

Governor's Budget Recommendation Conforming Bill
Scholarship Programs

1 A bill to be entitled

2 An act relating to scholarship programs; amending s.
3 1002.394, F.S.; amending authorized uses of funds;
4 amending eligibility of students; amending s. 1002.395;
5 amending authorized uses of funds; amending eligibility of
6 students; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsections (3), (4) and subsection (12) of
11 section 1002.394, Florida Statutes, are amended to read:

12 1002.394 The Family Empowerment Scholarship Program.-

13 (3) SCHOLARSHIP ELIGIBILITY.-

14 (a) A parent of a student may request and receive from the
15 state a Family Empowerment - Educational Options scholarship for
16 the purposes specified in paragraph (4) (a) if:

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

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

23 3. The student's household income level does not exceed 375
24 percent of the federal poverty level or an adjusted maximum
25 percent of the federal poverty level that is increased by 25
26 percentage points in the fiscal year following any fiscal year
27 in which more than 5 percent of the available scholarships
28 authorized under paragraph (12) (a) have not been funded;

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29 4. The student is a sibling of a student who is
30 participating in the scholarship program under this subsection
31 and such siblings reside in the same household;

32 5. The student is a dependent child of a member of the
33 United States Armed Forces; or

34 6. The student is a dependent child of a law enforcement
35 officer, firefighter, emergency medical technician, paramedic,
36 as provided in s. 112.1815 and includes 911 public safety
37 telecommunicators as defined in s. 401.465.

38 Priority must be given to a student whose household income level
39 does not exceed 185 percent of the federal poverty level or who
40 is in foster care or out-of-home care.

41 (b) A parent of a student with a disability may request and
42 receive from the state a Family Empowerment - Gardiner-McKay
43 scholarship for the purposes specified in paragraph (4) (b) if
44 the student:

45 1. Is a resident of this state;

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

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

51 4. Is the subject of an IEP written in accordance with
52 rules of the State Board of Education or with the applicable
53 rules of another state or has received a diagnosis of a
54 disability from a physician who is licensed under chapter 458 or
55 chapter 459, a psychologist who is licensed under chapter 490,
56 or a physician who holds an active license issued by another

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57 state or territory of the United States, the District of
58 Columbia, or the Commonwealth of Puerto Rico.

59 (c) An approved student who does not receive a scholarship
60 must be placed on the wait list in the order in which the
61 student is approved. An eligible student who does not receive a
62 scholarship within the fiscal year must be retained on the wait
63 list for the subsequent year.

64 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

- 67 1. Tuition and fees at an eligible private school. ~~or~~
- 68 2. Transportation to a Florida public school in which a
69 student is enrolled and that is different from the school to
70 which the student was assigned or to a lab school as defined in
71 s. 1002.32 if the student is determined eligible pursuant to
72 subparagraph (3) (a)1. or subparagraph (3) (a)2.

73 3. Instructional materials.

74 4. Curriculum as defined in subsection (2).

75 5. Tuition or fees associated with full-time or part-time
76 enrollment in a home education program, an eligible private
77 school, an eligible postsecondary educational institution or a
78 program offered by the postsecondary educational institution, a
79 private tutoring program authorized under s. 1002.43, a virtual
80 program offered by a department-approved private online provider
81 that meets the provider qualifications specified in s.
82 1002.45(2) (a), the Florida Virtual School as a private paying
83 student, or an approved online course offered pursuant to s.
84 1003.499 or s. 1004.0961.

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85 6. Fees for nationally standardized, norm-referenced
86 achievement tests, Advanced Placement Examinations, industry
87 certification examinations, assessments related to postsecondary
88 education, or other assessments.

89 7. Contributions to the Stanley G. Tate Florida Prepaid
90 College Program pursuant to s. 1009.98 or the Florida College
91 Savings Program pursuant to s. 1009.981 for the benefit of the
92 eligible student.

93 8. Contracted services provided by a public school or
94 school district, including classes. A student who receives
95 services under a contract under this paragraph is not considered
96 enrolled in a public school for eligibility purposes as
97 specified in subsection (6).

98 9. Tuition and fees for part-time tutoring services
99 provided by a person who holds a valid Florida educator's
100 certificate pursuant to s. 1012.56, a person who holds an
101 adjunct teaching certificate pursuant to s. 1012.57, a person
102 who has a bachelor's degree or a graduate degree in the subject
103 area in which instruction is given, a person who has
104 demonstrated a mastery of subject area knowledge pursuant to s.
105 1012.56(5), or a person certified by a nationally or
106 internationally recognized research-based training program as
107 approved by the department. As used in this paragraph, the term
108 "part-time tutoring services" does not qualify as regular school
109 attendance as defined in s. 1003.01(13)(e).

110 10. Fees for summer education programs.

111 11. Fees for after-school education programs.

112 12. Transition services provided by job coaches.

