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1  
2 An act relating to education programs for individuals  
3 with disabilities; amending s. 1002.39, F.S.;  
4 exempting a foster child from specified eligibility  
5 provisions; providing that a student enrolled in a  
6 transition-to-work program is eligible for a John M.  
7 McKay Scholarship; creating a transition-to-work  
8 program for specific students enrolled in the John M.  
9 McKay Scholarships for Students with Disabilities  
10 Program; providing program requirements; providing  
11 participation requirements for schools, students, and  
12 businesses; exempting a John M. McKay Scholarship  
13 award from a specified funding calculation; amending  
14 s. 1002.41, F.S.; authorizing a school district to  
15 provide exceptional student education-related services  
16 to certain home education program students; requiring  
17 reporting and funding through the Florida Education  
18 Finance Program; amending s. 1004.935, F.S.; deleting  
19 the scheduled termination of the Adults with  
20 Disabilities Workforce Education Pilot Program;  
21 changing the name of the program to the "Adults with  
22 Disabilities Workforce Education Program"; amending s.  
23 1007.271, F.S.; requiring a home education secondary  
24 student to be responsible for his or her own  
25 instructional materials and transportation in order to  
26 participate in the dual enrollment program unless the



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27 articulation agreement provides otherwise; requiring a  
28 postsecondary institution eligible to participate in  
29 the dual enrollment program to enter into a home  
30 education articulation agreement; requiring the  
31 postsecondary institution to annually complete and  
32 submit the agreement to the Department of Education by  
33 a specified date; conforming provisions to changes  
34 made by the act; requiring a district school board and  
35 a Florida College System institution to annually  
36 complete and submit to the department by a specified  
37 date a dual enrollment articulation agreement with a  
38 state university or an eligible independent college or  
39 university, as applicable; providing requirements for  
40 a private school student to participate in a dual  
41 enrollment program; requiring a postsecondary  
42 institution to annually complete and submit the  
43 articulation agreement to the department by a  
44 specified date; requiring specified information to be  
45 included in dual enrollment articulation agreements  
46 and disseminated to students with disabilities;  
47 amending s. 1011.61, F.S.; exempting a John M. McKay  
48 Scholarship award from a specified funding calculation  
49 for purposes of the Florida Education Finance Program;  
50 providing effective dates.

51  
52 Be It Enacted by the Legislature of the State of Florida:



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53  
54 Section 1. Subsections (10) through (13) of section  
55 1002.39, Florida Statutes, are renumbered as subsections (11)  
56 through (14), respectively, paragraph (a) of subsection (2),  
57 paragraph (h) of subsection (3), paragraph (b) of subsection  
58 (8), and paragraph (a) of present subsection (10) are amended,  
59 and a new subsection (10) is added to that section, to read:

60 1002.39 The John M. McKay Scholarships for Students with  
61 Disabilities Program.—There is established a program that is  
62 separate and distinct from the Opportunity Scholarship Program  
63 and is named the John M. McKay Scholarships for Students with  
64 Disabilities Program.

65 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a  
66 student with a disability may request and receive from the state  
67 a John M. McKay Scholarship for the child to enroll in and  
68 attend a private school in accordance with this section if:

69 (a) The student has:

70 1. Received specialized instructional services under the  
71 Voluntary Prekindergarten Education Program pursuant to s.  
72 1002.66 during the previous school year and the student has a  
73 current individual educational plan developed by the local  
74 school board in accordance with rules of the State Board of  
75 Education for the John M. McKay Scholarships for Students with  
76 Disabilities Program or a 504 accommodation plan has been issued  
77 under s. 504 of the Rehabilitation Act of 1973; or

78 2. Spent the prior school year in attendance at a Florida



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79 public school or the Florida School for the Deaf and the Blind.

