

1 A bill to be entitled
2 An act relating to school choice; amending s. 11.45,
3 F.S.; revising the frequency with which the Auditor
4 General must conduct certain operational audits;
5 repealing s. 1002.385, F.S., relating to the Gardiner
6 Scholarship; amending s. 1002.39, F.S.; revising
7 provisions relating to the calculation of the maximum
8 amount of scholarship funds granted to an eligible
9 student with a disability under the John M. McKay
10 Scholarships for Students with Disabilities Program;
11 providing for future repeal of the program; amending
12 s. 1002.394, F.S.; providing definitions; revising
13 student eligibility requirements under the Family
14 Empowerment Scholarship Program; providing
15 requirements for the use of funds under the program;
16 revising provisions relating to the term of
17 scholarships awarded under the program; providing that
18 certain students are not eligible for a scholarship
19 under the program under certain circumstances;
20 providing exceptions; revising the obligations of
21 school districts, the Department of Education, private
22 schools, and eligible scholarship-funding
23 organizations under the program; revising the
24 responsibilities of parents and students relating to
25 program participation; revising provisions relating to

26 the funding and payment of scholarships awarded under
27 the program; requiring specified state agencies to
28 work with an organization to provide access to lists
29 of approved licensed service providers; providing that
30 certain students with disabilities are eligible for
31 enrollment in transition-to-work programs at certain
32 participating private schools; providing requirements
33 for such students, private schools, and businesses
34 under transition-to-work programs; revising provisions
35 relating to the State Board of Education's rulemaking
36 authority; removing obsolete provisions; amending s.
37 1002.395, F.S.; revising the amount of eligible
38 contributions that may be used for administrative
39 expenses by an eligible nonprofit scholarship-funding
40 organization under the Florida Tax Credit Scholarship
41 Program; amending ss. 1002.40, 1009.971, 1009.98,
42 1009.981, 1011.61, and 1011.62, F.S.; conforming
43 provisions to changes made by the act; providing
44 effective dates.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Paragraph (1) of subsection (2) of section
49 11.45, Florida Statutes, is amended to read:

50 11.45 Definitions; duties; authorities; reports; rules.—

51 (2) DUTIES.—The Auditor General shall:
 52 (1) At least once every 3 years, ~~Annually~~ conduct
 53 operational audits of the accounts and records of eligible
 54 nonprofit scholarship-funding organizations receiving eligible
 55 contributions under s. 1002.395, including any contracts for
 56 services with related entities, to determine compliance with the
 57 provisions of that section. Such audits shall include, but not
 58 be limited to, a determination of the eligible nonprofit
 59 scholarship-funding organization's compliance with s.
 60 1002.395(6)(j). The Auditor General shall provide its report on
 61 the results of the audits to the Governor, the President of the
 62 Senate, the Speaker of the House of Representatives, the Chief
 63 Financial Officer, and the Legislative Auditing Committee,
 64 within 30 days of completion of the audit.

65
 66 The Auditor General shall perform his or her duties
 67 independently but under the general policies established by the
 68 Legislative Auditing Committee. This subsection does not limit
 69 the Auditor General's discretionary authority to conduct other
 70 audits or engagements of governmental entities as authorized in
 71 subsection (3).

72 Section 2. Section 1002.385, Florida Statutes, is
 73 repealed.

74 Section 3. Subsection (10) of section 1002.39, Florida
 75 Statutes, is amended, and subsection (14) is added to that

76 section, to read:

77 1002.39 The John M. McKay Scholarships for Students with
78 Disabilities Program.—There is established a program that is
79 separate and distinct from the Opportunity Scholarship Program
80 and is named the John M. McKay Scholarships for Students with
81 Disabilities Program.

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

83 (a)~~1.~~ The maximum scholarship granted for an eligible
84 student with disabilities shall be calculated in accordance with
85 s. 1002.394(12)(b) ~~equivalent to the base student allocation in~~
86 ~~the Florida Education Finance Program multiplied by the~~
87 ~~appropriate cost factor for the educational program that would~~
88 ~~have been provided for the student in the district school to~~
89 ~~which he or she was assigned, multiplied by the district cost~~
90 ~~differential.~~

91 ~~2. In addition, a share of the guaranteed allocation for~~
92 ~~exceptional students shall be determined and added to the amount~~
93 ~~in subparagraph 1. The calculation shall be based on the~~
94 ~~methodology and the data used to calculate the guaranteed~~
95 ~~allocation for exceptional students for each district in chapter~~
96 ~~2000-166, Laws of Florida. Except as provided in subparagraphs~~
97 ~~3. and 4., the calculation shall be based on the student's~~
98 ~~grade, matrix level of services, and the difference between the~~
99 ~~2000-2001 basic program and the appropriate level of services~~
100 ~~cost factor, multiplied by the 2000-2001 base student allocation~~

101 ~~and the 2000-2001 district cost differential for the sending~~
102 ~~district. The calculated amount shall include the per student~~
103 ~~share of supplemental academic instruction funds, instructional~~
104 ~~materials funds, technology funds, and other categorical funds~~
105 ~~as provided in the General Appropriations Act.~~

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

111 ~~4. Until the school district completes the matrix required~~
112 ~~by paragraph (5) (b), the calculation shall be based on the~~
113 ~~matrix that assigns the student to support Level I of service as~~
114 ~~it existed prior to the 2000-2001 school year. When the school~~
115 ~~district completes the matrix, the amount of the payment shall~~
116 ~~be adjusted as needed.~~

117 ~~5. The scholarship amount for a student eligible under s.~~
118 ~~504 of the Rehabilitation Act of 1973 shall be based on the~~
119 ~~program cost factor the student currently generates through the~~
120 ~~Florida Education Finance Program.~~

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

124 (b) The amount of the John M. McKay Scholarship shall be
125 the calculated amount or the amount of the private school's

126 tuition and fees, whichever is less. The amount of any
127 assessment fee required by the participating private school may
128 be paid from the total amount of the scholarship.

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

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

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

140 2.b. The school district shall be held harmless for such
141 students from the weighted enrollment ceiling for group 2
142 programs in s. 1011.62(1)(d)3.b. during the first school year in
143 which the students are reported.

144 (d) Following notification on July 1, September 1,
145 December 1, or February 1 of the number of program participants,
146 the department shall transfer, from General Revenue funds only,
147 the amount calculated under paragraph (a) ~~(b)~~ from the school
148 district's total funding entitlement under the Florida Education
149 Finance Program and from authorized categorical accounts to a
150 separate account for the scholarship program for quarterly

151 disbursement to the parents of participating students. Funds may
152 not be transferred from any funding provided to the Florida
153 School for the Deaf and the Blind for program participants who
154 are eligible under sub-subparagraph (2)(a)2.b. For a student
155 exiting a Department of Juvenile Justice commitment program who
156 chooses to participate in the scholarship program, the amount of
157 the ~~John M. McKay~~ scholarship calculated pursuant to paragraph
158 (a) ~~(b)~~ shall be transferred from the school district in which
159 the student last attended a public school before commitment to
160 the Department of Juvenile Justice. When a student enters the
161 scholarship program, the department must receive all
162 documentation required for the student's participation,
163 including the private school's and the student's fee schedules,
164 at least 30 days before the first quarterly scholarship payment
165 is made for the student.

166 (e) Upon notification by the department that it has
167 received the documentation required under paragraph (d), the
168 Chief Financial Officer shall make scholarship payments in four
169 equal amounts no later than September 1, November 1, February 1,
170 and April 1 of each academic year in which the scholarship is in
171 force. The initial payment shall be made after department
172 verification of admission acceptance, and subsequent payments
173 shall be made upon verification of continued enrollment and
174 attendance at the private school. Payment must be made by
175 individual warrant made payable to the student's parent and

176 mailed by the department to the private school of the parent's
177 choice, and the parent shall restrictively endorse the warrant
178 to the private school for deposit into the account of the
179 private school.

180 (f) Subsequent to each scholarship payment, the department
181 shall request from the Department of Financial Services a sample
182 of endorsed warrants to review and confirm compliance with
183 endorsement requirements.

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

185 Section 4. Section 1002.394, Florida Statutes, is amended
186 to read:

187 1002.394 The Family Empowerment Scholarship Program.—

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

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

193 (a) "Approved provider" means a provider approved by the
194 Agency for Persons with Disabilities, a health care practitioner
195 as defined in s. 456.001, or a provider approved by the
196 department pursuant to s. 1002.66.