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113 13. Fees for an annual evaluation of educational progress
114 by a state-certified teacher under s. 1002.41(1)(f), if this
115 option is chosen for a home education student.

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

119 1. Instructional materials, including digital devices,
120 digital periphery devices, and assistive technology devices that
121 allow a student to access instruction or instructional content
122 and training on the use of and maintenance agreements for these
123 devices.

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

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

128 a. Applied behavior analysis services as provided in ss.
129 627.6686 and 641.31098.

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

132 c. Occupational therapy as defined in s. 468.203.

133 d. Services provided by physical therapists as defined in
134 s. 486.021(8).

135 e. Services provided by listening and spoken language
136 specialists and an appropriate acoustical environment for a
137 child who has a hearing impairment, including deafness, and who
138 has received an implant or assistive hearing device.

139 4. Tuition or fees associated with full-time or part-time
140 enrollment in a home education program, an eligible private
141 school, an eligible postsecondary educational institution or a

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142 program offered by the postsecondary educational institution, a
143 private tutoring program authorized under s. 1002.43, a virtual
144 program offered by a department-approved private online provider
145 that meets the provider qualifications specified in s.
146 1002.45(2) (a), the Florida Virtual School as a private paying
147 student, or an approved online course offered pursuant to s.
148 1003.499 or s. 1004.0961.

149 5. Fees for nationally standardized, norm-referenced
150 achievement tests, Advanced Placement Examinations, industry
151 certification examinations, assessments related to postsecondary
152 education, or other assessments.

153 6. Contributions to the Stanley G. Tate Florida Prepaid
154 College Program pursuant to s. 1009.98 or the Florida College
155 Savings Program pursuant to s. 1009.981 for the benefit of the
156 eligible student.

157 7. Contracted services provided by a public school or
158 school district, including classes. A student who receives
159 services under a contract under this paragraph is not considered
160 enrolled in a public school for eligibility purposes as
161 specified in subsection (6).

162 8. Tuition and fees for part-time tutoring services
163 provided by a person who holds a valid Florida educator's
164 certificate pursuant to s. 1012.56, a person who holds an
165 adjunct teaching certificate pursuant to s. 1012.57, a person
166 who has a bachelor's degree or a graduate degree in the subject
167 area in which instruction is given, a person who has
168 demonstrated a mastery of subject area knowledge pursuant to s.
169 1012.56(5), or a person certified by a nationally or
170 internationally recognized research-based training program as

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171 approved by the department. As used in this paragraph, the term
172 "part-time tutoring services" does not qualify as regular school
173 attendance as defined in s. 1003.01(13)(e).

174 9. Fees for specialized summer education programs.

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

176 11. Transition services provided by job coaches.

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

180 13. Tuition and fees associated with programs offered by
181 Voluntary Prekindergarten Education Program providers approved
182 pursuant to s. 1002.55 and school readiness providers approved
183 pursuant to s. 1002.88.

184 14. Fees for services provided at a center that is a member
185 of the Professional Association of Therapeutic Horsemanship
186 International.

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

190 (6) SCHOLARSHIP PROHIBITIONS.-A student is not eligible for
191 a Family Empowerment Scholarship while he or she is:

192 (a) Enrolled in a public school, including, but not limited
193 to, the Florida School for the Deaf and the Blind, the College-
194 Preparatory Boarding Academy, a developmental research school
195 authorized under s. 1002.32, or a charter school authorized
196 under this chapter. For purposes of this paragraph, a 3- or 4-
197 year-old child who receives services funded through the Florida
198 Education Finance Program is considered to be a student enrolled
199 in a public school;

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200 (b) Enrolled in a school operating for the purpose of
201 providing educational services to youth in a Department of
202 Juvenile Justice commitment program;

203 (c) Receiving any other educational scholarship pursuant to
204 this chapter;

205 (d) Not having regular and direct contact with his or her
206 private school teachers pursuant to s. 1002.421(1)(i), unless he
207 or she is eligible pursuant to paragraph (3)(b) and enrolled in
208 the private school's transition-to-work program pursuant to
209 subsection (16) or a home education program pursuant to s.
210 1002.41;

211 ~~(e) Participating in a private tutoring program pursuant to~~
212 ~~s. 1002.43 unless he or she is determined eligible pursuant to~~
213 ~~paragraph (3)(b); or~~

214 ~~(f) Participating in virtual instruction pursuant to s.~~
215 ~~1002.455.~~

216 (12) SCHOLARSHIP FUNDING AND PAYMENT.-

217 (a)1. Scholarships for students determined eligible
218 pursuant to paragraph (3)(a) are established for up to 18,000
219 students annually beginning in the 2019-2020 school year.
220 Beginning in the 2020-2021 school year, the maximum number of
221 students participating in the scholarship program under this
222 section shall annually increase by ~~1.0~~ 3.0 percent of the
223 state's total full-time equivalent student membership. An
224 eligible student who meets any of the following requirements
225 shall be excluded from the maximum number of students if the
226 student:

227 a. Is a dependent child of a law enforcement officer,
228 firefighter, emergency medical technician, paramedic, as

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229 provided in s. 112.1815 and includes 911 public safety
230 telecommunicators as defined in s. 401.465 or a member of the
231 United States Armed Forces, a foster child, or an adopted child;
232 or

233 b. Is determined eligible pursuant to subparagraph (3)(a)1.
234 or subparagraph (3)(a)2. and either spent the prior school year
235 in attendance at a Florida public school or, beginning in the
236 2022-2023 school year, is eligible to enroll in kindergarten.
237 For purposes of this subparagraph, the term "prior school year
238 in attendance" means that the student was enrolled and reported
239 by a school district for funding during either the preceding
240 October or February full-time equivalent student membership
241 surveys in kindergarten through grade 12, which includes time
242 spent in a Department of Juvenile Justice commitment program if
243 funded under the Florida Education Finance Program.

244 ~~2. The scholarship amount provided to a student for any~~
245 ~~single school year shall be for tuition and fees for an eligible~~
246 ~~private school, not to exceed annual limits, which shall be~~
247 ~~determined in accordance with this subparagraph.~~ The calculated
248 scholarship amount for a participating student shall be based
249 upon the grade level and school district in which the student
250 was assigned as 100 percent of the funds per unweighted full-
251 time equivalent in the Florida Education Finance Program for a
252 student in the basic program established pursuant to s.
253 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
254 for all categorical programs as funded in the General
255 Appropriations Act, except for the exceptional student education
256 guaranteed allocation established pursuant to s. 1011.62(1)(e),
257 the Supplemental Allocation for Juvenile Justice Education

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258 Programs established pursuant to s. 1011.62(9), the Turnaround
259 School Supplemental Services Allocation established pursuant to
260 s. 1011.62(17), and the Student Transportation categorical
261 established pursuant to s. 1011.68.

262 3. ~~The amount of the scholarship shall be the calculated~~
263 ~~amount or the amount of the private school's tuition and fees,~~
264 ~~whichever is less.~~ The amount of any assessment fee required by
265 the participating private school and any costs to provide a
266 digital device, including Internet access, if necessary, to the
267 student may be paid from the total amount of the scholarship.

268 4. A scholarship of \$750 or an amount equal to the school
269 district expenditure per student riding a school bus, as
270 determined by the department, whichever is greater, may be
271 awarded to a student who is determined eligible pursuant to
272 subparagraph (3)(a)1. or subparagraph (3)(a)2. and enrolled in a
273 Florida public school that is different from the school to which
274 the student was assigned or in a lab school as defined in s.
275 1002.32 if the school district does not provide the student with
276 transportation to the school.

277 5. The organization must provide the department with the
278 documentation necessary to verify the student's participation.
279 Upon receiving the documentation, the department shall transfer,
280 from state funds only, the amount calculated pursuant to
281 subparagraph 2. to the organization for quarterly disbursement
282 to parents of participating students each school year in which
283 the scholarship is in force. For a student exiting a Department
284 of Juvenile Justice commitment program who chooses to
285 participate in the scholarship program, the amount of the Family
286 Empowerment Scholarship calculated pursuant to subparagraph 2.

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287 must be transferred from the school district in which the
288 student last attended a public school before commitment to the
289 Department of Juvenile Justice. When a student enters the
290 scholarship program, the organization must receive all
291 documentation required for the student's participation,
292 including the private school's and the student's fee schedules,
293 at least 30 days before the first quarterly scholarship payment
294 is made for the student.

295 6. The initial payment shall be made after the
296 organization's verification of admission acceptance, and
297 subsequent payments shall be made upon verification of continued
298 enrollment and attendance at the private school. Payment must be
299 by individual warrant made payable to the student's parent or by
300 funds transfer or any other means of payment that the department
301 deems to be commercially viable or cost-effective. If the
302 payment is made by warrant, the warrant must be delivered by the
303 organization to the private school of the parent's choice, and
304 the parent shall restrictively endorse the warrant to the
305 private school. An organization shall ensure that the parent to
306 whom the warrant is made has restrictively endorsed the warrant
307 to the private school for deposit into the account of the
308 private school or that the parent has approved a funds transfer
309 before any scholarship funds are deposited.