80 For purposes of this subparagraph, prior school year in

81 attendance means that the student was enrolled and reported by:

82 a. A school district for funding during the preceding  
83 October and February Florida Education Finance Program surveys  
84 in kindergarten through grade 12, which includes time spent in a  
85 Department of Juvenile Justice commitment program if funded  
86 under the Florida Education Finance Program;

87 b. The Florida School for the Deaf and the Blind during  
88 the preceding October and February student membership surveys in  
89 kindergarten through grade 12; or

90 c. A school district for funding during the preceding  
91 October and February Florida Education Finance Program surveys,  
92 was at least 4 years of age when so enrolled and reported, and  
93 was eligible for services under s. 1003.21(1)(e).

94  
95 However, a dependent child of a member of the United States  
96 Armed Forces who transfers to a school in this state from out of  
97 state or from a foreign country due to a parent's permanent  
98 change of station orders or a foster child is exempt from this  
99 paragraph but must meet all other eligibility requirements to  
100 participate in the program.

101 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is  
102 not eligible for a John M. McKay Scholarship:

103 (h) While he or she is not having regular and direct  
104 contact with his or her private school teachers at the school's



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105 | physical location unless he or she is enrolled in the private  
106 | school's transition-to-work program pursuant to subsection (10);  
107 | or

108 | (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
109 | eligible to participate in the John M. McKay Scholarships for  
110 | Students with Disabilities Program, a private school may be  
111 | sectarian or nonsectarian and must:

112 | (b) Provide to the department all documentation required  
113 | for a student's participation, including the private school's  
114 | and student's fee schedules, at least 30 days before any  
115 | quarterly scholarship payment is made for the student pursuant  
116 | to paragraph (11)(e) ~~(10)(e)~~. A student is not eligible to  
117 | receive a quarterly scholarship payment if the private school  
118 | fails to meet this deadline.

119 |  
120 | The inability of a private school to meet the requirements of  
121 | this subsection shall constitute a basis for the ineligibility  
122 | of the private school to participate in the scholarship program  
123 | as determined by the department.

124 | (10) TRANSITION-TO-WORK PROGRAM.—A student participating  
125 | in the John M. McKay Scholarships for Students with Disabilities  
126 | Program who is at least 17 years, but not older than 22 years,  
127 | of age and who has not received a high school diploma or  
128 | certificate of completion is eligible for enrollment in his or  
129 | her private school's transition-to-work program. A transition-  
130 | to-work program shall consist of academic instruction, work



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- 131 skills training, and a volunteer or paid work experience.
- 132 (a) To offer a transition-to-work program, a participating
- 133 private school must:
- 134 1. Develop a transition-to-work program plan, which must
- 135 include a written description of the academic instruction and
- 136 work skills training students will receive and the goals for
- 137 students in the program.
- 138 2. Submit the transition-to-work program plan to the
- 139 Office of Independent Education and Parental Choice.
- 140 3. Develop a personalized transition-to-work program plan
- 141 for each student enrolled in the program. The student's parent,
- 142 the student, and the school principal must sign the personalized
- 143 plan. The personalized plan must be submitted to the Office of
- 144 Independent Education and Parental Choice upon request by the
- 145 office.
- 146 4. Provide a release of liability form that must be signed
- 147 by the student's parent, the student, and a representative of
- 148 the business offering the volunteer or paid work experience.
- 149 5. Assign a case manager or job coach to visit the
- 150 student's job site on a weekly basis to observe the student and,
- 151 if necessary, provide support and guidance to the student.
- 152 6. Provide to the parent and student a quarterly report
- 153 that documents and explains the student's progress and
- 154 performance in the program.
- 155 7. Maintain accurate attendance and performance records
- 156 for the student.



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157 |       (b) A student enrolled in a transition-to-work program  
158 | must, at a minimum:

159 |       1. Receive 15 instructional hours at the private school's  
160 | physical facility, which must include academic instruction and  
161 | work skills training.

162 |       2. Participate in 10 hours of work at the student's  
163 | volunteer or paid work experience.

164 |       (c) To participate in a transition-to-work program, a  
165 | business must:

166 |       1. Maintain an accurate record of the student's  
167 | performance and hours worked and provide the information to the  
168 | private school.

169 |       2. Comply with all state and federal child labor laws.