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

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

201 (d) "Disability" means, for a 3- or 4-year-old child or
202 for a student in kindergarten to grade 12, autism spectrum
203 disorder, as defined in the Diagnostic and Statistical Manual of
204 Mental Disorders, Fifth Edition, published by the American
205 Psychiatric Association; cerebral palsy, as defined in s.
206 393.063; Down syndrome, as defined in s. 393.063; an
207 intellectual disability, as defined in s. 393.063; a speech
208 impairment; a language impairment; an orthopedic impairment; an
209 other health impairment; an emotional or a behavioral
210 disability; a specific learning disability, including, but not
211 limited to, dyslexia, dyscalculia, or developmental aphasia;
212 Phelan-McDermid syndrome, as defined in s. 393.063; Prader-Willi
213 syndrome, as defined in s. 393.063; spina bifida, as defined in
214 s. 393.063; being a high-risk child, as defined in s.
215 393.063(23)(a); muscular dystrophy; Williams syndrome; rare
216 diseases which affect patient populations of fewer than 200,000
217 individuals in the United States, as defined by the National
218 Organization for Rare Disorders; anaphylaxis; a hearing
219 impairment, including deafness; a visual impairment, including
220 blindness; traumatic brain injury; hospital or homebound; or
221 identification as dual sensory impaired, as defined by rules of
222 the State Board of Education and evidenced by reports from local
223 school districts. The term "hospital or homebound" includes a
224 student who has a medically diagnosed physical or psychiatric
225 condition or illness, as defined by the state board in rule, and

226 who is confined to the home or hospital for more than 6 months.

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

230 (f) "Eligible postsecondary educational institution" means
231 a Florida College System institution; a state university; a
232 school district technical center; a school district adult
233 general education center; an independent college or university
234 that is eligible to participate in the William L. Boyd, IV,
235 Effective Access to Student Education Grant Program under s.
236 1009.89; or an accredited independent postsecondary educational
237 institution, as defined in s. 1005.02, which is licensed to
238 operate in this state under part III of chapter 1005.

239 (g) ~~(e)~~ "Eligible private school" has the same meaning as
240 provided in s. 1002.395(2) (g).

241 (h) "IEP" means an individual education plan, regardless
242 of whether the plan has been reviewed or revised within the last
243 12 months.

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

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

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

251 (1)(e) "Program" means the Family Empowerment Scholarship
 252 Program.

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

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

258 (4) (a) if:

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

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

265 3. The student's household income level does not exceed
 266 300 percent of the federal poverty level or an adjusted maximum
 267 percent of the federal poverty level that is increased by 25
 268 percentage points in the fiscal year following any fiscal year
 269 in which more than 5 percent of the available scholarships
 270 authorized under paragraph (12) (a) have not been awarded as
 271 established pursuant to paragraph (e).

272 4. The student is a sibling of a student who is
 273 participating in the scholarship program under this paragraph
 274 and resides in the same household as the sibling.

275

276 Priority must be given to a student whose household income level
277 does not exceed 185 percent of the federal poverty level or who
278 is in foster care or out-of-home care ~~A student who initially~~
279 ~~receives a scholarship based on eligibility under subparagraph~~
280 ~~2. remains eligible to participate until the student graduates~~
281 ~~from high school or attains the age of 21 years, whichever~~
282 ~~occurs first, regardless of the student's household income~~
283 ~~level. A sibling of a student who is participating in the~~
284 ~~scholarship program under this subsection is eligible for a~~
285 ~~scholarship if the student resides in the same household as the~~
286 ~~sibling.~~

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

- 290 1. Is a resident of this state;
291 2. Is 3 or 4 years of age on or before September 1 of the
292 year in which the student applies for program participation, or
293 is eligible to enroll in kindergarten through grade 12 in a
294 public school in this state;
295 3. Has a disability as defined in subsection (2); and
296 4. Is the subject of an IEP written in accordance with
297 rules of the State Board of Education or with the applicable
298 rules of another state or has received a diagnosis of a
299 disability from a physician who is licensed under chapter 458 or
300 chapter 459, a psychologist who is licensed under chapter 490,

301 or a physician who holds an active license issued by another
302 state or territory of the United States, the District of
303 Columbia, or the Commonwealth of Puerto Rico.

304 (c) An approved student who does not receive a scholarship
305 must be placed on the wait list in the order in which the
306 student is approved. An eligible student who does not receive a
307 scholarship within the fiscal year must be retained on the wait
308 list for the subsequent year.

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

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

312 ~~3. Beginning with the 2020-2021 school year, the student~~
313 ~~received a scholarship pursuant to s. 1002.395 during the~~
314 ~~previous school year but did not receive a renewal scholarship~~
315 ~~based solely on the eligible nonprofit scholarship funding~~
316 ~~organization's lack of available funds after the organization~~
317 ~~fully exhausts its efforts to use funds available for awards~~
318 ~~under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit~~
319 ~~scholarship-funding organizations with students who meet the~~
320 ~~eligibility criterion of this subparagraph must annually notify~~
321 ~~the department in a format and by a date established by the~~
322 ~~department.~~

323
324 ~~For purposes of this paragraph, the term "prior school year in~~
325 ~~attendance" means that the student was enrolled full time and~~

326 ~~reported by a school district for funding during the preceding~~
327 ~~October and February Florida Education Finance Program surveys~~
328 ~~in kindergarten through grade 12, which includes time spent in a~~
329 ~~Department of Juvenile Justice commitment program if funded~~
330 ~~under the Florida Education Finance Program. However, a~~
331 ~~dependent child of a member of the United States Armed Forces~~
332 ~~who transfers to a school in this state from out of state or~~
333 ~~from a foreign country due to a parent's permanent change of~~
334 ~~station orders or a foster child is exempt from the prior public~~
335 ~~school attendance requirement under this paragraph, but must~~
336 ~~meet the other eligibility requirements specified under this~~
337 ~~section to participate in the program.~~

338 ~~(c) The parent has obtained acceptance for admission of~~
339 ~~the student to a private school that is eligible for the program~~
340 ~~under subsection (8), and the parent has requested a scholarship~~
341 ~~from the Department of Education by a date established by the~~
342 ~~department pursuant to paragraph (7) (c), but no later than at~~
343 ~~least 60 days before the date of the first scholarship payment.~~
344 ~~The request must be communicated directly to the department in a~~
345 ~~manner that creates a written or electronic record of the~~
346 ~~request and the date of receipt of the request. The department~~
347 ~~must notify the school district of the parent's intent upon~~
348 ~~receipt of the parent's request.~~

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

351 ~~1. An eligible student who received a Family Empowerment~~
352 ~~Scholarship during the previous school year and requested a~~
353 ~~renewal scholarship award.~~

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

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

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

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

365 ~~(c) The student's household income level does not exceed~~
366 ~~an adjusted maximum percent of the federal poverty level that is~~
367 ~~increased by 25 percent in the fiscal year following any fiscal~~
368 ~~year in which more than 5 percent of the available scholarships~~
369 ~~authorized under subsection (11) have not been awarded.~~

370 (4) AUTHORIZED USES OF PROGRAM FUNDS.-

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

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

374 2. Transportation to a Florida public school in which a
375 student is enrolled and that is different from the school to

376 which the student was assigned or to a lab school as defined in
377 s. 1002.32 if the student is determined eligible pursuant to
378 subparagraph (3)(a)1. or 2.

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

382 1. Instructional materials, including digital devices,
383 digital periphery devices, and assistive technology devices that
384 allow a student to access instruction or instructional content
385 and training on the use of and maintenance agreements for these
386 devices.

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

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

391 a. Applied behavior analysis services as provided in ss.
392 627.6686 and 641.31098.

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

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

396 d. Services provided by physical therapists as defined in
397 s. 486.021(8).

398 e. Services provided by listening and spoken language
399 specialists and an appropriate acoustical environment for a
400 child who has a hearing impairment, including deafness, and who

401 has received an implant or assistive hearing device.

