall remain confidential at all times in accordance
275 with s. 213.053.

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276 Section 3. Paragraph (i) of subsection (11) of section
 277 1002.40, Florida Statutes, is amended to read:
 278 1002.40 The Hope Scholarship Program.—
 279 (11) FUNDING AND PAYMENT.—
 280 (i) Notwithstanding s. 1002.395(6)(j)2., no more than 5
 281 percent of net eligible contributions may be carried forward to
 282 the following state fiscal year by an eligible scholarship-
 283 funding organization. For audit purposes, all amounts carried
 284 forward must be specifically identified for individual students
 285 by student name and by the name of the school to which the
 286 student is admitted, subject to the requirements of ss. 1002.21
 287 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and
 288 regulations issued pursuant to such requirements. Any amounts
 289 carried forward shall be expended for annual scholarships or
 290 partial-year scholarships in the following state fiscal year.
 291 Net eligible contributions remaining on June 30 of each year
 292 which are in excess of the 5 percent that may be carried forward
 293 shall be transferred to other eligible nonprofit scholarship-
 294 funding organizations participating in the Hope Scholarship
 295 Program to provide scholarships for eligible students. All
 296 transferred funds must be deposited by each eligible nonprofit
 297 scholarship-funding organization receiving such funds into the
 298 scholarship account of eligible students. All transferred
 299 amounts received by an eligible nonprofit scholarship-funding
 300 organization must be separately disclosed in the annual

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301 financial audit requirement under s. 1002.395(6)(m). If no other
 302 eligible nonprofit scholarship-funding organization participates
 303 in the Hope Scholarship Program, net eligible contributions in
 304 excess of the 5 percent may be used to fund scholarships for
 305 students eligible under s. 1002.395 only after fully exhausting
 306 all contributions made in support of scholarships under that
 307 section in accordance with the priority established in s.
 308 1002.395(6)(e) prior to awarding any initial scholarships ~~s.~~
 309 ~~1002.395(3).~~

310 Section 4. Paragraph (i) of subsection (1) of section
 311 1011.62, Florida Statutes, is amended to read:

312 1011.62 Funds for operation of schools.—If the annual
 313 allocation from the Florida Education Finance Program to each
 314 district for operation of schools is not determined in the
 315 annual appropriations act or the substantive bill implementing
 316 the annual appropriations act, it shall be determined as
 317 follows:

318 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 319 OPERATION.—The following procedure shall be followed in
 320 determining the annual allocation to each district for
 321 operation:

322 (i) *Calculation of full-time equivalent membership with*
 323 *respect to dual enrollment instruction.—*

324 1. Full-time equivalent students.—Students enrolled in
 325 dual enrollment instruction pursuant to s. 1007.271 may be

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326 | included in calculations of full-time equivalent student
327 | memberships for basic programs for grades 9 through 12 by a
328 | district school board. Instructional time for dual enrollment
329 | may vary from 900 hours; however, the full-time equivalent
330 | student membership value shall be subject to the provisions in
331 | s. 1011.61(4). Dual enrollment full-time equivalent student
332 | membership shall be calculated in an amount equal to the hours
333 | of instruction that would be necessary to earn the full-time
334 | equivalent student membership for an equivalent course if it
335 | were taught in the school district. Students in dual enrollment
336 | courses may also be calculated as the proportional shares of
337 | full-time equivalent enrollments they generate for a Florida
338 | College System institution or university conducting the dual
339 | enrollment instruction. Early admission students shall be
340 | considered dual enrollments for funding purposes. Students may
341 | be enrolled in dual enrollment instruction provided by an
342 | eligible independent college or university and may be included
343 | in calculations of full-time equivalent student memberships for
344 | basic programs for grades 9 through 12 by a district school
345 | board. However, those provisions of law which exempt dual
346 | enrolled and early admission students from payment of
347 | instructional materials and tuition and fees, including
348 | laboratory fees, shall not apply to students who select the
349 | option of enrolling in an eligible independent institution. An
350 | independent college or university, which is not for profit, is

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351 accredited by a regional or national accrediting agency
352 recognized by the United States Department of Education, and
353 confers degrees as defined in s. 1005.02 shall be eligible for
354 inclusion in the dual enrollment or early admission program.
355 Students enrolled in dual enrollment instruction shall be exempt
356 from the payment of tuition and fees, including laboratory fees.
357 No student enrolled in college credit mathematics or English
358 dual enrollment instruction shall be funded as a dual enrollment
359 unless the student has successfully completed the relevant
360 section of the entry-level examination required pursuant to s.
361 1008.30.

362 2. Additional full-time equivalent student membership.—For
363 students enrolled in an early college program pursuant to s.
364 1007.273, a value of 0.16 full-time equivalent student
365 membership shall be calculated for each student who completes a
366 general education core course through the dual enrollment
367 program with a grade of "A" or better. For students who are not
368 enrolled in an early college program, a value of 0.08 full-time
369 equivalent student membership shall be calculated for each
370 student who completes a general education core course through
371 the dual enrollment program with a grade of "A." In addition, a
372 value of 0.3 full-time equivalent student membership shall be
373 calculated for any student who receives an associate degree
374 through the dual enrollment program with a 3.0 grade point
375 average or better. This value shall be added to the total full-

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376 time equivalent student membership in basic programs for grades
 377 9 through 12 in the subsequent fiscal year. This section shall
 378 be effective for credit earned by dually enrolled students for
 379 courses taken in the 2020-2021 school year and each school year
 380 thereafter. If the associate degree described in this paragraph
 381 is earned in 2020-2021 following completion of courses taken in
 382 the 2020-2021 school year, then courses taken toward the degree
 383 as part of the dual enrollment program before 2020-2021 may not
 384 preclude eligibility for the 0.3 additional full-time equivalent
 385 student membership bonus. Each school district shall allocate at
 386 least 50 percent of the funds received from the dual enrollment
 387 bonus FTE funding, in accordance with this paragraph, to the
 388 schools that generated the funds to support student academic
 389 guidance and postsecondary readiness.

390 3. Qualifying courses.—For the purposes of this paragraph,
 391 general education core courses are those that are identified in
 392 rule by the State Board of Education and in regulation by the
 393 Board of Governors pursuant to s. 1007.25(3).

394 Section 5. This act shall take effect July 1, 2020.