310 (b)1. Scholarships for students determined eligible
311 pursuant to paragraph (3) (b) are established for up to 26,500
312 students annually beginning in the 2022-2023 school year.
313 Beginning in the 2023-2024 school year, the maximum number of
314 students participating in the scholarship program under this
315 section shall annually increase by ~~1.0~~ 3.0 percent of the

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316 state's total exceptional student education full-time equivalent
317 student membership, not including gifted students. An eligible
318 student who meets any of the following requirements shall be
319 excluded from the maximum number of students if the student:

320 a. Received specialized instructional services under the
321 Voluntary Prekindergarten Education Program pursuant to s.
322 1002.66 during the previous school year and the student has a
323 current IEP developed by the district school board in accordance
324 with rules of the State Board of Education;

325 b. Is a dependent child of a law enforcement officer,
326 firefighter, emergency medical technician, paramedic, as
327 provided in s. 112.1815 and includes 911 public safety
328 telecommunicators as defined in s. 401.465 or a member of the
329 United States Armed Forces, a foster child, or an adopted child;

330 c. Spent the prior school year in attendance at a Florida
331 public school or the Florida School for the Deaf and the Blind.
332 For purposes of this subparagraph, the term "prior school year
333 in attendance" means that the student was enrolled and reported
334 by:

335 (I) A school district for funding during either the
336 preceding October or February full-time equivalent student
337 membership surveys in kindergarten through grade 12, which
338 includes time spent in a Department of Juvenile Justice
339 commitment program if funded under the Florida Education Finance
340 Program;

341 (II) The Florida School for the Deaf and the Blind during
342 the preceding October or February full-time equivalent student
343 membership surveys in kindergarten through grade 12;

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344 (III) A school district for funding during the preceding
345 October or February full-time equivalent student membership
346 surveys, was at least 4 years of age when enrolled and reported,
347 and was eligible for services under s. 1003.21(1)(e); or

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

350 2. For a student who has a Level I to Level III matrix of
351 services or a diagnosis by a physician or psychologist, the
352 calculated scholarship amount for a student participating in the
353 program must be based upon the grade level and school district
354 in which the student would have been enrolled as the total funds
355 per unweighted full-time equivalent in the Florida Education
356 Finance Program for a student in the basic exceptional student
357 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
358 plus a per full-time equivalent share of funds for all
359 categorical programs, as funded in the General Appropriations
360 Act, not including the Supplemental Allocation for Juvenile
361 Justice Education Programs established pursuant to s.
362 1011.62(9), the Turnaround School Supplemental Services
363 Allocation established pursuant to s. 1011.62(17), and the
364 Student Transportation categorical established pursuant to s.
365 1011.68., except that for the exceptional student education
366 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
367 2., the funds must be allocated based on the school district's
368 average exceptional student education guaranteed allocation
369 funds per exceptional student education full-time equivalent
370 student.

371 3. For a student with a Level IV or Level V matrix of
372 services, the calculated scholarship amount must be based upon

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373 the school district to which the student would have been
374 assigned as the total funds per full-time equivalent for the
375 Level IV or Level V exceptional student education program
376 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
377 equivalent share of funds for all categorical programs, as
378 funded in the General Appropriations Act , not including the
379 Supplemental Allocation for Juvenile Justice Education Programs
380 established pursuant to s. 1011.62(9), the Turnaround School
381 Supplemental Services Allocation established pursuant to s.
382 1011.62(17), and the Student Transportation categorical
383 established pursuant to s. 1011.68.

384 4. For a student who received a Gardiner Scholarship
385 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
386 shall be the greater of the amount calculated pursuant to
387 subparagraph 2. or the amount the student received for the 2020-
388 2021 school year.

389 5. For a student who received a John M. McKay Scholarship
390 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
391 shall be the greater of the amount calculated pursuant to
392 subparagraph 2. or the amount the student received for the 2020-
393 2021 school year.

394 6. The organization must provide the department with the
395 documentation necessary to verify the student's participation.

396 7. Upon receiving the documentation, the department shall
397 release, from state funds only, the student's scholarship funds
398 to the organization, to be deposited into the student's account
399 in four equal amounts no later than September 1, November 1,
400 February 1, and April 1 of each school year in which the
401 scholarship is in force.

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

405 9. The organization may develop a system for payment of
406 benefits by funds transfer, including, but not limited to, debit
407 cards, electronic payment cards, or any other means of payment
408 which the department deems to be commercially viable or cost-
409 effective. A student's scholarship award may not be reduced for
410 debit card or electronic payment fees. Commodities or services
411 related to the development of such a system must be procured by
412 competitive solicitation unless they are purchased from a state
413 term contract pursuant to s. 287.056.

414 10. Moneys received pursuant to this section do not
415 constitute taxable income to the qualified student or the parent
416 of the qualified student.

417 Section 2. Subsections (3), (4), and (6) of Section
418 1002.395, Florida Statutes, are amended to read:

419 1002.395 Florida Tax Credit Scholarship Program.-

420 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.-

421 (a) The Florida Tax Credit Scholarship Program is
422 established.