402 4. Tuition or fees associated with full-time or part-time
403 enrollment in a home education program, an eligible private
404 school, an eligible postsecondary educational institution or a
405 program offered by the postsecondary educational institution, a
406 private tutoring program authorized under s. 1002.43, a virtual
407 program offered by a department-approved private online provider
408 that meets the provider qualifications specified in s.
409 1002.45(2)(a), the Florida Virtual School as a private paying
410 student, or an approved online course offered pursuant to s.
411 1003.499 or s. 1004.0961.

412 5. Fees for nationally standardized, norm-referenced
413 achievement tests, Advanced Placement Examinations, industry
414 certification examinations, assessments related to postsecondary
415 education, or other assessments.

416 6. Contributions to the Stanley G. Tate Florida Prepaid
417 College Program pursuant to s. 1009.98 or the Florida College
418 Savings Program pursuant to s. 1009.981 for the benefit of the
419 eligible student.

420 7. Contracted services provided by a public school or
421 school district, including classes. A student who receives
422 services under a contract under this paragraph is not considered
423 enrolled in a public school for eligibility purposes as
424 specified in subsection (6).

425 8. Tuition and fees for part-time tutoring services

426 provided by a person who holds a valid Florida educator's
427 certificate pursuant to s. 1012.56, a person who holds an
428 adjunct teaching certificate pursuant to s. 1012.57, a person
429 who has a bachelor's degree or a graduate degree in the subject
430 area in which instruction is given, a person who has
431 demonstrated a mastery of subject area knowledge pursuant to s.
432 1012.56(5), or a person certified by a nationally or
433 internationally recognized research-based training program as
434 approved by the department. As used in this paragraph, the term
435 "part-time tutoring services" does not qualify as regular school
436 attendance as defined in s. 1003.01(13)(e).

437 9. Fees for specialized summer education programs.

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

439 11. Transition services provided by job coaches.

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

443 13. Tuition and fees associated with programs offered by
444 Voluntary Prekindergarten Education Program providers approved
445 pursuant to s. 1002.55 and school readiness providers approved
446 pursuant to s. 1002.88.

447 14. Fees for services provided at a center that is a
448 member of the Professional Association of Therapeutic
449 Horsemanship International.

450 15. Fees for services provided by a therapist who is

451 certified by the Certification Board for Music Therapists or
452 credentialed by the Art Therapy Credentials Board, Inc.

453 (5)-(4) TERM OF SCHOLARSHIP.-

454 ~~(a) For purposes of continuity of educational choice: a~~
455 ~~Family Empowerment Scholarship~~

456 (a) A scholarship awarded to an eligible student pursuant
457 to paragraph (3) (a) shall remain in force until the student
458 returns to a public school, graduates from high school, or
459 reaches the age of 21, whichever occurs first. A scholarship
460 student who enrolls in a public school or public school program
461 is considered to have returned to a public school for the
462 purpose of determining the end of the scholarship's term.
463 However, if a student enters a Department of Juvenile Justice
464 detention center for a period of no more than 21 days, the
465 student is not considered to have returned to a public school
466 for that purpose.

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

469 a. The parent does not renew program eligibility;

470 b. The organization determines that the student is not
471 eligible for program renewal;

472 c. The Commissioner of Education suspends or revokes
473 program participation or use of funds;

474 d. The student's parent has forfeited participation in the
475 program for failure to comply with subsection (10);

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

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

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

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

487 a. Denial or revocation of program eligibility by the
488 commissioner for fraud or abuse, including, but not limited to,
489 the student or student's parent accepting any payment, refund,
490 or rebate, in any manner, from a provider of any services
491 received pursuant to subsection (4);

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

496 c. Two consecutive fiscal years in which an account has
497 been inactive.

498 (c) Upon reasonable notice to the department and the
499 school district, the student's parent may remove the student
500 from the private school and place the student in a public school

501 in accordance with this section.

502 (d)~~(e)~~ Upon reasonable notice to the department, the
503 student's parent may move the student from one participating
504 private school to another participating private school.

505 (6)~~(5)~~ SCHOLARSHIP PROHIBITIONS.—A student is not eligible
506 for a Family Empowerment Scholarship while he or she is:

507 (a) Enrolled in a public school, including, but not
508 limited to, the Florida School for the Deaf and the Blind, the
509 College-Preparatory Boarding Academy, a developmental research
510 school authorized under s. 1002.32, or a charter school
511 authorized under this chapter. For purposes of this paragraph, a
512 3- or 4-year-old child who receives services funded through the
513 Florida Education Finance Program is considered to be a student
514 enrolled in a public school;

515 (b) Enrolled in a school operating for the purpose of
516 providing educational services to youth in a Department of
517 Juvenile Justice commitment program;

518 (c) Receiving any other educational scholarship pursuant
519 to this chapter;

520 (d) Not having regular and direct contact with his or her
521 private school teachers pursuant to s. 1002.421(1)(i), unless he
522 or she is eligible pursuant to paragraph (3)(b) and enrolled in
523 the private school's transition-to-work program pursuant to
524 subsection (16) or a home education program pursuant to s.
525 1002.41;

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

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

531 (f) Participating in a virtual instruction pursuant to s.
532 1002.455 school, correspondence school, or distance learning
533 program that receives state funding pursuant to the student's
534 participation.

535 (7)(6) SCHOOL DISTRICT OBLIGATIONS.—

536 (a) By January ~~July 15, 2019,~~ and by ~~April~~ 1 of each year
537 ~~thereafter,~~ a school district shall inform all households within
538 the district receiving free or reduced-priced meals under the
539 National School Lunch Act of their eligibility to apply to the
540 department for a Family Empowerment Scholarship. The form of
541 such notice shall be provided by the department, and the school
542 district shall include the provided form in any normal
543 correspondence with eligible households. Such notice is limited
544 to once a year.

545 (b)1. The parent of a student with a disability who does
546 not have an IEP in accordance with subparagraph (3) (b)4. or who
547 seeks a reevaluation of an existing IEP may request an IEP
548 meeting and evaluation from the school district in order to
549 obtain or revise a matrix of services. The school district shall
550 notify a parent who has made a request for an IEP that the

551 district is required to complete the IEP and matrix of services
552 within 30 days after receiving notice of the parent's request.
553 The school district shall conduct a meeting and develop an IEP
554 and a matrix of services within 30 days after receipt of the
555 parent's request in accordance with State Board of Education
556 rules. The district must accept the diagnosis, and consider the
557 service plan of the licensed professional providing the
558 diagnosis pursuant to subparagraph (3)(b)4. The school district
559 must complete a matrix that assigns the student to one of the
560 levels of service as they existed before the 2000-2001 school
561 year.

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

565 b. The department shall notify the parent and the
566 organization of the amount of the funds awarded within 10 days
567 after receiving the school district's notification of the
568 student's matrix level.

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

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

576 public school in the school district.

577 2. The parent is not required to accept the offer of
578 enrolling the student in another public school in lieu of
579 requesting a scholarship. However, if the parent chooses the
580 public school option, the student may continue attending the
581 public school chosen by the parent until the student graduates
582 from high school.

583 3. The parent may choose another public school in the
584 school district and the school district shall provide
585 transportation to the public school selected by the parent.

586 4. The parent may choose, as an alternative, to enroll the
587 student in and transport the student to a public school in an
588 adjacent school district that has available space and has a
589 program with the services agreed to in the student's IEP already
590 in place, and that school district shall accept the student and
591 report the student for purposes of the school district's funding
592 pursuant to the Florida Education Finance Program.

593 (d) ~~(b)~~ The school district in which a participating
594 student resides must notify the student and his or her parent
595 about the locations and times to take all statewide assessments
596 under s. 1008.22 if the student chooses to participate in such
597 assessments. Upon the request of the department, a school
598 district shall coordinate with the department to provide to a
599 participating private school the statewide assessments
600 administered under s. 1008.22 and any related materials for

601 administering the assessments. For a student who participates in
602 the Family Empowerment Scholarship Program whose parent requests
603 that the student take the statewide assessments under s.
604 1008.22, the district in which the student attends a private
605 school shall provide locations and times to take all statewide
606 assessments. A school district is responsible for implementing
607 test administrations at a participating private school,
608 including the:

- 609 1. Provision of training for private school staff on test
610 security and assessment administration procedures;
- 611 2. Distribution of testing materials to a private school;
- 612 3. Retrieval of testing materials from a private school;
- 613 4. Provision of the required format for a private school
614 to submit information to the district for test administration
615 and enrollment purposes; and
- 616 5. Provision of any required assistance, monitoring, or
617 investigation at a private school.

