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LEGISLATIVE ACTION

Senate

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House

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Senator Diaz moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(2) DUTIES.—The Auditor General shall:

(1) At least once every 3 years, ~~Annually~~ conduct  
operational audits of the accounts and records of eligible  
nonprofit scholarship-funding organizations receiving eligible



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12 contributions under s. 1002.395, including any contracts for  
13 services with related entities, to determine compliance with the  
14 provisions of that section. Such audits shall include, but not  
15 be limited to, a determination of the eligible nonprofit  
16 scholarship-funding organization's compliance with s.  
17 1002.395(6)(j). The Auditor General shall provide its report on  
18 the results of the audits to the Governor, the President of the  
19 Senate, the Speaker of the House of Representatives, the Chief  
20 Financial Officer, and the Legislative Auditing Committee,  
21 within 30 days of completion of the audit.

22  
23 The Auditor General shall perform his or her duties  
24 independently but under the general policies established by the  
25 Legislative Auditing Committee. This subsection does not limit  
26 the Auditor General's discretionary authority to conduct other  
27 audits or engagements of governmental entities as authorized in  
28 subsection (3).

29 Section 2. Section 1002.385, Florida Statutes, is repealed.

30 Section 3. Subsection (10) of section 1002.39, Florida  
31 Statutes, is amended, and subsection (14) is added to that  
32 section, to read:

33 1002.39 The John M. McKay Scholarships for Students with  
34 Disabilities Program.—There is established a program that is  
35 separate and distinct from the Opportunity Scholarship Program  
36 and is named the John M. McKay Scholarships for Students with  
37 Disabilities Program.

38 (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

39 (a) ~~1~~ The maximum scholarship granted for an eligible  
40 student with disabilities shall be calculated in accordance with



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41 ~~s. 1002.394(12)(b) equivalent to the base student allocation in~~  
42 ~~the Florida Education Finance Program multiplied by the~~  
43 ~~appropriate cost factor for the educational program that would~~  
44 ~~have been provided for the student in the district school to~~  
45 ~~which he or she was assigned, multiplied by the district cost~~  
46 ~~differential.~~

47 ~~2. In addition, a share of the guaranteed allocation for~~  
48 ~~exceptional students shall be determined and added to the amount~~  
49 ~~in subparagraph 1. The calculation shall be based on the~~  
50 ~~methodology and the data used to calculate the guaranteed~~  
51 ~~allocation for exceptional students for each district in chapter~~  
52 ~~2000-166, Laws of Florida. Except as provided in subparagraphs~~  
53 ~~3. and 4., the calculation shall be based on the student's~~  
54 ~~grade, matrix level of services, and the difference between the~~  
55 ~~2000-2001 basic program and the appropriate level of services~~  
56 ~~cost factor, multiplied by the 2000-2001 base student allocation~~  
57 ~~and the 2000-2001 district cost differential for the sending~~  
58 ~~district. The calculated amount shall include the per-student~~  
59 ~~share of supplemental academic instruction funds, instructional~~  
60 ~~materials funds, technology funds, and other categorical funds~~  
61 ~~as provided in the General Appropriations Act.~~

62 ~~3. The scholarship amount for a student who is eligible~~  
63 ~~under sub-subparagraph (2)(a)2.b. shall be calculated as~~  
64 ~~provided in subparagraphs 1. and 2. However, the calculation~~  
65 ~~shall be based on the school district in which the parent~~  
66 ~~resides at the time of the scholarship request.~~

67 ~~4. Until the school district completes the matrix required~~  
68 ~~by paragraph (5)(b), the calculation shall be based on the~~  
69 ~~matrix that assigns the student to support Level I of service as~~



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70 ~~it existed prior to the 2000-2001 school year. When the school~~  
71 ~~district completes the matrix, the amount of the payment shall~~  
72 ~~be adjusted as needed.~~

73 ~~5. The scholarship amount for a student eligible under s.~~  
74 ~~504 of the Rehabilitation Act of 1973 shall be based on the~~  
75 ~~program cost factor the student currently generates through the~~  
76 ~~Florida Education Finance Program.~~

77 ~~6. The scholarship amount granted for an eligible student~~  
78 ~~with disabilities is not subject to the maximum value for~~  
79 ~~funding a student under s. 1011.61(4).~~

80 (b) The amount of the John M. McKay Scholarship shall be  
81 the calculated amount or the amount of the private school's  
82 tuition and fees, whichever is less. The amount of any  
83 assessment fee required by the participating private school may  
84 be paid from the total amount of the scholarship.

85 (c)1. The school district shall report all students who are  
86 attending a private school under this program. The students with  
87 disabilities attending private schools on ~~John M. McKay~~  
88 scholarships shall be reported separately from other students  
89 reported for purposes of the Florida Education Finance Program.

90 ~~2. For program participants who are eligible under sub-~~  
91 ~~subparagraph (2)(a)2.b., the school district that is used as the~~  
92 ~~basis for the calculation of the scholarship amount as provided~~  
93 ~~in subparagraph (a)3. shall:~~

94 ~~a. Report to the department all such students who are~~  
95 ~~attending a private school under this program.~~

96 2.b. The school district shall be held harmless for such  
97 students from the weighted enrollment ceiling for group 2  
98 programs in s. 1011.62(1)(d)3.b. during the first school year in



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99 which the students are reported.

100 (d) Following notification on July 1, September 1, December  
101 1, or February 1 of the number of program participants, the  
102 department shall transfer, from General Revenue funds only, the  
103 amount calculated under paragraph (a) ~~(b)~~ from the school  
104 district's total funding entitlement under the Florida Education  
105 Finance Program and from authorized categorical accounts to a  
106 separate account for the scholarship program for quarterly  
107 disbursement to the parents of participating students. Funds may  
108 not be transferred from any funding provided to the Florida  
109 School for the Deaf and the Blind for program participants who  
110 are eligible under sub-subparagraph (2)(a)2.b. For a student  
111 exiting a Department of Juvenile Justice commitment program who  
112 chooses to participate in the scholarship program, the amount of  
113 the ~~John M. McKay~~ scholarship calculated pursuant to paragraph  
114 (a) ~~(b)~~ shall be transferred from the school district in which  
115 the student last attended a public school before commitment to  
116 the Department of Juvenile Justice. When a student enters the  
117 scholarship program, the department must receive all  
118 documentation required for the student's participation,  
119 including the private school's and the student's fee schedules,  
120 at least 30 days before the first quarterly scholarship payment  
121 is made for the student.

122 (e) Upon notification by the department that it has  
123 received the documentation required under paragraph (d), the  
124 Chief Financial Officer shall make scholarship payments in four  
125 equal amounts no later than September 1, November 1, February 1,  
126 and April 1 of each academic year in which the scholarship is in  
127 force. The initial payment shall be made after department



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128 verification of admission acceptance, and subsequent payments  
129 shall be made upon verification of continued enrollment and  
130 attendance at the private school. Payment must be made by  
131 individual warrant made payable to the student's parent and  
132 mailed by the department to the private school of the parent's  
133 choice, and the parent shall restrictively endorse the warrant  
134 to the private school for deposit into the account of the  
135 private school.

136 (f) Subsequent to each scholarship payment, the department  
137 shall request from the Department of Financial Services a sample  
138 of endorsed warrants to review and confirm compliance with  
139 endorsement requirements.

140 (14) REPEAL.—This section is repealed July 1, 2022.

141 Section 4. Section 1002.394, Florida Statutes, is amended  
142 to read:

143 1002.394 The Family Empowerment Scholarship Program.—

144 (1) PURPOSE.—The Family Empowerment Scholarship Program is  
145 established to provide children of families in this state which  
146 have limited financial resources with educational options to  
147 achieve success in their education.

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

149 (a) "Approved provider" means a provider approved by the  
150 Agency for Persons with Disabilities, a health care practitioner  
151 as defined in s. 456.001, or a provider approved by the  
152 department pursuant to s. 1002.66.

153 (b) "Curriculum" means a complete course of study for a  
154 particular content area or grade level, including any required  
155 supplemental materials and associated online instruction.

156 (c) ~~(a)~~ "Department" means the Department of Education.



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157       (d) "Disability" means, for a 3- or 4-year-old child or for  
158 a student in kindergarten to grade 12, autism spectrum disorder,  
159 as defined in the Diagnostic and Statistical Manual of Mental  
160 Disorders, Fifth Edition, published by the American Psychiatric  
161 Association; cerebral palsy, as defined in s. 393.063; Down  
162 syndrome, as defined in s. 393.063; an intellectual disability,  
163 as defined in s. 393.063; a speech impairment; a language  
164 impairment; an orthopedic impairment; any other health  
165 impairment; an emotional or a behavioral disability; a specific  
166 learning disability, including, but not limited to, dyslexia,  
167 dyscalculia, or developmental aphasia; Phelan-McDermid syndrome,  
168 as defined in s. 393.063; Prader-Willi syndrome, as defined in  
169 s. 393.063; spina bifida, as defined in s. 393.063; being a  
170 high-risk child, as defined in s. 393.063(23) (a); muscular  
171 dystrophy; Williams syndrome; rare diseases which affect patient  
172 populations of fewer than 200,000 individuals in the United  
173 States, as defined by the National Organization for Rare  
174 Disorders; anaphylaxis; a hearing impairment, including  
175 deafness; a visual impairment, including blindness; traumatic  
176 brain injury; hospital or homebound; or identification as dual  
177 sensory impaired, as defined by rules of the State Board of  
178 Education and evidenced by reports from local school districts.  
179 The term "hospital or homebound" includes a student who has a  
180 medically diagnosed physical or psychiatric condition or  
181 illness, as defined by the state board in rule, and who is  
182 confined to the home or hospital for more than 6 months.