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

426 1. The student is on the direct certification list or the
427 student's household income level does not exceed 375 percent of
428 the federal poverty level or an adjusted maximum percent of the
429 federal poverty level authorized under s. 1002.394(3)(a)3.; or

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

433
434 Priority must be given to a student whose household income
435 level does not exceed 185 percent of the federal poverty level
436 or who is in foster care or out-of-home care. A student who
437 initially receives a scholarship based on eligibility under this
438 paragraph remains eligible to participate until he or she
439 graduates from high school or attains the age of 21 years,
440 whichever occurs first, regardless of the student's household
441 income level. A sibling of a student who is participating in the
442 scholarship program under this subsection is eligible for a
443 scholarship if the student resides in the same household as the
444 sibling.

445 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
446 a scholarship while he or she is:

447 (a) Enrolled in a school operating for the purpose of
448 providing educational services to youth in Department of
449 Juvenile Justice commitment programs;

450 (b) Receiving a scholarship from another eligible nonprofit
451 scholarship-funding organization under this section;

452 (c) Receiving an educational scholarship pursuant to this
453 chapter;

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

456 ~~(e) Participating in a private tutoring program pursuant to~~
457 ~~s. 1002.43;~~

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458 ~~(f) Participating in a virtual school, correspondence~~
459 ~~school, or distance learning program that receives state funding~~
460 ~~pursuant to the student's participation unless the participation~~
461 ~~is limited to no more than two courses per school year; or~~

462 ~~(g) Enrolled in the Florida School for the Deaf and the~~
463 ~~Blind.~~

464 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
465 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
466 organization:

467 (a) Must comply with the antidiscrimination provisions of
468 42 U.S.C. s. 2000d.

469 (b) Must comply with the following background check
470 requirements:

471 1. All owners and operators as defined in subparagraph
472 (2) (i) 1. are, before employment or engagement to provide
473 services, subject to level 2 background screening as provided
474 under chapter 435. The fingerprints for the background screening
475 must be electronically submitted to the Department of Law
476 Enforcement and can be taken by an authorized law enforcement
477 agency or by an employee of the eligible nonprofit scholarship-
478 funding organization or a private company who is trained to take
479 fingerprints. However, the complete set of fingerprints of an
480 owner or operator may not be taken by the owner or operator. The
481 results of the state and national criminal history check shall
482 be provided to the Department of Education for screening under
483 chapter 435. The cost of the background screening may be borne
484 by the eligible nonprofit scholarship-funding organization or
485 the owner or operator.

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486 2. Every 5 years following employment or engagement to
487 provide services or association with an eligible nonprofit
488 scholarship-funding organization, each owner or operator must
489 meet level 2 screening standards as described in s. 435.04, at
490 which time the nonprofit scholarship-funding organization shall
491 request the Department of Law Enforcement to forward the
492 fingerprints to the Federal Bureau of Investigation for level 2
493 screening. If the fingerprints of an owner or operator are not
494 retained by the Department of Law Enforcement under subparagraph
495 3., the owner or operator must electronically file a complete
496 set of fingerprints with the Department of Law Enforcement. Upon
497 submission of fingerprints for this purpose, the eligible
498 nonprofit scholarship-funding organization shall request that
499 the Department of Law Enforcement forward the fingerprints to
500 the Federal Bureau of Investigation for level 2 screening, and
501 the fingerprints shall be retained by the Department of Law
502 Enforcement under subparagraph 3.

503 3. Fingerprints submitted to the Department of Law
504 Enforcement as required by this paragraph must be retained by
505 the Department of Law Enforcement in a manner approved by rule
506 and entered in the statewide automated biometric identification
507 system authorized by s. 943.05(2)(b). The fingerprints must
508 thereafter be available for all purposes and uses authorized for
509 arrest fingerprints entered in the statewide automated biometric
510 identification system pursuant to s. 943.051.

511 4. The Department of Law Enforcement shall search all
512 arrest fingerprints received under s. 943.051 against the
513 fingerprints retained in the statewide automated biometric
514 identification system under subparagraph 3. Any arrest record

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515 that is identified with an owner's or operator's fingerprints
516 must be reported to the Department of Education. The Department
517 of Education shall participate in this search process by paying
518 an annual fee to the Department of Law Enforcement and by
519 informing the Department of Law Enforcement of any change in the
520 employment, engagement, or association status of the owners or
521 operators whose fingerprints are retained under subparagraph 3.
522 The Department of Law Enforcement shall adopt a rule setting the
523 amount of the annual fee to be imposed upon the Department of
524 Education for performing these services and establishing the
525 procedures for the retention of owner and operator fingerprints
526 and the dissemination of search results. The fee may be borne by
527 the owner or operator of the nonprofit scholarship-funding
528 organization.

529 5. A nonprofit scholarship-funding organization whose owner
530 or operator fails the level 2 background screening is not
531 eligible to provide scholarships under this section.

532 6. A nonprofit scholarship-funding organization whose owner
533 or operator in the last 7 years has filed for personal
534 bankruptcy or corporate bankruptcy in a corporation of which he
535 or she owned more than 20 percent shall not be eligible to
536 provide scholarships under this section.