618 (e)~~(e)~~ Each school district must publish information about
619 the Family Empowerment Scholarship Program on the district's
620 website homepage. At a minimum, the published information must
621 include a website link to the Family Empowerment Scholarship
622 Program published on the Department of Education website as well
623 as a telephone number and e-mail that students and parents may
624 use to contact relevant personnel in the school district to
625 obtain information about the scholarship.

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

630 (g) A school district shall be held harmless for students
631 who are receiving a scholarship under this program from the
632 weighted enrollment ceiling for group 2 programs in s.
633 1011.62(1)(d)3.b. during the first school year in which the
634 students are reported.

635 (8)(7) DEPARTMENT OF EDUCATION OBLIGATIONS. ~~The department~~
636 ~~shall:~~

637 (a) The department shall:

638 1. Publish and update, as necessary, information on the
639 department website about the Family Empowerment Scholarship
640 Program, including, but not limited to, student eligibility
641 criteria, parental responsibilities, and relevant data.

642 2.(b) Cross-check before each distribution of funds the
643 list of participating scholarship students with the public
644 school enrollment lists before each scholarship payment to avoid
645 duplication.

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

651 4.~~(d)~~ Notify eligible nonprofit scholarship-funding
 652 organizations of the deadlines for submitting the verified list
 653 of students determined to be eligible for a ~~an initial or~~
 654 ~~renewal~~ scholarship.

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

657 6.~~(e)~~ Establish deadlines for the receipt of ~~initial~~
 658 ~~applications and renewal notifications~~ in order to implement the
 659 priority order for scholarship awards ~~pursuant to paragraph~~
 660 ~~(3) (d).~~

661 7. Deny or terminate program participation upon a parent's
 662 failure to comply with subsection (10).

663 8. Notify the parent and the organization when a
 664 scholarship account is closed and program funds revert to the
 665 state.

666 9. Notify an eligible nonprofit scholarship-funding
 667 organization of any of the organization's or other
 668 organization's identified students who are receiving
 669 scholarships under this chapter.

670 10. Maintain on its website a list of approved providers
 671 as required by s. 1002.66, eligible postsecondary educational
 672 institutions, eligible private schools, and eligible
 673 organizations and may identify or provide links to lists of
 674 other approved providers.

675 11. Require each organization to verify eligible

676 expenditures before the distribution of funds for any
677 expenditures made pursuant to subparagraphs (4)(b)1. and 2.
678 Review of expenditures made for services specified in
679 subparagraphs (4)(b)3.-15. may be completed after the purchase
680 is made.

681 12. Investigate any written complaint of a violation of
682 this section by a parent, a student, a private school, a public
683 school, a school district, an organization, a provider, or
684 another appropriate party in accordance with the process
685 established under s. 1002.421.

686 13. Require quarterly reports by an organization, which
687 must include, at a minimum, the number of students participating
688 in the program; the demographics of program participants; the
689 disability category of program participants; the matrix level of
690 services, if known; the program award amount per student; the
691 total expenditures for the purposes specified in paragraph
692 (4)(b); the types of providers of services to students; and any
693 other information deemed necessary by the department.

694 14. Notify eligible nonprofit scholarship funding
695 organizations that scholarships may not be awarded in a school
696 district in which the award will exceed 99 percent of the school
697 district's share of funding through the Florida Education
698 Finance Program as calculated by the department.

699 (b) At the direction of the Commissioner of Education, the
700 department may:

701 1. Suspend or revoke program participation or use of
702 program funds by the student or participation or eligibility of
703 an organization, eligible postsecondary educational institution,
704 approved provider, or other party for a violation of this
705 section.

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

708 3. Recover unexpended program funds or withhold payment of
709 an equal amount of program funds to recover program funds that
710 were not authorized for use.

711
712 In determining whether to suspend or revoke participation or
713 lift a suspension or revocation in accordance with this
714 paragraph, the department may consider factors that include, but
715 are not limited to, acts or omissions that led to a previous
716 suspension or revocation of participation in a state or federal
717 program or an education scholarship program; failure to
718 reimburse the organization for funds improperly received or
719 retained; failure to reimburse government funds improperly
720 received or retained; imposition of a prior criminal sanction
721 related to the person or entity or its officers or employees;
722 imposition of a civil fine or administrative fine, license
723 revocation or suspension, or program eligibility suspension,
724 termination, or revocation related to a person's or entity's
725 management or operation; or other types of criminal proceedings

726 in which the person or entity or its officers or employees were
727 found guilty of, regardless of adjudication, or entered a plea
728 of nolo contendere or guilty to, any offense involving fraud,
729 deceit, dishonesty, or moral turpitude.

730 (9)~~(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
731 eligible to participate in the Family Empowerment Scholarship
732 Program, a private school may be sectarian or nonsectarian and
733 must:

734 (a) Comply with all requirements for private schools
735 participating in state school choice scholarship programs
736 pursuant to s. 1002.421.

737 (b) Provide to the department all documentation required
738 for a student's participation, including the private school's
739 and student's fee schedules, at least 30 days before any
740 quarterly scholarship payment is made for the student pursuant
741 to paragraph (12) (a) ~~(11) (f)~~. A student is not eligible to
742 receive a quarterly scholarship payment if the private school
743 fails to meet this deadline.

744 (c)1. Annually administer or make provision for students
745 participating in the program in grades 3 through 10 to take one
746 of the nationally norm-referenced tests that are identified by
747 the department pursuant to paragraph (8) (a) ~~(7) (e)~~ or to take
748 the statewide assessments pursuant to s. 1008.22. Students with
749 disabilities for whom the physician or psychologist who issued
750 the diagnosis or the IEP team determines that standardized

751 testing is not appropriate are exempt from this requirement. A
752 participating private school shall report a student's scores to
753 his or her parent. By August 15 of each year, a participating
754 private school must report the scores of all participating
755 students to a state university as described in s.
756 1002.395(9)(f).

757 2. Administer the statewide assessments pursuant to s.
758 1008.22 if the private school chooses to offer the statewide
759 assessments. A participating private school may choose to offer
760 and administer the statewide assessments to all students who
761 attend the private school in grades 3 through 10 and must submit
762 a request in writing to the department by March 1 of each year
763 in order to administer the statewide assessments in the
764 subsequent school year.

765
766 If a private school fails to meet the requirements of this
767 subsection or s. 1002.421, the commissioner may determine that
768 the private school is ineligible to participate in the
769 scholarship program.

770 (10)~~(9)~~ PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
771 PARTICIPATION.—

772 (a) A parent who applies for program participation under
773 paragraph (3)(a) ~~a Family Empowerment Scholarship~~ is exercising
774 his or her parental option to place his or her child in a
775 private school and must:—

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

778 2.(b) ~~The parent must~~ Request the scholarship by a date
779 established by the department, but no later than at least 60
780 days before the date of the first scholarship payment in a
781 manner that creates a written or electronic record of the
782 request and the date of receipt of the request.

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

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

789 5.(e) ~~Before enrolling in a private school, a student and~~
790 ~~his or her parent or guardian must~~ Meet with the private
791 school's principal or the principal's designee to review the
792 school's academic programs and policies, customized educational
793 programs, code of student conduct, and attendance policies prior
794 to enrollment.

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

800 ~~(g)~~ If the parent requests that the student participating

801 in the program take all statewide assessments required pursuant
802 to s. 1008.22, the parent is responsible for transporting the
803 student to the assessment site designated by the school
804 district.

805 ~~7.(h) Upon receipt of a scholarship warrant, the parent to~~
806 ~~whom the warrant is issued must~~ Restrictively endorse the
807 warrant, issued in the name of the parent pursuant to
808 subparagraph (12) (a)6., to the private school for deposit into
809 the private school's account. The parent may not designate any
810 entity or individual associated with the participating private
811 school as the parent's attorney in fact to endorse a scholarship
812 warrant. A participant who fails to comply with this paragraph
813 forfeits the scholarship.

814 ~~(i) The parent must annually renew participation in the~~
815 ~~program by the date established by the department pursuant to~~
816 ~~paragraph (7) (e).~~

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

821 1. Apply to an eligible nonprofit scholarship-funding
822 organization to participate in the program by a date set by the
823 organization. The request must be communicated directly to the
824 organization in a manner that creates a written or electronic
825 record of the request and the date of receipt of the request.

