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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Education (Cruz) recommended the following:

Senate Amendment

Delete lines 1664 - 1856
and insert:
established to provide children of families in this state which
have limited financial resources with educational options to
achieve success in their education.

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

(a) “Approved provider” means a provider approved by the
department ~~“Department”~~ means the Department of Education.



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11 (b) "Curriculum" means a complete course of study for a
12 particular content area or grade level, including any required
13 supplemental materials, teachers' manuals, and associated online
14 instruction.

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

16 (d) "Direct certification list" means the certified list of
17 children who qualify for the food assistance program, the
18 Temporary Assistance for Needy Families Program, or the Food
19 Distribution Program on Indian Reservations provided to the
20 Department of Education by the Department of Children and
21 Families.

22 (e) "Eligible nonprofit scholarship-funding organization"
23 or "organization" means a state university, an independent
24 college or university that is eligible to participate in the
25 William L. Boyd, IV, Effective Access to Student Education Grant
26 Program located and chartered in this state which is not for
27 profit and is accredited by the Commission on Colleges of the
28 Southern Association of Colleges and Schools, or is a charitable
29 organization that: ~~has the same meaning as provided in s.~~
30 ~~1002.395(2)(f).~~

31 1. Is exempt from federal income tax pursuant to s.
32 501(c)(3) of the Internal Revenue Code;

33 2. Is a Florida entity formed under chapter 605, chapter
34 607, or chapter 617 and whose principal office is located in
35 this state; and

36 3. Complies with subsections (11) and (14).

37 (f) "Eligible postsecondary educational institution" means
38 a Florida College System institution; a state university; a
39 school district technical center; a school district adult



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40 general education center; an independent college or university
41 that is eligible to participate in the William L. Boyd, IV,
42 Effective Access to Student Education Grant Program under s.
43 1009.89; or an accredited independent postsecondary educational
44 institution, as defined in s. 1005.02, which is licensed to
45 operate in this state under part III of chapter 1005.

46 (g)-(e) "Eligible private school" means a private school as
47 defined in s. 1002.01 located in this state which offers an
48 education to students in any grade from Kindergarten through
49 grade 12 and:

- 50 1. Meets the requirements of ss. 1002.42 and 1002.421; and
51 2. Meets the applicable requirements imposed under this
52 chapter, if the private school participates in a scholarship
53 program under this chapter ~~has the same meaning as provided in~~
54 s. 1002.395(2)(g).

55 (h) "Household income" has the same meaning as the term
56 "income" as defined in the Income Eligibility Guidelines for
57 free and reduced price meals under the National School Lunch
58 Program in 7 C.F.R. part 210 as published in the Federal
59 Register by the United States Department of Agriculture.

60 (i) "Inactive" means that no eligible expenditures have
61 been made from a student scholarship account funded pursuant to
62 this section.

63 (j) "Incident" means battery; harassment; hazing; bullying;
64 kidnapping; physical attack; robbery; sexual offenses,
65 harassment, assault, or battery; threat or intimidation; or
66 fighting at school, as defined by the department in accordance
67 with s. 1006.147(4).

68 (k) "Owner or operator" includes:



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69 1. An owner, president, officer, or director of an eligible
70 nonprofit scholarship-funding organization or a person with
71 equivalent decisionmaking authority over an eligible nonprofit
72 scholarship-funding organization.

73 2. An owner, operator, superintendent, or principal of an
74 eligible private school or a person with equivalent
75 decisionmaking authority over an eligible private school.

76 (1)~~(d)~~ "Parent" means a resident of this state who is a
77 parent, as defined in s. 1000.21.

78 (m)~~(e)~~ "Program" means the Family Empowerment Scholarship
79 Program.

80 (n) "School" means any educational program or activity
81 conducted by a public K-12 educational institution, any school-
82 related or school-sponsored program or activity, and riding on a
83 school bus as defined in s. 1006.25(1), including waiting at a
84 school bus stop.

85 (3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible
86 for a Family Empowerment Scholarship under this section if the
87 student meets the following criteria:

88 (a)1. The student is on the direct certification list
89 ~~pursuant to s. 1002.395(2)(e)~~ or the student's household income
90 level does not exceed 300 ~~185~~ percent of the federal poverty
91 level or an adjusted maximum percent of the federal poverty
92 level established pursuant to paragraph (e); or

93 2. The student is:

94 a. Currently placed, or during the previous state fiscal
95 year was placed, in foster care or in out-of-home care as
96 defined in s. 39.01;

97 b. A sibling of a student who is participating in the



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98 scholarship program under this subsection, if the student
99 resides in the same household as the sibling;

100 c. A sibling of a student who is participating in the
101 scholarship program under s. 1002.381, if the student resides in
102 the same household as the sibling and attends the same school;

103 or

104 d. Enrolled in a Florida public school in kindergarten
105 through grade 12 and reported an incident in accordance with
106 paragraph (7) (b)