183       (e) ~~(b)~~ "Eligible nonprofit scholarship-funding  
184 organization" or "organization" has the same meaning as provided  
185 in s. 1002.395(2) (f).



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186 (f) "Eligible postsecondary educational institution" means  
187 a Florida College System institution; a state university; a  
188 school district technical center; a school district adult  
189 general education center; an independent college or university  
190 that is eligible to participate in the William L. Boyd, IV,  
191 Effective Access to Student Education Grant Program under s.  
192 1009.89; or an accredited independent postsecondary educational  
193 institution, as defined in s. 1005.02, which is licensed to  
194 operate in this state under part III of chapter 1005.

195 (g)(e) "Eligible private school" has the same meaning as  
196 provided in s. 1002.395(2) (g).

197 (h) "IEP" means an individual education plan, regardless of  
198 whether the plan has been reviewed or revised within the last 12  
199 months.

200 (i) "Inactive" means that no eligible expenditures have  
201 been made from an account funded pursuant to paragraph (12) (b).

202 (j) "Job coach" means an individual employed to help people  
203 with disabilities learn, accommodate to, and perform their work  
204 duties.

205 (k)(d) "Parent" means a resident of this state who is a  
206 parent, as defined in s. 1000.21.

207 (l)(e) "Program" means the Family Empowerment Scholarship  
208 Program.

209 ~~(3) INITIAL SCHOLARSHIP ELIGIBILITY. A student is eligible~~  
210 ~~for a Family Empowerment Scholarship under this section if the~~  
211 ~~student meets the following criteria:~~

212 (a) A parent of a student may request and receive from the  
213 state a scholarship for the purposes specified in paragraph

214 (4) (a) if:





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215 1. The student is on the direct certification list pursuant  
216 to s. 1002.395(2)(c) or the student's household income level  
217 does not exceed 185 percent of the federal poverty level;

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

221 3. The student's household income level does not exceed 375  
222 ~~300~~ percent of the federal poverty level or an adjusted maximum  
223 percent of the federal poverty level that is increased by 25  
224 percentage points in the fiscal year following any fiscal year  
225 in which more than 5 percent of the available scholarships  
226 authorized under paragraph (12)(a) have not been funded;

227 4. The student is a sibling of a student who is  
228 participating in the scholarship program under this subsection  
229 and such siblings reside in the same household; or

230 5. The student is a dependent child of a member of the  
231 United States Armed Forces.

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



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244           (b) A parent of a student with a disability may request and  
245 receive from the state a scholarship for the purposes specified  
246 in paragraph (4)(b) if the student:

247           1. Is a resident of this state;

248           2. Is 3 or 4 years of age on or before September 1 of the  
249 year in which the student applies for program participation, or  
250 is eligible to enroll in kindergarten through grade 12 in a  
251 public school in this state;

252           3. Has a disability as defined in subsection (2); and

253           4. Is the subject of an IEP written in accordance with  
254 rules of the State Board of Education or with the applicable  
255 rules of another state or has received a diagnosis of a  
256 disability from a physician who is licensed under chapter 458 or  
257 chapter 459, a psychologist who is licensed under chapter 490,  
258 or a physician who holds an active license issued by another  
259 state or territory of the United States, the District of  
260 Columbia, or the Commonwealth of Puerto Rico.

261           (c) An approved student who does not receive a scholarship  
262 must be placed on the wait list in the order in which the  
263 student is approved. An eligible student who does not receive a  
264 scholarship within the fiscal year must be retained on the wait  
265 list for the subsequent year.

266           ~~1. The student is eligible to enroll in kindergarten;~~

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

269           ~~3. Beginning with the 2020-2021 school year, the student~~  
270 ~~received a scholarship pursuant to s. 1002.395 during the~~  
271 ~~previous school year but did not receive a renewal scholarship~~  
272 ~~based solely on the eligible nonprofit scholarship funding~~



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273 ~~organization's lack of available funds after the organization~~  
274 ~~fully exhausts its efforts to use funds available for awards~~  
275 ~~under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit~~  
276 ~~scholarship funding organizations with students who meet the~~  
277 ~~eligibility criterion of this subparagraph must annually notify~~  
278 ~~the department in a format and by a date established by the~~  
279 ~~department.~~

280  
281 ~~For purposes of this paragraph, the term "prior school year in~~  
282 ~~attendance" means that the student was enrolled full time and~~  
283 ~~reported by a school district for funding during the preceding~~  
284 ~~October and February Florida Education Finance Program surveys~~  
285 ~~in kindergarten through grade 12, which includes time spent in a~~  
286 ~~Department of Juvenile Justice commitment program if funded~~  
287 ~~under the Florida Education Finance Program. However, a~~  
288 ~~dependent child of a member of the United States Armed Forces~~  
289 ~~who transfers to a school in this state from out of state or~~  
290 ~~from a foreign country due to a parent's permanent change of~~  
291 ~~station orders or a foster child is exempt from the prior public~~  
292 ~~school attendance requirement under this paragraph, but must~~  
293 ~~meet the other eligibility requirements specified under this~~  
294 ~~section to participate in the program.~~

295 ~~(c) The parent has obtained acceptance for admission of the~~  
296 ~~student to a private school that is eligible for the program~~  
297 ~~under subsection (8), and the parent has requested a scholarship~~  
298 ~~from the Department of Education by a date established by the~~  
299 ~~department pursuant to paragraph (7)(c), but no later than at~~  
300 ~~least 60 days before the date of the first scholarship payment.~~  
301 ~~The request must be communicated directly to the department in a~~



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302 ~~manner that creates a written or electronic record of the~~  
303 ~~request and the date of receipt of the request. The department~~  
304 ~~must notify the school district of the parent's intent upon~~  
305 ~~receipt of the parent's request.~~

306 ~~(d) The student is awarded a scholarship in accordance with~~  
307 ~~the following priority order:~~

308 ~~1. An eligible student who received a Family Empowerment~~  
309 ~~Scholarship during the previous school year and requested a~~  
310 ~~renewal scholarship award.~~

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

313 ~~3. An eligible student who meets the criteria for an~~  
314 ~~initial award under subparagraph (b)2. and either subparagraph~~  
315 ~~(a)1. or subparagraph (a)2.~~

316 ~~4. An eligible student who meets the criteria for an~~  
317 ~~initial award under subparagraph (b)1. and either subparagraph~~  
318 ~~(a)1. or subparagraph (a)2.~~

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

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

327 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

328 (a) Program funds awarded to a student determined eligible  
329 pursuant to paragraph (3) (a) may be used for:

330 1. Tuition and fees at an eligible private school; or



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331           2. Transportation to a Florida public school in which a  
332 student is enrolled and which is different from the school to  
333 which the student was assigned or to a lab school as defined in  
334 s. 1002.32 if the student is determined eligible pursuant to  
335 subparagraph (3) (a)1. or 2.

336           (b) Program funds awarded to a student with a disability  
337 determined eligible pursuant to paragraph (3) (b) may be used for  
338 the following purposes:

339           1. Instructional materials, including digital devices,  
340 digital periphery devices, and assistive technology devices that  
341 allow a student to access instruction or instructional content  
342 and training on the use of and maintenance agreements for these  
343 devices.

344           2. Curriculum as defined in subsection (2).

345           3. Specialized services by approved providers or by a  
346 hospital in this state which are selected by the parent. These  
347 specialized services may include, but are not limited to:

348           a. Applied behavior analysis services as provided in ss.  
349 627.6686 and 641.31098.

350           b. Services provided by speech-language pathologists as  
351 defined in s. 468.1125(8).

352           c. Occupational therapy services as defined in s. 468.203.

353           d. Services provided by physical therapists as defined in  
354 s. 486.021(8).

355           e. Services provided by listening and spoken language  
356 specialists and an appropriate acoustical environment for a  
357 child who has a hearing impairment, including deafness, and who  
358 has received an implant or assistive hearing device.

359           4. Tuition or fees associated with full-time or part-time



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360 enrollment in a home education program, an eligible private  
361 school, an eligible postsecondary educational institution or a  
362 program offered by the postsecondary educational institution, a  
363 private tutoring program authorized under s. 1002.43, a virtual  
364 program offered by a department-approved private online provider  
365 that meets the provider qualifications specified in s.  
366 1002.45(2)(a), the Florida Virtual School as a private paying  
367 student, or an approved online course offered pursuant to s.  
368 1003.499 or s. 1004.0961.

369 5. Fees for nationally standardized, norm-referenced  
370 achievement tests, Advanced Placement Examinations, industry  
371 certification examinations, assessments related to postsecondary  
372 education, or other assessments.

373 6. Contributions to the Stanley G. Tate Florida Prepaid  
374 College Program pursuant to s. 1009.98 or the Florida College  
375 Savings Program pursuant to s. 1009.981 for the benefit of the  
376 eligible student.

377 7. Contracted services provided by a public school or  
378 school district, including classes. A student who receives  
379 services under a contract under this paragraph is not considered  
380 enrolled in a public school for eligibility purposes as  
381 specified in subsection (6).

382 8. Tuition and fees for part-time tutoring services  
383 provided by a person who holds a valid Florida educator's  
384 certificate pursuant to s. 1012.56, a person who holds an  
385 adjunct teaching certificate pursuant to s. 1012.57, a person  
386 who has a bachelor's degree or a graduate degree in the subject  
387 area in which instruction is given, a person who has  
388 demonstrated a mastery of subject area knowledge pursuant to s.



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389 1012.56(5), or a person certified by a nationally or  
390 internationally recognized research-based training program as  
391 approved by the department. As used in this paragraph, the term  
392 "part-time tutoring services" does not qualify as regular school  
393 attendance as defined in s. 1003.01(13)(e).