826 2. Sign an agreement with the organization and annually
827 submit a notarized, sworn compliance statement to the
828 organization to satisfy or maintain program eligibility,
829 including eligibility to receive and spend program payments by:
830 a. Affirming that the student is enrolled in a program
831 that meets regular school attendance requirements as provided in
832 s. 1003.01(13)(b), (c), or (d).
833 b. Affirming that the program funds are used only for
834 authorized purposes serving the student's educational needs, as
835 described in paragraph (4)(b); that any prepaid college plan or
836 college savings plan funds contributed pursuant to subparagraph
837 (4)(b)6. will not be transferred to another beneficiary while
838 the plan contains funds contributed pursuant to this section;
839 and that they will not receive a payment, refund, or rebate of
840 any funds provided under this section.
841 c. Affirming that the parent is responsible for all
842 eligible expenses in excess of the amount of the scholarship and
843 for the education of his or her student by, as applicable:
844 (I) Requiring the student to take an assessment in
845 accordance with paragraph (9)(c);
846 (II) Providing an annual evaluation in accordance with s.
847 1002.41(1)(f); or
848 (III) Requiring the child to take any preassessments and
849 postassessments selected by the provider if the child is 4 years
850 of age and is enrolled in a program provided by an eligible

851 Voluntary Prekindergarten Education Program provider. A student
852 with disabilities for whom the physician or psychologist who
853 issued the diagnosis or the IEP team determines that a
854 preassessment and postassessment is not appropriate is exempt
855 from this requirement. A participating provider shall report a
856 student's scores to the parent.

857 d. Affirming that the student remains in good standing
858 with the provider or school if those options are selected by the
859 parent.

860 e. Enrolling his or her child in a program from a
861 Voluntary Prekindergarten Education Program provider authorized
862 under s. 1002.55, a school readiness provider authorized under
863 s. 1002.88, or an eligible private school if either option is
864 selected by the parent.

865 f. Renewing participation in the program each year. A
866 student whose participation in the program is not renewed may
867 continue to spend scholarship funds that are in his or her
868 account from prior years unless the account must be closed
869 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
870 the student's IEP, a student who was previously eligible for
871 participation in the program shall remain eligible to apply for
872 renewal. However, for a high-risk child to continue to
873 participate in the program in the school year after he or she
874 reaches 6 years of age, the child's application for renewal of
875 program participation must contain documentation that the child

876 has a disability defined in paragraph (2)(d) other than high-
877 risk status.

878 g. Procuring the services necessary to educate the
879 student. If a parent does not procure the necessary educational
880 services for the student and the student's account has been
881 inactive for 2 consecutive fiscal years, the student is
882 ineligible for additional scholarship payments until the
883 scholarship funding organization verifies that expenditures from
884 the account have occurred. When the student receives a
885 scholarship, the district school board is not obligated to
886 provide the student with a free appropriate public education.
887 For purposes of s. 1003.57 and the Individuals with Disabilities
888 in Education Act, a participating student has only those rights
889 that apply to all other unilaterally parentally placed students,
890 except that, when requested by the parent, school district
891 personnel must develop an IEP or matrix level of services.

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

894 (11)(10) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING
895 ORGANIZATIONS.—

896 (a) An eligible nonprofit scholarship-funding organization
897 awarding scholarships to eligible students pursuant to paragraph
898 (3)(a):

899 1.(a) Must receive applications, determine student
900 eligibility, and notify parents in accordance with the

901 requirements of this section. When an application is approved,
902 the organization must provide the department with information on
903 the student to enable the department to determine student
904 funding in accordance with paragraph (12) (a).

905 2. Shall verify the household income level of students
906 pursuant to subparagraph (3) (a)1. and submit the verified list
907 of students and related documentation to the department.

908 3.(b) Shall award ~~initial and renewal~~ scholarships in
909 priority order pursuant to paragraph (3) (a) ~~(3) (d)~~. ~~The eligible~~
910 ~~nonprofit scholarship funding organization shall implement the~~
911 ~~deadlines established by the department pursuant to paragraphs~~
912 ~~(7) (d) and (e).~~

913 4.(e) May, from eligible contributions received pursuant
914 to s. 1002.395(6) (j)1., use an amount not to exceed 1 percent of
915 the total amount of all scholarships awarded under paragraph
916 (3) (a) ~~this section~~ for administrative expenses associated with
917 performing functions under this section. Such administrative
918 expense amount is considered within the 3 percent limit on the
919 total amount an organization may use to administer scholarships
920 under this chapter.

921 5.(d) Must, in a timely manner, submit any information
922 requested by the department relating to the scholarship under
923 this section.

924 6.(e) Must notify the department about any violation of
925 this section by a parent or a private school.

926 (b) An eligible nonprofit scholarship-funding organization
927 awarding scholarships to eligible students pursuant to paragraph
928 (3) (b) shall:

929 1. Receive applications, determine student eligibility,
930 and notify parents in accordance with the requirements of this
931 section. When an application is approved, the organization must
932 provide the department with information on the student to enable
933 the department to determine student funding in accordance with
934 paragraph (12) (b).

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

937 3. Review applications and award scholarships using the
938 following priorities:

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

942 b. Renewing students from the previous school year.

943 c. Students retained on the previous school year's wait
944 list.

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

947
948 An approved student who does not receive a scholarship must be
949 placed on the wait list in the order in which his or her
950 application is approved. A student who does not receive a

951 scholarship within the fiscal year shall be retained on the wait
952 list for the subsequent fiscal year.

953 4. Establish and maintain separate accounts for each
954 eligible student. For each account, the organization must
955 maintain a record of accrued interest that is retained in the
956 student's account and available only for authorized program
957 expenditures.

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

960 6. Return any remaining program funds to the department
961 pursuant to paragraph (6) (b).

962 7. Notify the parent about the availability of, and the
963 requirements associated with requesting, an initial IEP or IEP
964 reevaluation every 3 years for each student participating in the
965 program.

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

967 9. Document each scholarship student's eligibility for a
968 fiscal year before granting a scholarship for that fiscal year
969 pursuant to paragraph (3) (b). A student is ineligible for a
970 scholarship if the student's account has been inactive for 2
971 consecutive fiscal years.

972 (12)-(11) SCHOLARSHIP FUNDING AND PAYMENT.-

973 (a)1. Scholarships for students determined eligible
974 pursuant to paragraph (3) (a) are ~~The scholarship is~~ established
975 for up to 18,000 students annually beginning in the 2019-2020

976 school year. Beginning in the 2020-2021 school year, the maximum
977 number of students participating in the scholarship program
978 under this section shall annually increase by 1.0 percent of the
979 state's total public school student enrollment. An eligible
980 student who meets any of the following requirements shall be
981 excluded from the maximum number of students if the student:

982 a. Received a scholarship pursuant to s. 1002.395 during
983 the previous school year but did not receive a renewal
984 scholarship based solely on the eligible nonprofit scholarship-
985 funding organization's lack of available funds after the
986 organization fully exhausted its efforts to use funds available
987 for awards under ss. 1002.395 and 1002.40(11)(i). Eligible
988 nonprofit scholarship-funding organizations with students who
989 meet the criterion in this subparagraph must annually notify the
990 department in a format and by a date established by the
991 department. The maximum number of scholarships awarded pursuant
992 to this subparagraph shall not exceed 15,000 per school year;

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

995 c. Is determined eligible pursuant to subparagraph
996 (3)(a)1. or 2. and spent the prior school year in attendance at
997 a Florida public school. For purposes of this subparagraph, the
998 term "prior school year in attendance" means that the student
999 was enrolled and reported by a school district for funding
1000 during either the preceding October or February Florida

1001 Education Finance Program surveys in kindergarten through grade
 1002 12, which includes time spent in a Department of Juvenile
 1003 Justice commitment program if funded under the Florida Education
 1004 Finance Program.