537 7. In addition to the offenses listed in s. 435.04, a
538 person required to undergo background screening pursuant to this
539 part or authorizing statutes must not have an arrest awaiting
540 final disposition for, must not have been found guilty of, or
541 entered a plea of nolo contendere to, regardless of
542 adjudication, and must not have been adjudicated delinquent, and
543 the record must not have been sealed or expunged for, any of the

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- 544 following offenses or any similar offense of another
545 jurisdiction:
- 546 a. Any authorizing statutes, if the offense was a felony.
 - 547 b. This chapter, if the offense was a felony.
 - 548 c. Section 409.920, relating to Medicaid provider fraud.
 - 549 d. Section 409.9201, relating to Medicaid fraud.
 - 550 e. Section 741.28, relating to domestic violence.
 - 551 f. Section 817.034, relating to fraudulent acts through
552 mail, wire, radio, electromagnetic, photoelectronic, or
553 photooptical systems.
 - 554 g. Section 817.234, relating to false and fraudulent
555 insurance claims.
 - 556 h. Section 817.505, relating to patient brokering.
 - 557 i. Section 817.568, relating to criminal use of personal
558 identification information.
 - 559 j. Section 817.60, relating to obtaining a credit card
560 through fraudulent means.
 - 561 k. Section 817.61, relating to fraudulent use of credit
562 cards, if the offense was a felony.
 - 563 l. Section 831.01, relating to forgery.
 - 564 m. Section 831.02, relating to uttering forged instruments.
 - 565 n. Section 831.07, relating to forging bank bills, checks,
566 drafts, or promissory notes.
 - 567 o. Section 831.09, relating to uttering forged bank bills,
568 checks, drafts, or promissory notes.
 - 569 p. Section 831.30, relating to fraud in obtaining medicinal
570 drugs.
 - 571 q. Section 831.31, relating to the sale, manufacture,
572 delivery, or possession with the intent to sell, manufacture, or

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573 deliver any counterfeit controlled substance, if the offense was
574 a felony.

575 (c) Must not have an owner or operator who owns or operates
576 an eligible private school that is participating in the
577 scholarship program.

578 (d) Must provide scholarships, from eligible contributions,
579 to eligible students for the cost of:

580 1. Tuition and fees for an eligible private school; ~~or~~

581 2. Transportation to a Florida public school in which a
582 student is enrolled and that is different from the school to
583 which the student was assigned or to a lab school as defined in
584 s. 1002.32.

585 3. Instructional materials.

586 4. Curriculum as defined in s. 1002.394(2) (b).

587 5. Tuition or fees associated with full-time or part-time
588 enrollment in a home education program, an eligible private
589 school, an eligible postsecondary educational institution or a
590 program offered by the postsecondary educational institution, a
591 private tutoring program authorized under s. 1002.43, a virtual
592 program offered by a department-approved private online provider
593 that meets the provider qualifications specified in s.
594 1002.45(2) (a), the Florida Virtual School as a private paying
595 student, or an approved online course offered pursuant to s.
596 1003.499 or s. 1004.0961.

597 6. Fees for nationally standardized, norm-referenced
598 achievement tests, Advanced Placement Examinations, industry
599 certification examinations, assessments related to postsecondary
600 education, or other assessments.

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601 7. Contributions to the Stanley G. Tate Florida Prepaid
602 College Program pursuant to s. 1009.98 or the Florida College
603 Savings Program pursuant to s. 1009.981 for the benefit of the
604 eligible student.

605 8. Contracted services provided by a public school or
606 school district, including classes. A student who receives
607 services under a contract under this paragraph is not considered
608 enrolled in a public school for eligibility purposes as
609 specified in subsection (6).

610 9. Tuition and fees for part-time tutoring services
611 provided by a person who holds a valid Florida educator's
612 certificate pursuant to s. 1012.56, a person who holds an
613 adjunct teaching certificate pursuant to s. 1012.57, a person
614 who has a bachelor's degree or a graduate degree in the subject
615 area in which instruction is given, a person who has
616 demonstrated a mastery of subject area knowledge pursuant to s.
617 1012.56(5), or a person certified by a nationally or
618 internationally recognized research-based training program as
619 approved by the department. As used in this paragraph, the term
620 "part-time tutoring services" does not qualify as regular school
621 attendance as defined in s. 1003.01(13)(e).

622 10. Fees for summer education programs.

623 11. Fees for after-school education programs.

624 12. Transition services provided by job coaches.

625 13. Fees for an annual evaluation of educational progress
626 by a state-certified teacher under s. 1002.41(1)(f), if this
627 option is chosen for a home education student.