394 9. Fees for specialized summer education programs.

395 10. Fees for specialized after-school education programs.

396 11. Transition services provided by job coaches.

397 12. Fees for an annual evaluation of educational progress  
398 by a state-certified teacher under s. 1002.41(1)(f), if this  
399 option is chosen for a home education student.

400 13. Tuition and fees associated with programs offered by  
401 Voluntary Prekindergarten Education Program providers approved  
402 pursuant to s. 1002.55 and school readiness providers approved  
403 pursuant to s. 1002.88.

404 14. Fees for services provided at a center that is a member  
405 of the Professional Association of Therapeutic Horsemanship  
406 International.

407 15. Fees for services provided by a therapist who is  
408 certified by the Certification Board for Music Therapists or  
409 credentialed by the Art Therapy Credentials Board, Inc.

410 (5)(4) TERM OF SCHOLARSHIP.—

411 (a) For purposes of continuity of educational choice: ~~a~~  
412 ~~Family Empowerment Scholarship~~

413 (a) A scholarship awarded to an eligible student pursuant  
414 to paragraph (3)(a) shall remain in force until the student  
415 returns to a public school, graduates from high school, or  
416 reaches the age of 21, whichever occurs first. A scholarship  
417 student who enrolls in a public school or public school program



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418 is considered to have returned to a public school for the  
419 purpose of determining the end of the scholarship's term.  
420 However, if a student enters a Department of Juvenile Justice  
421 detention center for a period of no more than 21 days, the  
422 student is not considered to have returned to a public school  
423 for that purpose.

424 (b)1. A scholarship awarded to an eligible student pursuant  
425 to paragraph (3)(b) shall remain in force until:

426 a. The parent does not renew program eligibility;

427 b. The organization determines that the student is not  
428 eligible for program renewal;

429 c. The Commissioner of Education suspends or revokes  
430 program participation or use of funds;

431 d. The student's parent forfeits participation in the  
432 program for failure to comply with subsection (10);

433 e. The student enrolls in a public school; or

434 f. The student graduates from high school or attains 22  
435 years of age, whichever occurs first.

436 2. Reimbursements for program expenditures may continue  
437 until the account balance is expended or the account is closed.

438 3. A student's scholarship account must be closed and any  
439 remaining funds, including, but not limited to, contributions  
440 made to the Stanley G. Tate Florida Prepaid College Program or  
441 earnings from or contributions made to the Florida College  
442 Savings Program using program funds pursuant to subparagraph  
443 (4)(b)6., shall revert to the state after:

444 a. Denial or revocation of program eligibility by the  
445 commissioner for fraud or abuse, including, but not limited to,  
446 the student or student's parent accepting any payment, refund,





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447 or rebate, in any manner, from a provider of any services  
448 received pursuant to subsection (4);

449 b. Any period of 3 consecutive years after high school  
450 completion or graduation during which the student has not been  
451 enrolled in an eligible postsecondary educational institution or  
452 a program offered by the institution; or

453 c. Two consecutive fiscal years in which an account has  
454 been inactive.

455 (c) Upon reasonable notice to the organization ~~department~~  
456 and the school district, the student's parent may remove the  
457 student from the private school and place the student in a  
458 public school in accordance with this section.

459 (d) ~~(e)~~ Upon reasonable notice to the organization  
460 ~~department~~, the student's parent may move the student from one  
461 participating private school to another participating private  
462 school.

463 (6) ~~(5)~~ SCHOLARSHIP PROHIBITIONS.—A student is not eligible  
464 for a Family Empowerment Scholarship while he or she is:

465 (a) Enrolled in a public school, including, but not limited  
466 to, the Florida School for the Deaf and the Blind, the College-  
467 Preparatory Boarding Academy, a developmental research school  
468 authorized under s. 1002.32, or a charter school authorized  
469 under this chapter. For purposes of this paragraph, a 3- or 4-  
470 year-old child who receives services funded through the Florida  
471 Education Finance Program is considered to be a student enrolled  
472 in a public school;

473 (b) Enrolled in a school operating for the purpose of  
474 providing educational services to youth in a Department of  
475 Juvenile Justice commitment program;



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476 (c) Receiving any other educational scholarship pursuant to  
477 this chapter;

478 (d) Not having regular and direct contact with his or her  
479 private school teachers pursuant to s. 1002.421(1)(i), unless he  
480 or she is eligible pursuant to paragraph (3)(b) and enrolled in  
481 the private school's transition-to-work program pursuant to  
482 subsection (16) or a home education program pursuant to s.  
483 1002.41;

484 ~~(d) Participating in a home education program as defined in~~  
485 ~~s. 1002.01(1);~~

486 (e) Participating in a private tutoring program pursuant to  
487 s. 1002.43 unless he or she is determined eligible pursuant to  
488 paragraph (3)(b); or

489 (f) Participating in a virtual instruction pursuant to s.  
490 1002.455 school, correspondence school, or distance learning  
491 program that receives state funding pursuant to the student's  
492 participation.

493 (7)(6) SCHOOL DISTRICT OBLIGATIONS.-

494 (a) By January July 15, 2019, and by April 1 of each year  
495 ~~thereafter~~, a school district shall inform all households within  
496 the district receiving free or reduced-priced meals under the  
497 National School Lunch Act of their eligibility to apply to the  
498 department for a Family Empowerment Scholarship. The form of  
499 such notice shall be provided by the department, and the school  
500 district shall include the provided form in any normal  
501 correspondence with eligible households. Such notice is limited  
502 to once a year.

503 (b)1. The parent of a student with a disability who does  
504 not have an IEP in accordance with subparagraph (3)(b)4. or who



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505 seeks a reevaluation of an existing IEP may request an IEP  
506 meeting and evaluation from the school district in order to  
507 obtain or revise a matrix of services. The school district shall  
508 notify a parent who has made a request for an IEP that the  
509 district is required to complete the IEP and matrix of services  
510 within 30 days after receiving notice of the parent's request.  
511 The school district shall conduct a meeting and develop an IEP  
512 and a matrix of services within 30 days after receipt of the  
513 parent's request in accordance with State Board of Education  
514 rules. The district must accept the diagnosis, and consider the  
515 service plan of the licensed professional providing the  
516 diagnosis pursuant to subparagraph (3) (b)4. The school district  
517 must complete a matrix that assigns the student to one of the  
518 levels of service as they existed before the 2000-2001 school  
519 year.

520 2.a. The school district must provide the student's parent  
521 and the department with the student's matrix level within 10  
522 calendar days after its completion.

523 b. The department shall notify the parent and the  
524 organization of the amount of the funds awarded within 10 days  
525 after receiving the school district's notification of the  
526 student's matrix level.

527 c. A school district may change a matrix of services only  
528 if the change is a result of an IEP reevaluation or to correct a  
529 technical, typographical, or calculation error.

530 (c)1. Within 10 days after an IEP meeting is held, a school  
531 district shall notify the parent of a student of all options  
532 available pursuant to this section and offer that student's  
533 parent an opportunity to enroll the student in another public



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534 school in the school district.

535 2. The parent is not required to accept the offer of  
536 enrolling the student in another public school in lieu of  
537 requesting a scholarship. However, if the parent chooses the  
538 public school option, the student may continue attending the  
539 public school chosen by the parent until the student graduates  
540 from high school.

541 3. The parent may choose another public school in the  
542 school district, and the school district shall provide  
543 transportation to the public school selected by the parent.

544 4. The parent may choose, as an alternative, to enroll the  
545 student in and transport the student to a public school in an  
546 adjacent school district that has available space and has a  
547 program with the services agreed to in the student's IEP already  
548 in place, and that school district shall accept the student and  
549 report the student for purposes of the school district's funding  
550 pursuant to the Florida Education Finance Program.

551 (d) ~~(b)~~ The school district in which a participating student  
552 resides must notify the student and his or her parent about the  
553 locations and times to take all statewide assessments under s.  
554 1008.22 if the student chooses to participate in such  
555 assessments. Upon the request of the department, a school  
556 district shall coordinate with the department to provide to a  
557 participating private school the statewide assessments  
558 administered under s. 1008.22 and any related materials for  
559 administering the assessments. For a student who participates in  
560 the Family Empowerment Scholarship Program whose parent requests  
561 that the student take the statewide assessments under s.  
562 1008.22, the district in which the student attends a private



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563 school shall provide locations and times to take all statewide  
564 assessments. A school district is responsible for implementing  
565 test administrations at a participating private school,  
566 including the:

567 1. Provision of training for private school staff on test  
568 security and assessment administration procedures;

569 2. Distribution of testing materials to a private school;

570 3. Retrieval of testing materials from a private school;

571 4. Provision of the required format for a private school to  
572 submit information to the district for test administration and  
573 enrollment purposes; and

574 5. Provision of any required assistance, monitoring, or  
575 investigation at a private school.

576 (e)~~(e)~~ Each school district must publish information about  
577 the Family Empowerment Scholarship Program on the district's  
578 website homepage. At a minimum, the published information must  
579 include a website link to the Family Empowerment Scholarship  
580 Program published on the Department of Education website as well  
581 as a telephone number and e-mail that students and parents may  
582 use to contact relevant personnel in the school district to  
583 obtain information about the scholarship.

584 (f) A school district shall report all students who are  
585 receiving a scholarship under this program. Students receiving a  
586 scholarship shall be reported separately from other students  
587 reported for purposes of the Florida Education Finance Program.

588 (g) A school district shall be held harmless for students  
589 who are receiving a scholarship under this program from the  
590 weighted enrollment ceiling for group 2 programs in s.  
591 1011.62(1)(d)3.b. during the first school year in which the



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592 students are reported.