1005 2.~~(b)~~ The scholarship amount provided to a student for any
 1006 single school year shall be for tuition and fees for an eligible
 1007 private school, not to exceed annual limits, which shall be
 1008 determined in accordance with this subparagraph ~~paragraph~~. The
 1009 calculated amount for a participating student ~~to attend an~~
 1010 ~~eligible private school~~ shall be based upon the grade level and
 1011 school district in which the student was assigned as 100 ~~95~~
 1012 percent of the funds per unweighted full-time equivalent in the
 1013 Florida Education Finance Program for a student in the basic
 1014 program established pursuant to s. 1011.62(1)(c)1., plus a per-
 1015 full-time equivalent share of funds for all categorical
 1016 programs, except for the Exceptional Student Education
 1017 Guaranteed Allocation.

1018 3.~~(e)~~ The amount of the scholarship ~~Family Empowerment~~
 1019 ~~Scholarship~~ shall be the calculated amount or the amount of the
 1020 private school's tuition and fees, whichever is less. The amount
 1021 of any assessment fee required by the participating private
 1022 school may be paid from the total amount of the scholarship.

1023 4. A scholarship of \$750 may be awarded to a student who
 1024 is determined eligible pursuant to subparagraph (3)(a)1. or 2.
 1025 and enrolled in a Florida public school that is different from

1026 the school to which the student was assigned or in a lab school
1027 as defined in s. 1002.32 if the school district does not provide
1028 the student with transportation to the school.

1029 5.~~(d)~~ The school district shall report all students who
1030 are attending a private school under this program. The students
1031 attending private schools on Family Empowerment Scholarships
1032 shall be reported separately from other students reported for
1033 purposes of the Florida Education Finance Program.

1034 6.~~(e)~~ Following notification on July 1, September 1,
1035 December 1, or February 1 of the number of program participants,
1036 the department shall transfer, from general revenue funds only,
1037 the amount calculated pursuant to subparagraph 2. ~~paragraph (b)~~
1038 to a separate account for the scholarship program for quarterly
1039 disbursement to parents of participating students. For a student
1040 exiting a Department of Juvenile Justice commitment program who
1041 chooses to participate in the scholarship program, the amount of
1042 the Family Empowerment Scholarship calculated pursuant to
1043 subparagraph 2. ~~paragraph (b)~~ must be transferred from the
1044 school district in which the student last attended a public
1045 school before commitment to the Department of Juvenile Justice.
1046 When a student enters the scholarship program, the department
1047 must receive all documentation required for the student's
1048 participation, including the private school's and the student's
1049 fee schedules, at least 30 days before the first quarterly
1050 scholarship payment is made for the student.

1051 ~~7.(f)~~ Upon notification by the department that it has
1052 received the documentation required under subparagraph 6.
1053 ~~paragraph (e)~~, the Chief Financial Officer shall make
1054 scholarship payments in four equal amounts no later than
1055 September 1, November 1, February 1, and April 1 of each school
1056 year in which the scholarship is in force. The initial payment
1057 shall be made after department verification of admission
1058 acceptance, and subsequent payments shall be made upon
1059 verification of continued enrollment and attendance at the
1060 private school. Payment must be by individual warrant made
1061 payable to the student's parent and mailed by the department to
1062 the private school of the parent's choice, and the parent shall
1063 restrictively endorse the warrant to the private school for
1064 deposit into the account of the private school.

1065 ~~8.(g)~~ Subsequent to each scholarship payment, the
1066 department shall request from the Department of Financial
1067 Services a sample of endorsed warrants to review and confirm
1068 compliance with endorsement requirements.

1069 (b)1. Scholarships for students determined eligible
1070 pursuant to paragraph (3) (b) are established for up to 20,000
1071 students annually beginning in the 2021-2022 school year.
1072 Beginning in the 2022-2023 school year, the maximum number of
1073 students participating in the scholarship program under this
1074 section shall annually increase by 1.0 percent of the state's
1075 total exceptional student education full-time equivalent student

1076 enrollment, not including gifted students. An eligible student
1077 who meets any of the following requirements shall be excluded
1078 from the maximum number of students if the student:

1079 a. Received specialized instructional services under the
1080 Voluntary Prekindergarten Education Program pursuant to s.
1081 1002.66 during the previous school year and the student has a
1082 current IEP developed by the local school board in accordance
1083 with rules of the State Board of Education;

1084 b. Is a dependent child of a member of the United States
1085 Armed Forces, a foster child, or an adopted child;

1086 c. Spent the prior school year in attendance at a Florida
1087 public school or the Florida School for the Deaf and the Blind.
1088 For purposes of this subparagraph, the term "prior school year
1089 in attendance" means that the student was enrolled and reported
1090 by:

1091 (I) A school district for funding during either the
1092 preceding October or February Florida Education Finance Program
1093 surveys in kindergarten through grade 12, which includes time
1094 spent in a Department of Juvenile Justice commitment program if
1095 funded under the Florida Education Finance Program;

1096 (II) The Florida School for the Deaf and the Blind during
1097 the preceding October or February student membership surveys in
1098 kindergarten through grade 12;

1099 (III) A school district for funding during the preceding
1100 October or February Florida Education Finance Program surveys,

1101 was at least 4 years of age when enrolled and reported, and was
1102 eligible for services under s. 1003.21(1)(e); or

1103 (IV) Received a John M. McKay Scholarship for Students
1104 with Disabilities in the 2021-2022 school year.

1105 2. For a student who has a Level I to Level III matrix of
1106 services or a diagnosis by a physician or psychologist, the
1107 calculated scholarship amount for a student participating in the
1108 program must be based upon the grade level and school district
1109 in which the student would have been enrolled as the total funds
1110 per unweighted full-time equivalent in the Florida Education
1111 Finance Program for a student in the basic exceptional student
1112 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
1113 plus a per full-time equivalent share of funds for all
1114 categorical programs, as funded in the General Appropriations
1115 Act, except that for the exceptional student education
1116 guaranteed allocation as provided in s. 1011.62(1)(e)1.c. and
1117 2., the funds must be allocated based on the school district's
1118 average exceptional student education guaranteed allocation
1119 funds per exceptional student education full-time equivalent
1120 student.

1121 3. For a student with a Level IV or Level V matrix of
1122 services, the calculated scholarship amount must be based upon
1123 the school district to which the student would have been
1124 assigned as the total funds per full-time equivalent for the
1125 Level IV or Level V exceptional student education program

1126 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
1127 equivalent share of funds for all categorical programs, as
1128 funded in the General Appropriations Act.

1129 4. For a student who received a Gardiner Scholarship
1130 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
1131 shall be the greater of the amount calculated pursuant to
1132 subparagraph 2. or the amount the student received for the 2020-
1133 2021 school year.

1134 5. Upon notification from an organization on July 1,
1135 September 1, December 1, and February 1 that an application has
1136 been approved for the program, the department shall verify that
1137 the student is not prohibited from receiving a scholarship
1138 pursuant to subsection (6). The organization must provide the
1139 department with the documentation necessary to verify the
1140 student's participation.

1141 6. Upon verification, the department shall release the
1142 student's scholarship funds to the organization, to be deposited
1143 into the student's account in four equal amounts no later than
1144 September 1, November 1, February 1, and April 1 of each school
1145 year in which the scholarship is in force.

1146 7. Accrued interest in the student's account is in
1147 addition to, and not part of, the awarded funds. Program funds
1148 include both the awarded funds and accrued interest.

1149 8. The organization may develop a system for payment of
1150 benefits by funds transfer, including, but not limited to, debit

1151 cards, electronic payment cards, or any other means of payment
1152 which the department deems to be commercially viable or cost-
1153 effective. A student's scholarship award may not be reduced for
1154 debit card or electronic payment fees. Commodities or services
1155 related to the development of such a system must be procured by
1156 competitive solicitation unless they are purchased from a state
1157 term contract pursuant to s. 287.056.

1158 9. Moneys received pursuant to this section do not
1159 constitute taxable income to the qualified student or the parent
1160 of the qualified student.

1161 (13)~~(12)~~ LIABILITY.—No liability shall arise on the part
1162 of the state based on the award or use of a Family Empowerment
1163 Scholarship.

1164 (14)~~(13)~~ SCOPE OF AUTHORITY.—The inclusion of eligible
1165 private schools within the options available to Florida public
1166 school students does not expand the regulatory authority of the
1167 state, its officers, or any school district to impose any
1168 additional regulation of private schools beyond those reasonably
1169 necessary to enforce requirements expressly set forth in this
1170 section.

1171 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
1172 Department of Health, the Agency for Persons with Disabilities,
1173 and the Department of Education shall work with an organization
1174 for easy or automated access to lists of licensed providers of
1175 services specified in subparagraph (4)(b)3. to ensure efficient

1176 administration of the program.