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

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630 scholarship-funding organization or from the State of Florida
631 during the previous school year. The eligible nonprofit
632 scholarship-funding organization must fully apply and exhaust
633 all funds available under this section and s. 1002.40(11)(i) for
634 renewal scholarship awards before awarding any initial
635 scholarships.

636 (f) Must provide a renewal or initial scholarship to an
637 eligible student on a first-come, first-served basis unless the
638 student qualifies for priority pursuant to paragraph (e). Each
639 eligible nonprofit scholarship-funding organization must refer
640 any student eligible for a scholarship pursuant to this section
641 who did not receive a renewal or initial scholarship based
642 solely on the lack of available funds under this section and s.
643 1002.40(11)(i) to another eligible nonprofit scholarship-funding
644 organization that may have funds available.

645 (g) May not restrict or reserve scholarships for use at a
646 particular private school or provide scholarships to a child of
647 an owner or operator.

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

651 (i) Must allow an eligible student to attend any eligible
652 private school and must allow a parent to transfer a scholarship
653 during a school year to any other eligible private school of the
654 parent's choice.

655 (j)1. May use eligible contributions received pursuant to
656 this section and ss. 212.099, 212.1832, and 1002.40 during the
657 state fiscal year in which such contributions are collected for
658 administrative expenses if the organization has operated as an

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659 eligible nonprofit scholarship-funding organization for at least
660 the preceding 3 fiscal years and did not have any findings of
661 material weakness or material noncompliance in its most recent
662 audit under paragraph (m). Administrative expenses from eligible
663 contributions may not exceed 3 percent of the total amount of
664 all scholarships funded by an eligible scholarship-funding
665 organization under this chapter. Such administrative expenses
666 must be reasonable and necessary for the organization's
667 management and distribution of scholarships funded under this
668 chapter. Administrative expenses may include developing or
669 contracting with rideshare programs or facilitating carpool
670 strategies for recipients of a transportation scholarship. No
671 funds authorized under this subparagraph shall be used for
672 lobbying or political activity or expenses related to lobbying
673 or political activity. Up to one-third of the funds authorized
674 for administrative expenses under this subparagraph may be used
675 for expenses related to the recruitment of contributions from
676 taxpayers. An eligible nonprofit scholarship-funding
677 organization may not charge an application fee.

678 2. Must expend for annual or partial-year scholarships an
679 amount equal to or greater than 75 percent of the net eligible
680 contributions remaining after administrative expenses during the
681 state fiscal year in which such contributions are collected. No
682 more than 25 percent of such net eligible contributions may be
683 carried forward to the following state fiscal year. All amounts
684 carried forward, for audit purposes, must be specifically
685 identified for particular students, by student name and the name
686 of the school to which the student is admitted, subject to the
687 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,

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688 and the applicable rules and regulations issued pursuant
689 thereto. Any amounts carried forward shall be expended for
690 annual or partial-year scholarships in the following state
691 fiscal year. No later than September 30 of each year, net
692 eligible contributions remaining on June 30 of each year that
693 are in excess of the 25 percent that may be carried forward
694 shall be used to provide scholarships to eligible students or
695 transferred to other eligible nonprofit scholarship-funding
696 organizations to provide scholarships for eligible students. An
697 eligible nonprofit scholarship-funding organization may exceed
698 the 25 percent limit on any amounts carried forward, if all
699 eligible nonprofit scholarship-funding organizations are in
700 excess of the 25 percent carried forward and all eligible
701 scholarships have been provided. All transferred funds must be
702 deposited by each eligible nonprofit scholarship-funding
703 organization receiving such funds into its scholarship account.
704 All transferred amounts received by any eligible nonprofit
705 scholarship-funding organization must be separately disclosed in
706 the annual financial audit required under paragraph (m).

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

711 (k) Must maintain separate accounts for scholarship funds
712 and operating funds.

713 (l) With the prior approval of the Department of Education,
714 may transfer funds to another eligible nonprofit scholarship-
715 funding organization if additional funds are required to meet
716 scholarship demand at the receiving nonprofit scholarship-

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717 funding organization. A transfer is limited to the greater of
718 \$500,000 or 20 percent of the total contributions received by
719 the nonprofit scholarship-funding organization making the
720 transfer. All transferred funds must be deposited by the
721 receiving nonprofit scholarship-funding organization into its
722 scholarship accounts. All transferred amounts received by any
723 nonprofit scholarship-funding organization must be separately
724 disclosed in the annual financial and compliance audit required
725 in this section.

726 (m) Must provide to the Auditor General and the Department
727 of Education a report on the results of an annual financial
728 audit of its accounts and records conducted by an independent
729 certified public accountant in accordance with auditing
730 standards generally accepted in the United States, government
731 auditing standards, and rules promulgated by the Auditor
732 General. The audit report must include a report on financial
733 statements presented in accordance with generally accepted
734 accounting principles. Audit reports must be provided to the
735 Auditor General and the Department of Education within 180 days
736 after completion of the eligible nonprofit scholarship-funding
737 organization's fiscal year. The Auditor General shall review all
738 audit reports submitted pursuant to this paragraph. The Auditor
739 General shall request any significant items that were omitted in
740 violation of a rule adopted by the Auditor General. The items
741 must be provided within 45 days after the date of the request.
742 If the scholarship-funding organization does not comply with the
743 Auditor General's request, the Auditor General shall notify the
744 Legislative Auditing Committee.