593 (8)(7) DEPARTMENT OF EDUCATION OBLIGATIONS.~~The department~~  
594 ~~shall:~~

595 (a) The department shall:

596 1. Publish and update, as necessary, information on the  
597 department website about the Family Empowerment Scholarship  
598 Program, including, but not limited to, student eligibility  
599 criteria, parental responsibilities, and relevant data.

600 2. ~~(b)~~ Cross-check before each distribution of funds the  
601 list of participating scholarship students with the public  
602 school enrollment lists before each scholarship payment to avoid  
603 duplication.

604 3. ~~(e)~~ Maintain and publish a list of nationally norm-  
605 referenced tests identified for purposes of satisfying the  
606 testing requirement in subparagraph (9)(c)1. ~~(8)(e)1.~~ The tests  
607 must meet industry standards of quality in accordance with state  
608 board rule.

609 4. ~~(d)~~ Notify eligible nonprofit scholarship-funding  
610 organizations of the deadlines for submitting the verified list  
611 of students determined to be eligible for a ~~an initial or~~  
612 renewal scholarship.

613 5. Notify each school district of a parent's participation  
614 in the scholarship program for purposes of paragraph (7)(f).

615 6. Deny or terminate program participation upon a parent's  
616 failure to comply with subsection (10).

617 7. Notify the parent and the organization when a  
618 scholarship account is closed and program funds revert to the  
619 state.

620 8. Notify an eligible nonprofit scholarship-funding



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621 organization of any of the organization's or other  
622 organization's identified students who are receiving  
623 scholarships under this chapter.

624 9. Maintain on its website a list of approved providers as  
625 required by s. 1002.66, eligible postsecondary educational  
626 institutions, eligible private schools, and eligible  
627 organizations and may identify or provide links to lists of  
628 other approved providers.

629 10. Require each organization to verify eligible  
630 expenditures before the distribution of funds for any  
631 expenditures made pursuant to subparagraphs (4) (b)1. and 2.  
632 Review of expenditures made for services specified in  
633 subparagraphs (4) (b)3.-15. may be completed after the purchase  
634 is made.

635 11. Investigate any written complaint of a violation of  
636 this section by a parent, a student, a private school, a public  
637 school, a school district, an organization, a provider, or  
638 another appropriate party in accordance with the process  
639 established under s. 1002.421.

640 12. Require quarterly reports by an organization, which  
641 must include, at a minimum, the number of students participating  
642 in the program; the demographics of program participants; the  
643 disability category of program participants; the matrix level of  
644 services, if known; the program award amount per student; the  
645 total expenditures for the purposes specified in paragraph  
646 (4) (b); the types of providers of services to students; and any  
647 other information deemed necessary by the department.

648 13. Notify eligible nonprofit scholarship funding  
649 organizations that scholarships may not be awarded in a school



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650 district in which the award will exceed 99 percent of the school  
651 district's share of state funding through the Florida Education  
652 Finance Program as calculated by the department.

653 (b) At the direction of the Commissioner of Education, the  
654 department may:

655 1. Suspend or revoke program participation or use of  
656 program funds by the student or participation or eligibility of  
657 an organization, eligible postsecondary educational institution,  
658 approved provider, or other party for a violation of this  
659 section.

660 2. Determine the length of, and conditions for lifting, a  
661 suspension or revocation specified in this paragraph.

662 3. Recover unexpended program funds or withhold payment of  
663 an equal amount of program funds to recover program funds that  
664 were not authorized for use.

665  
666 In determining whether to suspend or revoke participation or  
667 lift a suspension or revocation in accordance with this  
668 paragraph, the department may consider factors that include, but  
669 are not limited to, acts or omissions that led to a previous  
670 suspension or revocation of participation in a state or federal  
671 program or an education scholarship program; failure to  
672 reimburse the organization for funds improperly received or  
673 retained; failure to reimburse government funds improperly  
674 received or retained; imposition of a prior criminal sanction  
675 related to the person or entity or its officers or employees;  
676 imposition of a civil fine or administrative fine, license  
677 revocation or suspension, or program eligibility suspension,  
678 termination, or revocation related to a person's or entity's





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679 management or operation; or other types of criminal proceedings  
680 in which the person or entity or its officers or employees were  
681 found guilty of, regardless of adjudication, or entered a plea  
682 of nolo contendere or guilty to, any offense involving fraud,  
683 deceit, dishonesty, or moral turpitude.

684 ~~(c) Establish deadlines for the receipt of initial~~  
685 ~~applications and renewal notifications in order to implement the~~  
686 ~~priority order for scholarship awards pursuant to paragraph~~  
687 ~~(3)(d).~~

688 (9)(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
689 eligible to participate in the Family Empowerment Scholarship  
690 Program, a private school may be sectarian or nonsectarian and  
691 must:

692 (a) Comply with all requirements for private schools  
693 participating in state school choice scholarship programs  
694 pursuant to s. 1002.421.

695 (b) Provide to the organization ~~department~~ all  
696 documentation required for a student's participation, including  
697 the private school's and student's fee schedules, at least 30  
698 days before any quarterly scholarship payment is made for the  
699 student pursuant to paragraph (12)(a) ~~(11)(f)~~. A student is not  
700 eligible to receive a quarterly scholarship payment if the  
701 private school fails to meet this deadline.

702 (c)1. Annually administer or make provision for students  
703 participating in the program in grades 3 through 10 to take one  
704 of the nationally norm-referenced tests that are identified by  
705 the department pursuant to paragraph (8)(a) ~~(7)(e)~~ or to take  
706 the statewide assessments pursuant to s. 1008.22. Students with  
707 disabilities for whom the physician or psychologist who issued



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708 the diagnosis or the IEP team determines that standardized  
709 testing is not appropriate are exempt from this requirement. A  
710 participating private school shall report a student's scores to  
711 his or her parent. By August 15 of each year, a participating  
712 private school must report the scores of all participating  
713 students to a state university as described in s.  
714 1002.395(9) (f).

715 2. Administer the statewide assessments pursuant to s.  
716 1008.22 if the private school chooses to offer the statewide  
717 assessments. A participating private school may choose to offer  
718 and administer the statewide assessments to all students who  
719 attend the private school in grades 3 through 10 and must submit  
720 a request in writing to the department by March 1 of each year  
721 in order to administer the statewide assessments in the  
722 subsequent school year.

723  
724 If a private school fails to meet the requirements of this  
725 subsection or s. 1002.421, the commissioner may determine that  
726 the private school is ineligible to participate in the  
727 scholarship program.

728 (10)(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
729 PARTICIPATION.—

730 (a) A parent who applies for program participation under  
731 paragraph (3) (a) a Family Empowerment Scholarship is exercising  
732 his or her parental option to place his or her child in a  
733 private school and must:—

734 1.(a) ~~The parent must~~ Select the private school and apply  
735 for the admission of his or her student.

736 2.(b) ~~The parent must~~ Request the scholarship by a date



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737 established by the organization, in a manner that creates a  
738 written or electronic record of the request and the date of  
739 receipt of the request at least 60 days before the date of the  
740 first scholarship payment.

741 ~~3.(c) The parent must~~ Inform the applicable school district  
742 when the parent withdraws his or her student from a public  
743 school to attend an eligible private school.

744 ~~4.(d) Require his or her~~ Any student participating in the  
745 program to ~~must~~ remain in attendance throughout the school year  
746 unless excused by the school for illness or other good cause.

747 ~~5.(e) Before enrolling in a private school, a student and~~  
748 ~~his or her parent or guardian must~~ Meet with the private  
749 school's principal or the principal's designee to review the  
750 school's academic programs and policies, customized educational  
751 programs, code of student conduct, and attendance policies prior  
752 to enrollment.

753 ~~6.(f) Require~~ The parent shall ensure that the student  
754 participating in the scholarship program takes the norm-  
755 referenced assessment offered by the private school. The parent  
756 may also choose to have the student participate in the statewide  
757 assessments pursuant to paragraph (7) (d) ~~(6) (b)~~.

758 ~~(g)~~ If the parent requests that the student participating  
759 in the program take all statewide assessments required pursuant  
760 to s. 1008.22, the parent is responsible for transporting the  
761 student to the assessment site designated by the school  
762 district.

763 ~~7.(h) Upon receipt of a scholarship warrant, the parent to~~  
764 ~~whom the warrant is issued must~~ Restrictively endorse the  
765 warrant, issued in the name of the parent pursuant to



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766 subparagraph (12) (a) 6., to the private school for deposit into  
767 the private school's account. The parent may not designate any  
768 entity or individual associated with the participating private  
769 school as the parent's attorney in fact to endorse a scholarship  
770 warrant. ~~A participant who fails to comply with this paragraph~~  
771 ~~forfeits the scholarship.~~

772 (b) A parent who applies for program participation under  
773 paragraph (3) (b) is exercising his or her parental option to  
774 determine the appropriate placement or the services that best  
775 meet the needs of his or her child and must:

776 1. Apply to an eligible nonprofit scholarship-funding  
777 organization to participate in the program by a date set by the  
778 organization. The request must be communicated directly to the  
779 organization in a manner that creates a written or electronic  
780 record of the request and the date of receipt of the request.

781 2. Sign an agreement with the organization and annually  
782 submit a sworn compliance statement to the organization to  
783 satisfy or maintain program eligibility, including eligibility  
784 to receive and spend program payments by:

785 a. Affirming that the student is enrolled in a program that  
786 meets regular school attendance requirements as provided in s.  
787 1003.01(13) (b), (c), or (d).