1177 (16) TRANSITION-TO-WORK PROGRAM.—A student with a
1178 disability who is determined eligible pursuant to paragraph
1179 (3) (b) who is at least 17 years, but not older than 22 years of
1180 age and who has not received a high school diploma or
1181 certificate of completion is eligible for enrollment in his or
1182 her private school's transition-to-work program. A transition-
1183 to-work program shall consist of academic instruction, work
1184 skills training, and a volunteer or paid work experience.

1185 (a) To offer a transition-to-work program, a participating
1186 private school must:

1187 1. Develop a transition-to-work program plan, which must
1188 include a written description of the academic instruction and
1189 work skills training students will receive and the goals for
1190 students in the program.

1191 2. Submit the transition-to-work program plan to the
1192 Office of Independent Education and Parental Choice.

1193 3. Develop a personalized transition-to-work program plan
1194 for each student enrolled in the program. The student's parent,
1195 the student, and the school principal must sign the personalized
1196 plan. The personalized plan must be submitted to the Office of
1197 Independent Education and Parental Choice upon request by the
1198 office.

1199 4. Provide a release of liability form that must be signed
1200 by the student's parent, the student, and a representative of

1201 the business offering the volunteer or paid work experience.

1202 5. Assign a case manager or job coach to visit the

1203 student's job site on a weekly basis to observe the student and,

1204 if necessary, provide support and guidance to the student.

1205 6. Provide to the parent and student a quarterly report

1206 that documents and explains the student's progress and

1207 performance in the program.

1208 7. Maintain accurate attendance and performance records

1209 for the student.

1210 (b) A student enrolled in a transition-to-work program

1211 must, at a minimum:

1212 1. Receive 15 instructional hours at the private school's

1213 physical facility, which must include academic instruction and

1214 work skills training.

1215 2. Participate in 10 hours of work at the student's

1216 volunteer or paid work experience.

1217 (c) To participate in a transition-to-work program, a

1218 business must:

1219 1. Maintain an accurate record of the student's

1220 performance and hours worked and provide the information to the

1221 private school.

1222 2. Comply with all state and federal child labor laws.

1223 (17)-(14) RULES.-The State Board of Education shall adopt

1224 rules pursuant to ss. 120.536(1) and 120.54 to administer this

1225 section. ~~The state board rules must include a requirement that~~

1226 ~~the department work collaboratively with an approved~~
1227 ~~scholarship funding organization to expedite the process for the~~
1228 ~~verification and reporting obligations specified under~~
1229 ~~subsection (10).~~

1230 ~~(15) IMPLEMENTATION SCHEDULE FOR THE 2019-2020 SCHOOL~~
1231 ~~YEAR. Notwithstanding the provisions of this section related to~~
1232 ~~notification requirements and eligibility timelines, for the~~
1233 ~~2019-2020 school year:~~

1234 ~~(a) A student is eligible for a Family Empowerment~~
1235 ~~Scholarship under this section if the student's parent has~~
1236 ~~obtained acceptance of the student's admission to a private~~
1237 ~~school that is eligible for the program under subsection (8),~~
1238 ~~and the parent has requested a scholarship from the Department~~
1239 ~~of Education no later than August 15, 2019. The request must be~~
1240 ~~communicated directly to the department in a manner that creates~~
1241 ~~a written or electronic record of the request and the date of~~
1242 ~~receipt of the request.~~

1243 ~~(b) The department shall expedite the publication of~~
1244 ~~information relevant to the Family Empowerment Scholarship~~
1245 ~~Program on the department's website, including, but not limited~~
1246 ~~to, the eligibility criteria for students to qualify for the~~
1247 ~~scholarship under this section and how parents may request the~~
1248 ~~scholarship. The department must immediately notify the school~~
1249 ~~district of the parent's intent upon receipt of the parent's~~
1250 ~~request.~~

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1251 ~~(c) Upon notification by the department that it has~~
1252 ~~received the documentation required under paragraph (10) (a), the~~
1253 ~~Chief Financial Officer shall make the first quarter payment of~~
1254 ~~scholarships no later than October 1, 2019.~~

1255
1256 ~~This subsection shall expire June 30, 2020.~~

1257 Section 5. Paragraph (j) of subsection (6), paragraph (c)
1258 of subsection (9), and paragraph (a) of subsection (11) of
1259 section 1002.395, Florida Statutes, are amended to read:

1260 1002.395 Florida Tax Credit Scholarship Program.—

1261 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1262 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
1263 organization:

1264 (j)1. May use eligible contributions received pursuant to
1265 this section and ss. 212.099, 212.1832, and 1002.40 during the
1266 state fiscal year in which such contributions are collected for
1267 administrative expenses if the organization has operated as an
1268 eligible nonprofit scholarship-funding organization for at least
1269 the preceding 3 fiscal years and did not have any findings of
1270 material weakness or material noncompliance in its most recent
1271 audit under paragraph (m). Administrative expenses from eligible
1272 contributions may not exceed 2.5 ~~3~~ percent of the total amount
1273 of all scholarships awarded by an eligible scholarship-funding
1274 organization under this chapter. Such administrative expenses
1275 must be reasonable and necessary for the organization's

1276 management and distribution of scholarships awarded under this
1277 chapter. No funds authorized under this subparagraph shall be
1278 used for lobbying or political activity or expenses related to
1279 lobbying or political activity. Up to one-third of the funds
1280 authorized for administrative expenses under this subparagraph
1281 may be used for expenses related to the recruitment of
1282 contributions from taxpayers. An eligible nonprofit scholarship-
1283 funding organization may not charge an application fee.

1284 2. Must expend for annual or partial-year scholarships an
1285 amount equal to or greater than 75 percent of the net eligible
1286 contributions remaining after administrative expenses during the
1287 state fiscal year in which such contributions are collected. No
1288 more than 25 percent of such net eligible contributions may be
1289 carried forward to the following state fiscal year. All amounts
1290 carried forward, for audit purposes, must be specifically
1291 identified for particular students, by student name and the name
1292 of the school to which the student is admitted, subject to the
1293 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
1294 and the applicable rules and regulations issued pursuant
1295 thereto. Any amounts carried forward shall be expended for
1296 annual or partial-year scholarships in the following state
1297 fiscal year. No later than September 30 of each year, net
1298 eligible contributions remaining on June 30 of each year that
1299 are in excess of the 25 percent that may be carried forward
1300 shall be used to provide scholarships to eligible students or

1301 transferred to other eligible nonprofit scholarship-funding
 1302 organizations to provide scholarships for eligible students. All
 1303 transferred funds must be deposited by each eligible nonprofit
 1304 scholarship-funding organization receiving such funds into its
 1305 scholarship account. All transferred amounts received by any
 1306 eligible nonprofit scholarship-funding organization must be
 1307 separately disclosed in the annual financial audit required
 1308 under paragraph (m).

1309 3. Must, before granting a scholarship for an academic
 1310 year, document each scholarship student's eligibility for that
 1311 academic year. A scholarship-funding organization may not grant
 1312 multiyear scholarships in one approval process.

1313
 1314 Information and documentation provided to the Department of
 1315 Education and the Auditor General relating to the identity of a
 1316 taxpayer that provides an eligible contribution under this
 1317 section shall remain confidential at all times in accordance
 1318 with s. 213.053.

1319 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
 1320 Education shall:

1321 (c) Annually verify the eligibility of expenditures as
 1322 provided in paragraph (6) (d) using the audit required by
 1323 paragraph (6) (m) ~~and s. 11.45(2)(1)~~.

1324 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1325 (a) The scholarship amount provided to any student for any

1326 single school year by an eligible nonprofit scholarship-funding
1327 organization from eligible contributions shall be for total
1328 costs authorized under paragraph (6)(d), not to exceed annual
1329 limits, which shall be determined as follows:

1330 1. For a student who received a scholarship in the 2018-
1331 2019 school year, who remains eligible, and who is enrolled in
1332 an eligible private school, the amount shall be the greater
1333 amount calculated pursuant to subparagraph 2. or a percentage of
1334 the unweighted FTE funding amount for the 2018-2019 state fiscal
1335 year and thereafter as follows:

1336 a. Eighty-eight percent for a student enrolled in
1337 kindergarten through grade 5.