107 ~~3. The student's household income level does not exceed 300~~
108 ~~percent of the federal poverty level or an adjusted maximum~~
109 ~~percent of the federal poverty level as established pursuant to~~
110 ~~paragraph (c).~~

111
112 A student who initially receives a scholarship based on
113 eligibility under this paragraph ~~subparagraph 2.~~ remains
114 eligible to participate until the student graduates from high
115 school or attains the age of 21 years, whichever occurs first,
116 regardless of the student's household income level. ~~A sibling of~~
117 ~~a student who is participating in the scholarship program under~~
118 ~~this subsection is eligible for a scholarship if the student~~
119 ~~resides in the same household as the sibling.~~

120 ~~(b)1.~~ The student is eligible to enroll in kindergarten
121 through grade 12 in a public school in this state;

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

124 ~~3. Beginning with the 2020-2021 school year, the student~~
125 ~~received a scholarship pursuant to s. 1002.395 during the~~
126 ~~previous school year but did not receive a renewal scholarship~~



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127 ~~based solely on the eligible nonprofit scholarship funding~~
128 ~~organization's lack of available funds after the organization~~
129 ~~fully exhausts its efforts to use funds available for awards~~
130 ~~under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit~~
131 ~~scholarship-funding organizations with students who meet the~~
132 ~~eligibility criterion of this subparagraph must annually notify~~
133 ~~the department in a format and by a date established by the~~
134 ~~department.~~

135
136 ~~For purposes of this paragraph, the term "prior school year in~~
137 ~~attendance" means that the student was enrolled full time and~~
138 ~~reported by a school district for funding during the preceding~~
139 ~~October and February Florida Education Finance Program surveys~~
140 ~~in kindergarten through grade 12, which includes time spent in a~~
141 ~~Department of Juvenile Justice commitment program if funded~~
142 ~~under the Florida Education Finance Program. However, a~~
143 ~~dependent child of a member of the United States Armed Forces~~
144 ~~who transfers to a school in this state from out of state or~~
145 ~~from a foreign country due to a parent's permanent change of~~
146 ~~station orders or a foster child is exempt from the prior public~~
147 ~~school attendance requirement under this paragraph, but must~~
148 ~~meet the other eligibility requirements specified under this~~
149 ~~section to participate in the program.~~

150 ~~(c) The parent has applied to an eligible nonprofit~~
151 ~~scholarship-funding organization to participate in the program~~
152 ~~by a date set by the organization ~~obtained acceptance for~~~~
153 ~~admission of the student to a private school that is eligible~~
154 ~~for the program under subsection (8), and the parent has~~
155 ~~requested a scholarship from the Department of Education by a~~



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156 ~~date established by the department pursuant to paragraph (7)(c),~~
157 ~~but no later than at least 60 days before the date of the first~~
158 ~~scholarship payment. The application request must be~~
159 ~~communicated directly to the organization department in a manner~~
160 ~~that creates a written or electronic record of the application~~
161 ~~request and the date of receipt of the application request. The~~
162 ~~department must notify the school district of the parent's~~
163 ~~intent upon receipt of the parent's request.~~

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

166 1. An eligible student who received a Family Empowerment
167 Scholarship during the previous school year, or a Florida Tax
168 Credit Scholarship or Hope Scholarship during the 2020-2021
169 school year, and requested a renewal scholarship award.

170 2. An eligible student who meets the criteria for an
171 initial award under both paragraphs paragraph (a) and (b) and
172 was retained on the previous school year's wait list
173 subparagraph (b)3.

174 3. An eligible student who meets the criteria for an
175 initial award under sub-subparagraph (a)2.a., sub-subparagraph
176 (a)2.b., sub-subparagraph (a)2.d., or paragraph (b) subparagraph
177 (b)2. and either subparagraph (a)1. or subparagraph (a)2.

178 4. An eligible student who meets the criteria for an
179 initial award under subparagraph (a)1. (b)1. and paragraph (b),
180 and the student's household income level does not exceed 185
181 percent of the federal poverty level either subparagraph (a)1.
182 or subparagraph (a)2.

183 5. An eligible student who meets the criteria for an
184 initial award under subparagraph (a)1. (a)3. and paragraph (b)



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185 ~~in priority order, either subparagraph (b)2. or subparagraph~~
186 ~~(b)1.~~

187 6. An eligible student who meets the criteria for an
188 initial award under sub-subparagraph (a)2.c. and paragraph (b).

189
190 An approved student who does not receive a scholarship must be
191 placed on the wait list in the order in which his or her
192 application is approved. An eligible student who does not
193 receive a scholarship within the fiscal year must be retained on
194 the wait list for the subsequent year.

195 (e) The student's household income level does not exceed an
196 adjusted maximum percent of the federal poverty level that is
197 increased by 25 percentage points ~~percent~~ in the fiscal year
198 following any fiscal