788 b. Affirming that the program funds are used only for  
789 authorized purposes serving the student's educational needs, as  
790 described in paragraph (4) (b); that any prepaid college plan or  
791 college savings plan funds contributed pursuant to subparagraph  
792 (4) (b) 6. will not be transferred to another beneficiary while  
793 the plan contains funds contributed pursuant to this section;  
794 and that they will not receive a payment, refund, or rebate of



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795 any funds provided under this section.

796 c. Affirming that the parent is responsible for all  
797 eligible expenses in excess of the amount of the scholarship and  
798 for the education of his or her student by, as applicable:

799 (I) Requiring the student to take an assessment in  
800 accordance with paragraph (9) (c);

801 (II) Providing an annual evaluation in accordance with s.  
802 1002.41(1)(f); or

803 (III) Requiring the child to take any preassessments and  
804 postassessments selected by the provider if the child is 4 years  
805 of age and is enrolled in a program provided by an eligible  
806 Voluntary Prekindergarten Education Program provider. A student  
807 with disabilities for whom the physician or psychologist who  
808 issued the diagnosis or the IEP team determines that a  
809 preassessment and postassessment is not appropriate is exempt  
810 from this requirement. A participating provider shall report a  
811 student's scores to the parent.

812 d. Affirming that the student remains in good standing with  
813 the provider or school if those options are selected by the  
814 parent.

815 e. Enrolling his or her child in a program from a Voluntary  
816 Prekindergarten Education Program provider authorized under s.  
817 1002.55, a school readiness provider authorized under s.  
818 1002.88, or an eligible private school if either option is  
819 selected by the parent.

820 f. Renewing participation in the program each year. A  
821 student whose participation in the program is not renewed may  
822 continue to spend scholarship funds that are in his or her  
823 account from prior years unless the account must be closed



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824 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to  
825 the student's IEP, a student who was previously eligible for  
826 participation in the program shall remain eligible to apply for  
827 renewal. However, for a high-risk child to continue to  
828 participate in the program in the school year after he or she  
829 reaches 6 years of age, the child's application for renewal of  
830 program participation must contain documentation that the child  
831 has a disability defined in paragraph (2)(d) other than high-  
832 risk status.

833 g. Procuring the services necessary to educate the student.  
834 If a parent does not procure the necessary educational services  
835 for the student and the student's account has been inactive for  
836 2 consecutive fiscal years, the student is ineligible for  
837 additional scholarship payments until the scholarship funding  
838 organization verifies that expenditures from the account have  
839 occurred. When the student receives a scholarship, the district  
840 school board is not obligated to provide the student with a free  
841 appropriate public education. For purposes of s. 1003.57 and the  
842 Individuals with Disabilities in Education Act, a participating  
843 student has only those rights that apply to all other  
844 unilaterally parentally placed students, except that, when  
845 requested by the parent, school district personnel must develop  
846 an IEP or matrix level of services.

847 (c) A participant who fails to comply with this subsection  
848 forfeits the scholarship.

849 ~~(i) The parent must annually renew participation in the~~  
850 ~~program by the date established by the department pursuant to~~  
851 ~~paragraph (7)(e).~~

852 (11)-(10) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING



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853 ORGANIZATIONS.—  
854       (a) An eligible nonprofit scholarship-funding organization  
855 awarding scholarships to eligible students pursuant to paragraph  
856 (3) (a):  
857       1.(a) Must receive applications, determine student  
858 eligibility, notify parents in accordance with the requirements  
859 of this section, and provide the department with information on  
860 the student to enable the department to determine student  
861 funding in accordance with paragraph (12) (a).  
862       2. Shall verify the household income level of students  
863 pursuant to subparagraph (3) (a)1. and submit the verified list  
864 of students and related documentation to the department.  
865       3.(b) Shall award ~~initial and renewal~~ scholarships in  
866 priority order pursuant to paragraph (3) (a) ~~(3) (d)~~. The eligible  
867 nonprofit scholarship-funding organization shall implement the  
868 deadlines established by the department pursuant to paragraphs  
869 (7) (d) and (e).  
870       4.(e) May, from eligible contributions received pursuant to  
871 s. 1002.395(6) (j)1., use an amount not to exceed 2.5 ± percent  
872 of the total amount of all scholarships funded ~~awarded~~ under  
873 this section for administrative expenses associated with  
874 performing functions under this section. Such administrative  
875 expense amount is considered within the 3 percent limit on the  
876 total amount an organization may use to administer scholarships  
877 under this chapter.  
878       5.(d) Must, in a timely manner, submit any information  
879 requested by the department relating to the scholarship under  
880 this section.  
881       6.(e) Must notify the department about any violation of



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882 this section by a parent or a private school.

883 (b) An eligible nonprofit scholarship-funding organization  
884 awarding scholarships to eligible students pursuant to paragraph  
885 (3)(b) shall:

886 1. Receive applications, determine student eligibility, and  
887 notify parents in accordance with the requirements of this  
888 section. When an application is approved, the organization must  
889 provide the department with information on the student to enable  
890 the department to determine student funding in accordance with  
891 paragraph (12)(b).

892 2. Establish a date by which a parent must confirm initial  
893 or continuing participation in the program.

894 3. Review applications and award scholarships using the  
895 following priorities:

896 a. For the 2021-2022 school year, a student who received a  
897 Gardiner Scholarship in the 2020-2021 school year and meets the  
898 eligibility requirements in paragraph (3)(b).

899 b. Renewing students from the previous school year.

900 c. Students retained on the previous school year's wait  
901 list.

902 d. An eligible student who meets the criteria for an  
903 initial award pursuant to paragraph (3)(b).

904  
905 An approved student who does not receive a scholarship must be  
906 placed on the wait list in the order in which his or her  
907 application is approved. A student who does not receive a  
908 scholarship within the fiscal year shall be retained on the wait  
909 list for the subsequent fiscal year.

910 4. Establish and maintain separate accounts for each





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911 eligible student. For each account, the organization must  
912 maintain a record of accrued interest that is retained in the  
913 student's account and available only for authorized program  
914 expenditures.

915 5. Verify qualifying educational expenditures pursuant to  
916 the requirements of paragraph (4) (b).

917 6. Return any remaining program funds to the department  
918 pursuant to paragraph (6) (b).

919 7. Notify the parent about the availability of, and the  
920 requirements associated with requesting, an initial IEP or IEP  
921 reevaluation every 3 years for each student participating in the  
922 program.

923 8. Notify the department of any violation of this section.

924 9. Document each scholarship student's eligibility for a  
925 fiscal year before granting a scholarship for that fiscal year  
926 pursuant to paragraph (3) (b). A student is ineligible for a  
927 scholarship if the student's account has been inactive for 2  
928 consecutive fiscal years.

929 (12) ~~(11)~~ SCHOLARSHIP FUNDING AND PAYMENT.-

930 (a) 1. Scholarships for students determined eligible  
931 pursuant to paragraph (3) (a) are ~~The scholarship is~~ established  
932 for up to 18,000 students annually beginning in the 2019-2020  
933 school year. Beginning in the 2020-2021 school year, the maximum  
934 number of students participating in the scholarship program  
935 under this section shall annually increase by 1.0 percent of the  
936 state's total public school student enrollment. An eligible  
937 student who meets any of the following requirements shall be  
938 excluded from the maximum number of students if the student:

939 a. Received a scholarship pursuant to s. 1002.395 during



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940 the previous school year but did not receive a renewal  
941 scholarship based solely on the eligible nonprofit scholarship-  
942 funding organization's lack of available funds after the  
943 organization fully exhausted its efforts to use funds available  
944 for awards under ss. 1002.395 and 1002.40(11) (i). Eligible  
945 nonprofit scholarship-funding organizations with students who  
946 meet the criterion in this subparagraph must annually notify the  
947 department in a format and by a date established by the  
948 department. The maximum number of scholarships awarded pursuant  
949 to this subparagraph may not exceed 15,000 per school year;

950 b. Is a dependent child of a member of the United States  
951 Armed Forces, a foster child, or an adopted child; or

952 c. Is determined eligible pursuant to subparagraph (3) (a)1.  
953 or 2. and either spent the prior school year in attendance at a  
954 Florida public school or, beginning in the 2022-2023 school  
955 year, is eligible to enroll in kindergarten. For purposes of  
956 this sub-subparagraph, the term "prior school year in  
957 attendance" means that the student was enrolled and reported by  
958 a school district for funding during either the preceding  
959 October or February Florida Education Finance Program surveys in  
960 kindergarten through grade 12, which includes time spent in a  
961 Department of Juvenile Justice commitment program if funded  
962 under the Florida Education Finance Program.

963 2. ~~(b)~~ The scholarship amount provided to a student for any  
964 single school year shall be for tuition and fees for an eligible  
965 private school, not to exceed annual limits, which shall be  
966 determined in accordance with this subparagraph ~~paragraph~~. The  
967 calculated amount for a participating student ~~to attend an~~  
968 ~~eligible private school~~ shall be based upon the grade level and



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969 school district in which the student was assigned as 100 ~~95~~  
970 percent of the funds per unweighted full-time equivalent in the  
971 Florida Education Finance Program for a student in the basic  
972 program established pursuant to s. 1011.62(1)(c)1., plus a per-  
973 full-time equivalent share of funds for all categorical  
974 programs, except for the Exceptional Student Education  
975 Guaranteed Allocation.

976 ~~3.(e)~~ The amount of the scholarship ~~Family Empowerment~~  
977 ~~Scholarship~~ shall be the calculated amount or the amount of the  
978 private school's tuition and fees, whichever is less. The amount  
979 of any assessment fee required by the participating private  
980 school and any costs to provide a digital device, including  
981 Internet access, if necessary, to the student may be paid from  
982 the total amount of the scholarship.