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745 (n) Must prepare and submit quarterly reports to the
746 Department of Education pursuant to paragraph (9) (i). In
747 addition, an eligible nonprofit scholarship-funding organization
748 must submit in a timely manner any information requested by the
749 Department of Education relating to the scholarship program.

750 ~~(o) 1.a. Must participate in the joint development of~~
751 ~~agreed-upon procedures during the 2009-2010 state fiscal year.~~
752 ~~The agreed-upon procedures must uniformly apply to all private~~
753 ~~schools and must determine, at a minimum, whether the private~~
754 ~~school has been verified as eligible by the Department of~~
755 ~~Education under s. 1002.421; has an adequate accounting system,~~
756 ~~system of financial controls, and process for deposit and~~
757 ~~classification of scholarship funds; and has properly expended~~
758 ~~scholarship funds for education-related expenses. During the~~
759 ~~development of the procedures, the participating scholarship-~~
760 ~~funding organizations shall specify guidelines governing the~~
761 ~~materiality of exceptions that may be found during the~~
762 ~~accountant's performance of the procedures. The procedures and~~
763 ~~guidelines shall be provided to private schools and the~~
764 ~~Commissioner of Education by March 15, 2011.~~

765 ~~b. Must participate in a joint review of the agreed-upon~~
766 ~~procedures and guidelines developed under sub-subparagraph a.,~~
767 ~~by February of each biennium, if the scholarship-funding~~
768 ~~organization provided more than \$250,000 in scholarship funds to~~
769 ~~an eligible private school under this chapter during the state~~
770 ~~fiscal year preceding the biennial review. If the procedures and~~
771 ~~guidelines are revised, the revisions must be provided to~~
772 ~~private schools and the Commissioner of Education by March 15 of~~
773 ~~the year in which the revisions were completed. The revised~~

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774 ~~agreed-upon procedures shall take effect the subsequent school~~
775 ~~year. For the 2018-2019 school year only, the joint review of~~
776 ~~the agreed-upon procedures must be completed and the revisions~~
777 ~~submitted to the commissioner no later than September 15, 2018.~~
778 ~~The revised procedures are applicable to the 2018-2019 school~~
779 ~~year.~~

780 e. Must monitor the compliance of a private school with s.
781 1002.421(1)(q) if the scholarship-funding organization provided
782 the majority of the scholarship funding to the school. For each
783 private school subject to s. 1002.421(1)(q), the appropriate
784 scholarship-funding organization shall annually notify the
785 Commissioner of Education by October 30 of:

786 ~~(I)~~ 1. A private school's failure to submit a report
787 required under s. 1002.421(1)(q); or

788 ~~(II)~~ 2. Any material exceptions set forth in the report
789 required under s. 1002.421(1)(q).

790 ~~2. Must seek input from the accrediting associations that~~
791 ~~are members of the Florida Association of Academic Nonpublic~~
792 ~~Schools and the Department of Education when jointly developing~~
793 ~~the agreed-upon procedures and guidelines under sub-subparagraph~~
794 ~~1.a. and conducting a review of those procedures and guidelines~~
795 ~~under sub-subparagraph 1.b.~~

796 (p) Must maintain the surety bond or letter of credit
797 required by subsection (15). The amount of the surety bond or
798 letter of credit may be adjusted quarterly to equal the actual
799 amount of undisbursed funds based upon submission by the
800 organization of a statement from a certified public accountant
801 verifying the amount of undisbursed funds. The requirements of
802 this paragraph are waived if the cost of acquiring a surety bond

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803 or letter of credit exceeds the average 10-year cost of
804 acquiring a surety bond or letter of credit by 200 percent. The
805 requirements of this paragraph are waived for a state
806 university; or an independent college or university which is
807 eligible to participate in the William L. Boyd, IV, Effective
808 Access to Student Education Grant Program, located and chartered
809 in this state, is not for profit, and is accredited by the
810 Commission on Colleges of the Southern Association of Colleges
811 and Schools.

812 (q) Must provide to the Auditor General any information or
813 documentation requested in connection with an operational audit
814 of a scholarship-funding organization conducted pursuant to s.
815 11.45.

816 Information and documentation provided to the Department of
817 Education and the Auditor General relating to the identity of a
818 taxpayer that provides an eligible contribution under this
819 section shall remain confidential at all times in accordance
820 with s. 213.053.

821 Section 3. This act shall take effect July 1, 2023.