1338 b. Ninety-two percent for a student enrolled in grade 6
1339 through grade 8.

1340 c. Ninety-six percent for a student enrolled in grade 9
1341 through grade 12.

1342 2. For students initially eligible in the 2019-2020 school
1343 year or thereafter, the calculated amount for a student to
1344 attend an eligible private school shall be calculated in
1345 accordance with s. 1002.394(12)(a) ~~based upon the grade level~~
1346 ~~and school district in which the student resides as 95 percent~~
1347 ~~of the funds per unweighted full-time equivalent in the Florida~~
1348 ~~Education Finance Program for a student in the basic program~~
1349 ~~established pursuant to s. 1011.62(1)(c)1., plus a per full-time~~
1350 ~~equivalent share of funds for all categorical programs, except~~

1351 ~~for the Exceptional Student Education Guaranteed Allocation.~~

1352 3. The scholarship amount awarded to a student enrolled in
1353 a Florida public school in which a student is enrolled and that
1354 is different from the school to which the student was assigned
1355 or in a lab school as defined in s. 1002.32, is limited to \$750.

1356 Section 6. Paragraph (a) of subsection (11) of section
1357 1002.40, Florida Statutes, is amended to read:

1358 1002.40 The Hope Scholarship Program.—

1359 (11) FUNDING AND PAYMENT.—

1360 (a) For students initially eligible in the 2019-2020
1361 school year or thereafter, the calculated amount for a student
1362 to attend an eligible private school shall be calculated in
1363 accordance with s. 1002.394(12) (a) ~~based upon the grade level~~
1364 ~~and school district in which the student was assigned as 95~~
1365 ~~percent of the funds per unweighted full-time equivalent in the~~
1366 ~~Florida Education Finance Program for a student in the basic~~
1367 ~~program established pursuant to s. 1011.62(1)(c)1., plus a per-~~
1368 ~~full-time equivalent share of funds for all categorical~~
1369 ~~programs, except for the Exceptional Student Education~~
1370 ~~Guaranteed Allocation.~~

1371 Section 7. Paragraph (aa) of subsection (4) of section
1372 1009.971, Florida Statutes, is amended to read:

1373 1009.971 Florida Prepaid College Board.—

1374 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The
1375 board shall have the powers and duties necessary or proper to

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1376 carry out the provisions of ss. 1009.97-1009.988, including, but
1377 not limited to, the power and duty to:

1378 (aa) Adopt rules relating to the purchase and use of a
1379 prepaid college plan authorized under s. 1009.98 or a college
1380 savings plan authorized under s. 1009.981 for the Family
1381 Empowerment Gardiner Scholarship Program pursuant to s. 1002.394
1382 ~~s. 1002.385~~, which may include, but need not be limited to:

1383 1. The use of such funds for postsecondary education
1384 programs for students with disabilities;

1385 2. Effective procedures that allow program funds to be
1386 used in conjunction with other funds used by a parent in the
1387 purchase of a prepaid college plan or a college savings plan;

1388 3. The tracking and accounting of program funds separately
1389 from other funds contributed to a prepaid college plan or a
1390 college savings plan;

1391 4. The reversion of program funds, including, but not
1392 limited to, earnings from contributions to the Florida College
1393 Savings Plan;

1394 5. The use of program funds only after private payments
1395 have been used for prepaid college plan or college savings plan
1396 expenditures;

1397 6. Contracting with each eligible nonprofit scholarship-
1398 funding organization to establish mechanisms to implement s.
1399 1002.394 ~~s. 1002.385~~, including, but not limited to, identifying
1400 the source of funds being deposited in the plans; and

1401 7. The development of a written agreement that defines the
 1402 owner and beneficiary of an account and outlines
 1403 responsibilities for the use of the advance payment contract
 1404 funds or savings program funds.

1405 Section 8. Subsection (11) of section 1009.98, Florida
 1406 Statutes, is amended to read:

1407 1009.98 Stanley G. Tate Florida Prepaid College Program.—

1408 (11) IMPLEMENTATION PROCEDURES.—

1409 (a) A prepaid college plan may be purchased, accounted
 1410 for, used, and terminated as provided in s. 1002.394 ~~s.~~
 1411 ~~1002.385~~.

1412 (b) A qualified beneficiary may apply the benefits of an
 1413 advance payment contract toward the program fees of a program
 1414 designed for students with disabilities conducted by a state
 1415 postsecondary institution. A transfer authorized under this
 1416 subsection may not exceed the redemption value of the advance
 1417 payment contract at a state postsecondary institution or the
 1418 number of semester credit hours contracted on behalf of a
 1419 qualified beneficiary. A qualified beneficiary may not be
 1420 changed while a prepaid college plan contains funds contributed
 1421 under s. 1002.394 ~~s. 1002.385~~.

1422 Section 9. Subsection (10) of section 1009.981, Florida
 1423 Statutes, is amended to read:

1424 1009.981 Florida College Savings Program.—

1425 (10) IMPLEMENTATION PROCEDURES.—

1426 (a) A college savings plan may be purchased, accounted
 1427 for, used, and terminated as provided in s. 1002.394 ~~s.~~
 1428 ~~1002.385~~.

1429 (b) A designated beneficiary may apply the benefits of a
 1430 participation agreement toward the program fees of a program
 1431 designed for students with disabilities conducted by a state
 1432 postsecondary institution. A designated beneficiary may not be
 1433 changed while a college savings plan contains funds contributed
 1434 under s. 1002.394 ~~s. 1002.385~~.

1435 Section 10. Effective July 1, 2022, subsection (4) of
 1436 section 1011.61, Florida Statutes, is amended to read:

1437 1011.61 Definitions.—Notwithstanding the provisions of s.
 1438 1000.21, the following terms are defined as follows for the
 1439 purposes of the Florida Education Finance Program:

1440 (4) The maximum value for funding a student in
 1441 kindergarten through grade 12 or in a prekindergarten program
 1442 for exceptional children as provided in s. 1003.21(1)(e) shall
 1443 be the sum of the calculations in paragraphs (a), (b), and (c)
 1444 as calculated by the department.

1445 (a) The sum of the student's full-time equivalent student
 1446 membership value for the school year or the equivalent derived
 1447 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
 1448 subparagraphs (1)(c)2.b. and c., ~~subparagraph (1)(c)3.,~~ and
 1449 subsection (2). If the sum is greater than 1.0, the full-time
 1450 equivalent student membership value for each program or course

1451 shall be reduced by an equal proportion so that the student's
 1452 total full-time equivalent student membership value is equal to
 1453 1.0.

1454 (b) If the result in paragraph (a) is less than 1.0 full-
 1455 time equivalent student and the student has full-time equivalent
 1456 student enrollment pursuant to sub-sub-subparagraph

1457 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
 1458 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
 1459 1.0 less the value in paragraph (a).

1460 (c) The full-time equivalent student enrollment value in
 1461 sub-subparagraph (1)(c)2.a.

1462

1463 ~~A scholarship award provided to a student enrolled in the John~~
 1464 ~~M. McKay Scholarships for Students with Disabilities Program~~
 1465 ~~pursuant to s. 1002.39 is not subject to the maximum value for~~
 1466 ~~funding a student under this subsection.~~

1467 Section 11. Paragraph (f) of subsection (18) of section
 1468 1011.62, Florida Statutes, is amended to read:

1469 1011.62 Funds for operation of schools.—If the annual
 1470 allocation from the Florida Education Finance Program to each
 1471 district for operation of schools is not determined in the
 1472 annual appropriations act or the substantive bill implementing
 1473 the annual appropriations act, it shall be determined as
 1474 follows:

1475 (18) TEACHER SALARY INCREASE ALLOCATION.—The Legislature

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1476 may annually provide in the Florida Education Finance Program a
1477 teacher salary increase allocation to assist school districts in
1478 their recruitment and retention of classroom teachers and other
1479 instructional personnel. The amount of the allocation shall be
1480 specified in the General Appropriations Act.

1481 ~~(f) Notwithstanding any other provision of law, funds~~
1482 ~~allocated under this subsection shall not be included in the~~
1483 ~~calculated amount for any scholarship awarded under chapter~~
1484 ~~1002.~~

1485 Section 12. Except as otherwise expressly provided in this
1486 act, this act shall take effect July 1, 2021.