983 4. A scholarship of \$750 may be awarded to a student who is  
984 determined eligible pursuant to subparagraph (3)(a)1. or 2. and  
985 enrolled in a Florida public school that is different from the  
986 school to which the student was assigned or in a lab school as  
987 defined in s. 1002.32 if the school district does not provide  
988 the student with transportation to the school.

989 ~~(d) The school district shall report all students who are~~  
990 ~~attending a private school under this program. The students~~  
991 ~~attending private schools on Family Empowerment Scholarships~~  
992 ~~shall be reported separately from other students reported for~~  
993 ~~purposes of the Florida Education Finance Program.~~

994 ~~5.(e)~~ Upon Following notification from the organization on  
995 July 1, September 1, December 1, and ~~or~~ February 1 that an  
996 application has been approved for the program ~~of the number of~~  
997 ~~program participants,~~ the department shall verify that the



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998 student is not prohibited from receiving a scholarship pursuant  
999 to subsection (6). The organization must provide the department  
1000 with the documentation necessary to verify the student's  
1001 participation. Upon verification, the department shall transfer,  
1002 from state general revenue funds only, the amount calculated  
1003 pursuant to subparagraph 2. paragraph (b) to the organization a  
1004 separate account for the scholarship program for quarterly  
1005 disbursement to parents of participating students each school  
1006 year in which the scholarship is in force. For a student exiting  
1007 a Department of Juvenile Justice commitment program who chooses  
1008 to participate in the scholarship program, the amount of the  
1009 Family Empowerment Scholarship calculated pursuant to  
1010 subparagraph 2. paragraph (b) must be transferred from the  
1011 school district in which the student last attended a public  
1012 school before commitment to the Department of Juvenile Justice.  
1013 When a student enters the scholarship program, the organization  
1014 ~~department~~ must receive all documentation required for the  
1015 student's participation, including the private school's and the  
1016 student's fee schedules, at least 30 days before the first  
1017 quarterly scholarship payment is made for the student.

1018 ~~6.(f) Upon notification by the department that it has~~  
1019 ~~received the documentation required under paragraph (e), the~~  
1020 ~~Chief Financial Officer shall make scholarship payments in four~~  
1021 ~~equal amounts no later than September 1, November 1, February 1,~~  
1022 ~~and April 1 of each school year in which the scholarship is in~~  
1023 ~~force.~~ The initial payment shall be made after the  
1024 organization's department verification of admission acceptance,  
1025 and subsequent payments shall be made upon verification of  
1026 continued enrollment and attendance at the private school.



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1027 Payment must be by individual warrant made payable to the  
1028 student's parent or by funds transfer or any other means of  
1029 payment that the department deems to be commercially viable or  
1030 cost-effective. If the payment is made by warrant, the warrant  
1031 must be delivered and mailed by the organization department to  
1032 the private school of the parent's choice, and the parent shall  
1033 restrictively endorse the warrant to the private school. An  
1034 organization shall ensure that the parent to whom the warrant is  
1035 made has restrictively endorsed the warrant to the private  
1036 school for deposit into the account of the private school or  
1037 that the parent has approved a funds transfer before any  
1038 scholarship funds are deposited.

1039 ~~(g) Subsequent to each scholarship payment, the department~~  
1040 ~~shall request from the Department of Financial Services a sample~~  
1041 ~~of endorsed warrants to review and confirm compliance with~~  
1042 ~~endorsement requirements.~~

1043 (b)1. Scholarships for students determined eligible  
1044 pursuant to paragraph (3) (b) are established for up to 20,000  
1045 students annually beginning in the 2021-2022 school year.  
1046 Beginning in the 2022-2023 school year, the maximum number of  
1047 students participating in the scholarship program under this  
1048 section shall annually increase by 1.0 percent of the state's  
1049 total exceptional student education full-time equivalent student  
1050 enrollment, not including gifted students. An eligible student  
1051 who meets any of the following requirements shall be excluded  
1052 from the maximum number of students if the student:

1053 a. Received specialized instructional services under the  
1054 Voluntary Prekindergarten Education Program pursuant to s.  
1055 1002.66 during the previous school year and the student has a



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1056 current IEP developed by the local school board in accordance  
1057 with rules of the State Board of Education;  
1058 b. Is a dependent child of a member of the United States  
1059 Armed Forces, a foster child, or an adopted child;  
1060 c. Spent the prior school year in attendance at a Florida  
1061 public school or the Florida School for the Deaf and the Blind.  
1062 For purposes of this subparagraph, the term "prior school year  
1063 in attendance" means that the student was enrolled and reported  
1064 by:  
1065 (I) A school district for funding during either the  
1066 preceding October or February Florida Education Finance Program  
1067 surveys in kindergarten through grade 12, which includes time  
1068 spent in a Department of Juvenile Justice commitment program if  
1069 funded under the Florida Education Finance Program;  
1070 (II) The Florida School for the Deaf and the Blind during  
1071 the preceding October or February student membership surveys in  
1072 kindergarten through grade 12;  
1073 (III) A school district for funding during the preceding  
1074 October or February Florida Education Finance Program surveys,  
1075 was at least 4 years of age when enrolled and reported, and was  
1076 eligible for services under s. 1003.21(1)(e); or  
1077 (IV) Received a John M. McKay Scholarship for Students with  
1078 Disabilities in the 2021-2022 school year.  
1079 2. For a student who has a Level I to Level III matrix of  
1080 services or a diagnosis by a physician or psychologist, the  
1081 calculated scholarship amount for a student participating in the  
1082 program must be based upon the grade level and school district  
1083 in which the student would have been enrolled as the total funds  
1084 per unweighted full-time equivalent in the Florida Education



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1085 Finance Program for a student in the basic exceptional student  
1086 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,  
1087 plus a per full-time equivalent share of funds for all  
1088 categorical programs, as funded in the General Appropriations  
1089 Act, except that for the exceptional student education  
1090 guaranteed allocation as provided in s. 1011.62(1)(e)1.c. and  
1091 2., the funds must be allocated based on the school district's  
1092 average exceptional student education guaranteed allocation  
1093 funds per exceptional student education full-time equivalent  
1094 student.

1095 3. For a student with a Level IV or Level V matrix of  
1096 services, the calculated scholarship amount must be based upon  
1097 the school district to which the student would have been  
1098 assigned as the total funds per full-time equivalent for the  
1099 Level IV or Level V exceptional student education program  
1100 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time  
1101 equivalent share of funds for all categorical programs, as  
1102 funded in the General Appropriations Act.

1103 4. For a student who received a Gardiner Scholarship  
1104 pursuant to s. 1002.385 in the 2020-2021 school year, the amount  
1105 shall be the greater of the amount calculated pursuant to  
1106 subparagraph 2. or the amount the student received for the 2020-  
1107 2021 school year.

1108 5. For a student who received a John M. McKay Scholarship  
1109 pursuant to s. 1002.39 in the 2020-2021 school year, the amount  
1110 shall be the greater of the amount calculated pursuant to  
1111 subparagraph 2. or the amount the student received for the 2020-  
1112 2021 school year.

1113 6. Upon notification from an organization on July 1,



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1114 September 1, December 1, and February 1 that an application has  
1115 been approved for the program, the department shall verify that  
1116 the student is not prohibited from receiving a scholarship  
1117 pursuant to subsection (6). The organization must provide the  
1118 department with the documentation necessary to verify the  
1119 student's participation.

1120 7. Upon verification, the department shall release, from  
1121 state funds only, the student's scholarship funds to the  
1122 organization, to be deposited into the student's account in four  
1123 equal amounts no later than September 1, November 1, February 1,  
1124 and April 1 of each school year in which the scholarship is in  
1125 force.

1126 8. Accrued interest in the student's account is in addition  
1127 to, and not part of, the awarded funds. Program funds include  
1128 both the awarded funds and accrued interest.

1129 9. The organization may develop a system for payment of  
1130 benefits by funds transfer, including, but not limited to, debit  
1131 cards, electronic payment cards, or any other means of payment  
1132 which the department deems to be commercially viable or cost-  
1133 effective. A student's scholarship award may not be reduced for  
1134 debit card or electronic payment fees. Commodities or services  
1135 related to the development of such a system must be procured by  
1136 competitive solicitation unless they are purchased from a state  
1137 term contract pursuant to s. 287.056.

1138 10. Moneys received pursuant to this section do not  
1139 constitute taxable income to the qualified student or the parent  
1140 of the qualified student.

1141 (13)-(12) LIABILITY.—No liability shall arise on the part of  
1142 the state based on the award or use of a Family Empowerment





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1143 Scholarship.

1144 (14) ~~(13)~~ SCOPE OF AUTHORITY.—The inclusion of eligible  
1145 private schools within the options available to Florida public  
1146 school students does not expand the regulatory authority of the  
1147 state, its officers, or any school district to impose any  
1148 additional regulation of private schools beyond those reasonably  
1149 necessary to enforce requirements expressly set forth in this  
1150 section.

1151 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The  
1152 Department of Health, the Agency for Persons with Disabilities,  
1153 and the Department of Education shall work with an organization  
1154 for easy or automated access to lists of licensed providers of  
1155 services specified in subparagraph (4) (b)3. to ensure efficient  
1156 administration of the program.

1157 (16) TRANSITION-TO-WORK PROGRAM.—A student with a  
1158 disability who is determined eligible pursuant to paragraph  
1159 (3) (b) who is at least 17 years, but not older than 22 years of  
1160 age and who has not received a high school diploma or  
1161 certificate of completion is eligible for enrollment in his or  
1162 her private school's transition-to-work program. A transition-  
1163 to-work program shall consist of academic instruction, work  
1164 skills training, and a volunteer or paid work experience.

1165 (a) To offer a transition-to-work program, a participating  
1166 private school must:

1167 1. Develop a transition-to-work program plan, which must  
1168 include a written description of the academic instruction and  
1169 work skills training students will receive and the goals for  
1170 students in the program.

1171 2. Submit the transition-to-work program plan to the Office



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1172 of Independent Education and Parental Choice.

1173 3. Develop a personalized transition-to-work program plan  
1174 for each student enrolled in the program. The student's parent,  
1175 the student, and the school principal must sign the personalized  
1176 plan. The personalized plan must be submitted to the Office of  
1177 Independent Education and Parental Choice upon request by the  
1178 office.

1179 4. Provide a release of liability form that must be signed  
1180 by the student's parent, the student, and a representative of  
1181 the business offering the volunteer or paid work experience.

1182 5. Assign a case manager or job coach to visit the  
1183 student's job site on a weekly basis to observe the student and,  
1184 if necessary, provide support and guidance to the student.

1185 6. Provide to the parent and student a quarterly report  
1186 that documents and explains the student's progress and  
1187 performance in the program.

1188 7. Maintain accurate attendance and performance records for  
1189 the student.

1190 (b) A student enrolled in a transition-to-work program  
1191 must, at a minimum:

1192 1. Receive 15 instructional hours at the private school's  
1193 physical facility, which must include academic instruction and  
1194 work skills training.

1195 2. Participate in 10 hours of work at the student's  
1196 volunteer or paid work experience.

1197 (c) To participate in a transition-to-work program, a  
1198 business must:

1199 1. Maintain an accurate record of the student's performance  
1200 and hours worked and provide the information to the private



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1201 school.  
1202 2. Comply with all state and federal child labor laws.  
1203 (17)(14) RULES.—The State Board of Education shall adopt  
1204 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
1205 section. The state board rules must include a requirement that  
1206 the department work collaboratively with an approved  
1207 scholarship funding organization to expedite the process for the  
1208 verification and reporting obligations specified under  
1209 subsection (10).  
1210 (15) IMPLEMENTATION SCHEDULE FOR THE 2019-2020 SCHOOL  
1211 YEAR. Notwithstanding the provisions of this section related to  
1212 notification requirements and eligibility timelines, for the  
1213 2019-2020 school year:  
1214 (a) A student is eligible for a Family Empowerment  
1215 Scholarship under this section if the student's parent has  
1216 obtained acceptance of the student's admission to a private  
1217 school that is eligible for the program under subsection (8),  
1218 and the parent has requested a scholarship from the Department  
1219 of Education no later than August 15, 2019. The request must be  
1220 communicated directly to the department in a manner that creates  
1221 a written or electronic record of the request and the date of  
1222 receipt of the request.  
1223 (b) The department shall expedite the publication of  
1224 information relevant to the Family Empowerment Scholarship  
1225 Program on the department's website, including, but not limited  
1226 to, the eligibility criteria for students to qualify for the  
1227 scholarship under this section and how parents may request the  
1228 scholarship. The department must immediately notify the school  
1229 district of the parent's intent upon receipt of the parent's



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1230 ~~request.~~

1231 ~~(c) Upon notification by the department that it has~~  
1232 ~~received the documentation required under paragraph (10) (a), the~~  
1233 ~~Chief Financial Officer shall make the first quarter payment of~~  
1234 ~~scholarships no later than October 1, 2019.~~

1235

1236 ~~This subsection shall expire June 30, 2020.~~

1237 Section 5. Paragraph (b) of subsection (3), paragraph (j)  
1238 of subsection (6), paragraph (c) of subsection (9), and  
1239 paragraph (a) of subsection (11) of section 1002.395, Florida  
1240 Statutes, are amended to read:

1241 1002.395 Florida Tax Credit Scholarship Program.—

1242 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

1243 (b) A student is eligible for a Florida tax credit  
1244 scholarship under this section if the student meets one or more  
1245 of the following criteria:

1246 1. The student is on the direct certification list or the  
1247 student's household income level does not exceed 375 ~~260~~ percent  
1248 of the federal poverty level or an adjusted maximum percent of  
1249 the federal poverty level authorized under s. 1002.394(3)(a)3.;  
1250 or

1251 2. The student is currently placed, or during the previous  
1252 state fiscal year was placed, in foster care or in out-of-home  
1253 care as defined in s. 39.01.

1254

1255 Priority must be given to a student whose household income level  
1256 does not exceed 185 percent of the federal poverty level or who  
1257 is in foster care or out-of-home care. A student who initially  
1258 receives a scholarship based on eligibility under this paragraph



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1259 remains eligible to participate until he or she graduates from  
1260 high school or attains the age of 21 years, whichever occurs  
1261 first, regardless of the student's household income level. A  
1262 sibling of a student who is participating in the scholarship  
1263 program under this subsection is eligible for a scholarship if  
1264 the student resides in the same household as the sibling.

1265 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
1266 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
1267 organization:

1268 (j)1. May use eligible contributions received pursuant to  
1269 this section and ss. 212.099, 212.1832, and 1002.40 during the  
1270 state fiscal year in which such contributions are collected for  
1271 administrative expenses if the organization has operated as an  
1272 eligible nonprofit scholarship-funding organization for at least  
1273 the preceding 3 fiscal years and did not have any findings of  
1274 material weakness or material noncompliance in its most recent  
1275 audit under paragraph (m). Administrative expenses from eligible  
1276 contributions may not exceed 3 percent of the total amount of  
1277 all scholarships funded ~~awarded~~ by an eligible scholarship-  
1278 funding organization under this chapter. Such administrative  
1279 expenses must be reasonable and necessary for the organization's  
1280 management and distribution of scholarships funded ~~awarded~~ under  
1281 this chapter. No funds authorized under this subparagraph shall  
1282 be used for lobbying or political activity or expenses related  
1283 to lobbying or political activity. Up to one-third of the funds  
1284 authorized for administrative expenses under this subparagraph  
1285 may be used for expenses related to the recruitment of  
1286 contributions from taxpayers. An eligible nonprofit scholarship-  
1287 funding organization may not charge an application fee.



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1288           2. Must expend for annual or partial-year scholarships an  
1289 amount equal to or greater than 75 percent of the net eligible  
1290 contributions remaining after administrative expenses during the  
1291 state fiscal year in which such contributions are collected. No  
1292 more than 25 percent of such net eligible contributions may be  
1293 carried forward to the following state fiscal year. All amounts  
1294 carried forward, for audit purposes, must be specifically  
1295 identified for particular students, by student name and the name  
1296 of the school to which the student is admitted, subject to the  
1297 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,  
1298 and the applicable rules and regulations issued pursuant  
1299 thereto. Any amounts carried forward shall be expended for  
1300 annual or partial-year scholarships in the following state  
1301 fiscal year. No later than September 30 of each year, net  
1302 eligible contributions remaining on June 30 of each year that  
1303 are in excess of the 25 percent that may be carried forward  
1304 shall be used to provide scholarships to eligible students or  
1305 transferred to other eligible nonprofit scholarship-funding  
1306 organizations to provide scholarships for eligible students. All  
1307 transferred funds must be deposited by each eligible nonprofit  
1308 scholarship-funding organization receiving such funds into its  
1309 scholarship account. All transferred amounts received by any  
1310 eligible nonprofit scholarship-funding organization must be  
1311 separately disclosed in the annual financial audit required  
1312 under paragraph (m).

1313           3. Must, before granting a scholarship for an academic  
1314 year, document each scholarship student's eligibility for that  
1315 academic year. A scholarship-funding organization may not grant  
1316 multiyear scholarships in one approval process.



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1317  
1318 Information and documentation provided to the Department of  
1319 Education and the Auditor General relating to the identity of a  
1320 taxpayer that provides an eligible contribution under this  
1321 section shall remain confidential at all times in accordance  
1322 with s. 213.053.

1323 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
1324 Education shall:

1325 (c) Annually verify the eligibility of expenditures as  
1326 provided in paragraph (6) (d) using the audit required by  
1327 paragraph (6) (m) ~~and s. 11.45(2)(1)~~.

1328 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1329 (a) The scholarship amount provided to any student for any  
1330 single school year by an eligible nonprofit scholarship-funding  
1331 organization from eligible contributions shall be for total  
1332 costs authorized under paragraph (6) (d), not to exceed annual  
1333 limits, which shall be determined as follows:

1334 1. For a student who received a scholarship in the 2018-  
1335 2019 school year, who remains eligible, and who is enrolled in  
1336 an eligible private school, the amount shall be the greater  
1337 amount calculated pursuant to subparagraph 2. or a percentage of  
1338 the unweighted FTE funding amount for the 2018-2019 state fiscal  
1339 year and thereafter as follows:

1340 a. Eighty-eight percent for a student enrolled in  
1341 kindergarten through grade 5.

1342 b. Ninety-two percent for a student enrolled in grade 6  
1343 through grade 8.

1344 c. Ninety-six percent for a student enrolled in grade 9  
1345 through grade 12.



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1346           2. For students initially eligible in the 2019-2020 school  
1347 year or thereafter, the calculated amount for a student to  
1348 attend an eligible private school shall be calculated in  
1349 accordance with s. 1002.394(12) (a) ~~based upon the grade level~~  
1350 ~~and school district in which the student resides as 95 percent~~  
1351 ~~of the funds per unweighted full-time equivalent in the Florida~~  
1352 ~~Education Finance Program for a student in the basic program~~  
1353 ~~established pursuant to s. 1011.62(1) (c)1., plus a per-full-time~~  
1354 ~~equivalent share of funds for all categorical programs, except~~  
1355 ~~for the Exceptional Student Education Guaranteed Allocation.~~

1356           3. The scholarship amount awarded to a student enrolled in  
1357 a Florida public school in which a student is enrolled and that  
1358 is different from the school to which the student was assigned  
1359 or in a lab school as defined in s. 1002.32, is limited to \$750.

1360           Section 6. Paragraph (a) of subsection (11) of section  
1361 1002.40, Florida Statutes, is amended to read:

1362           1002.40 The Hope Scholarship Program.—

1363           (11) FUNDING AND PAYMENT.—

1364           (a) For students initially eligible in the 2019-2020 school  
1365 year or thereafter, the calculated amount for a student to  
1366 attend an eligible private school shall be calculated in  
1367 accordance with s. 1002.394(12) (a) ~~based upon the grade level~~  
1368 ~~and school district in which the student was assigned as 95~~  
1369 ~~percent of the funds per unweighted full-time equivalent in the~~  
1370 ~~Florida Education Finance Program for a student in the basic~~  
1371 ~~program established pursuant to s. 1011.62(1) (c)1., plus a per-~~  
1372 ~~full-time equivalent share of funds for all categorical~~  
1373 ~~programs, except for the Exceptional Student Education~~  
1374 ~~Guaranteed Allocation.~~





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1375 Section 7. Paragraph (aa) of subsection (4) of section  
1376 1009.971, Florida Statutes, is amended to read:  
1377 1009.971 Florida Prepaid College Board.—  
1378 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The  
1379 board shall have the powers and duties necessary or proper to  
1380 carry out the provisions of ss. 1009.97–1009.988, including, but  
1381 not limited to, the power and duty to:  
1382 (aa) Adopt rules relating to the purchase and use of a  
1383 prepaid college plan authorized under s. 1009.98 or a college  
1384 savings plan authorized under s. 1009.981 for the Family  
1385 Empowerment Gardiner Scholarship Program pursuant to s. 1002.394  
1386 ~~s. 1002.385~~, which may include, but need not be limited to:  
1387 1. The use of such funds for postsecondary education  
1388 programs for students with disabilities;  
1389 2. Effective procedures that allow program funds to be used  
1390 in conjunction with other funds used by a parent in the purchase  
1391 of a prepaid college plan or a college savings plan;  
1392 3. The tracking and accounting of program funds separately  
1393 from other funds contributed to a prepaid college plan or a  
1394 college savings plan;  
1395 4. The reversion of program funds, including, but not  
1396 limited to, earnings from contributions to the Florida College  
1397 Savings Plan;  
1398 5. The use of program funds only after private payments  
1399 have been used for prepaid college plan or college savings plan  
1400 expenditures;  
1401 6. Contracting with each eligible nonprofit scholarship-  
1402 funding organization to establish mechanisms to implement s.  
1403 1002.394 ~~s. 1002.385~~, including, but not limited to, identifying



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1404 the source of funds being deposited in the plans; and  
1405 7. The development of a written agreement that defines the  
1406 owner and beneficiary of an account and outlines  
1407 responsibilities for the use of the advance payment contract  
1408 funds or savings program funds.

1409 Section 8. Subsection (11) of section 1009.98, Florida  
1410 Statutes, is amended to read:

1411 1009.98 Stanley G. Tate Florida Prepaid College Program.—

1412 (11) IMPLEMENTATION PROCEDURES.—

1413 (a) A prepaid college plan may be purchased, accounted for,  
1414 used, and terminated as provided in s. 1002.394 ~~s. 1002.385~~.

1415 (b) A qualified beneficiary may apply the benefits of an  
1416 advance payment contract toward the program fees of a program  
1417 designed for students with disabilities conducted by a state  
1418 postsecondary institution. A transfer authorized under this  
1419 subsection may not exceed the redemption value of the advance  
1420 payment contract at a state postsecondary institution or the  
1421 number of semester credit hours contracted on behalf of a  
1422 qualified beneficiary. A qualified beneficiary may not be  
1423 changed while a prepaid college plan contains funds contributed  
1424 under s. 1002.394 ~~s. 1002.385~~.

1425 Section 9. Subsection (10) of section 1009.981, Florida  
1426 Statutes, is amended to read:

1427 1009.981 Florida College Savings Program.—

1428 (10) IMPLEMENTATION PROCEDURES.—

1429 (a) A college savings plan may be purchased, accounted for,  
1430 used, and terminated as provided in s. 1002.394 ~~s. 1002.385~~.

1431 (b) A designated beneficiary may apply the benefits of a  
1432 participation agreement toward the program fees of a program



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1433 designed for students with disabilities conducted by a state  
1434 postsecondary institution. A designated beneficiary may not be  
1435 changed while a college savings plan contains funds contributed  
1436 under s. 1002.394 ~~s. 1002.385~~.

1437 Section 10. Effective July 1, 2022, subsection (4) of  
1438 section 1011.61, Florida Statutes, is amended to read:

1439 1011.61 Definitions.—Notwithstanding the provisions of s.  
1440 1000.21, the following terms are defined as follows for the  
1441 purposes of the Florida Education Finance Program:

1442 (4) The maximum value for funding a student in kindergarten  
1443 through grade 12 or in a prekindergarten program for exceptional  
1444 children as provided in s. 1003.21(1)(e) shall be the sum of the  
1445 calculations in paragraphs (a), (b), and (c) as calculated by  
1446 the department.

1447 (a) The sum of the student's full-time equivalent student  
1448 membership value for the school year or the equivalent derived  
1449 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-  
1450 subparagraphs (1)(c)2.b. and c., ~~subparagraph (1)(c)3.~~, and  
1451 subsection (2). If the sum is greater than 1.0, the full-time  
1452 equivalent student membership value for each program or course  
1453 shall be reduced by an equal proportion so that the student's  
1454 total full-time equivalent student membership value is equal to  
1455 1.0.

1456 (b) If the result in paragraph (a) is less than 1.0 full-  
1457 time equivalent student and the student has full-time equivalent  
1458 student enrollment pursuant to sub-sub-subparagraph  
1459 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the  
1460 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of  
1461 1.0 less the value in paragraph (a).



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1462 (c) The full-time equivalent student enrollment value in  
1463 sub-subparagraph (1)(c)2.a.

1464

1465 ~~A scholarship award provided to a student enrolled in the John~~  
1466 ~~M. McKay Scholarships for Students with Disabilities Program~~  
1467 ~~pursuant to s. 1002.39 is not subject to the maximum value for~~  
1468 ~~funding a student under this subsection.~~

1469 Section 11. Paragraph (f) of subsection (18) of section  
1470 1011.62, Florida Statutes, is amended to read:

1471 1011.62 Funds for operation of schools.—If the annual  
1472 allocation from the Florida Education Finance Program to each  
1473 district for operation of schools is not determined in the  
1474 annual appropriations act or the substantive bill implementing  
1475 the annual appropriations act, it shall be determined as  
1476 follows:

1477 (18) TEACHER SALARY INCREASE ALLOCATION.—The Legislature  
1478 may annually provide in the Florida Education Finance Program a  
1479 teacher salary increase allocation to assist school districts in  
1480 their recruitment and retention of classroom teachers and other  
1481 instructional personnel. The amount of the allocation shall be  
1482 specified in the General Appropriations Act.

1483 ~~(f) Notwithstanding any other provision of law, funds~~  
1484 ~~allocated under this subsection shall not be included in the~~  
1485 ~~calculated amount for any scholarship awarded under chapter~~  
1486 ~~1002.~~

1487 Section 12. Except as otherwise expressly provided in this  
1488 act, this act shall take effect July 1, 2021.

1489

1490 ===== T I T L E A M E N D M E N T =====



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1491 And the title is amended as follows:

1492 Delete everything before the enacting clause  
1493 and insert:

1494 A bill to be entitled

1495 An act relating to school choice; amending s. 11.45,  
1496 F.S.; revising the frequency with which the Auditor  
1497 General must conduct certain operational audits;  
1498 repealing s. 1002.385, F.S., relating to the Gardiner  
1499 Scholarship; amending s. 1002.39, F.S.; revising  
1500 provisions relating to the calculation of the maximum  
1501 amount of scholarship funds granted to an eligible  
1502 student with a disability under the John M. McKay  
1503 Scholarships for Students with Disabilities Program;  
1504 providing for future repeal of the program; amending  
1505 s. 1002.394, F.S.; defining terms; revising student  
1506 eligibility requirements under the Family Empowerment  
1507 Scholarship Program; providing requirements for the  
1508 use of funds under the program; revising provisions  
1509 relating to the term of scholarships under the  
1510 program; providing that certain students are not  
1511 eligible for a scholarship under the program under  
1512 certain circumstances; providing exceptions; revising  
1513 the obligations of school districts, the Department of  
1514 Education, private schools, and eligible scholarship-  
1515 funding organizations under the program; revising the  
1516 responsibilities of parents and students relating to  
1517 program participation; revising provisions relating to  
1518 the funding and payment of scholarships awarded under  
1519 the program; requiring specified state agencies to



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1520 work with an organization to provide access to lists  
1521 of approved licensed service providers; providing that  
1522 certain students with disabilities are eligible for  
1523 enrollment in transition-to-work programs at certain  
1524 participating private schools; providing requirements  
1525 for such students, private schools, and businesses  
1526 under transition-to-work programs; revising provisions  
1527 relating to the State Board of Education's rulemaking  
1528 authority; removing obsolete provisions; amending s.  
1529 1002.395, F.S.; revising student eligibility criteria  
1530 based on household income level for the Florida Tax  
1531 Credit Scholarship Program; amending ss. 1002.40,  
1532 1009.971, 1009.98, 1009.981, 1011.61, and 1011.62,  
1533 F.S.; conforming provisions to changes made by the  
1534 act; providing effective dates.