170 |       ~~(11)-(10)~~ JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

171 |       (a)1. The maximum scholarship granted for an eligible  
172 | student with disabilities shall be equivalent to the base  
173 | student allocation in the Florida Education Finance Program  
174 | multiplied by the appropriate cost factor for the educational  
175 | program that would have been provided for the student in the  
176 | district school to which he or she was assigned, multiplied by  
177 | the district cost differential.

178 |       2. In addition, a share of the guaranteed allocation for  
179 | exceptional students shall be determined and added to the amount  
180 | in subparagraph 1. The calculation shall be based on the  
181 | methodology and the data used to calculate the guaranteed  
182 | allocation for exceptional students for each district in chapter



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183 2000-166, Laws of Florida. Except as provided in subparagraphs  
184 3. and 4., the calculation shall be based on the student's  
185 grade, matrix level of services, and the difference between the  
186 2000-2001 basic program and the appropriate level of services  
187 cost factor, multiplied by the 2000-2001 base student allocation  
188 and the 2000-2001 district cost differential for the sending  
189 district. The calculated amount shall include the per-student  
190 share of supplemental academic instruction funds, instructional  
191 materials funds, technology funds, and other categorical funds  
192 as provided in the General Appropriations Act.

193 3. The scholarship amount for a student who is eligible  
194 under sub-subparagraph (2)(a)2.b. shall be calculated as  
195 provided in subparagraphs 1. and 2. However, the calculation  
196 shall be based on the school district in which the parent  
197 resides at the time of the scholarship request.

198 4. Until the school district completes the matrix required  
199 by paragraph (5)(b), the calculation shall be based on the  
200 matrix that assigns the student to support Level I of service as  
201 it existed prior to the 2000-2001 school year. When the school  
202 district completes the matrix, the amount of the payment shall  
203 be adjusted as needed.

204 5. The scholarship amount for a student eligible under s.  
205 504 of the Rehabilitation Act of 1973 shall be based on the  
206 program cost factor the student currently generates through the  
207 Florida Education Finance Program.

208 6. The scholarship amount granted for an eligible student





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209 with disabilities is not subject to the maximum value for  
210 funding a student under s. 1011.61(4).

211 Section 2. Subsection (9) of section 1002.41, Florida  
212 Statutes, is amended, and subsection (10) is added to that  
213 section, to read:

214 1002.41 Home education programs.—

215 (9) ~~Home education program students may receive~~ Testing  
216 and evaluation services at diagnostic and resource centers shall  
217 be available to home education program students, including, but  
218 not limited to, student with disabilities, in accordance with  
219 the provisions of s. 1006.03.

220 (10) A school district may provide exceptional student  
221 education-related services, as defined in State Board of  
222 Education rule, to a home education program student with a  
223 disability who is eligible for the services and who enrolls in a  
224 public school solely for the purpose of receiving those related  
225 services. The school district providing the services shall  
226 report each student as a full-time equivalent student in the  
227 class and in a manner prescribed by the Department of Education,  
228 and funding shall be provided through the Florida Education  
229 Finance Program pursuant to s. 1011.62.

230 Section 3. Effective June 29, 2016, section 1004.935,  
231 Florida Statutes, is amended to read:

232 1004.935 Adults with Disabilities Workforce Education  
233 ~~Pilot~~ Program.—

234 (1) The Adults with Disabilities Workforce Education ~~Pilot~~



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235 Program is established in the Department of Education ~~through~~  
236 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties  
237 to provide the option of receiving a scholarship for instruction  
238 at private schools for up to 30 students who:

239 (a) Have a disability;

240 (b) Are 22 years of age;

241 (c) Are receiving instruction from an instructor in a  
242 private school to meet the high school graduation requirements  
243 in s. 1002.3105(5) or s. 1003.4282;

244 (d) Do not have a standard high school diploma or a  
245 special high school diploma; and

246 (e) Receive "supported employment services," which means  
247 employment that is located or provided in an integrated work  
248 setting with earnings paid on a commensurate wage basis and for  
249 which continued support is needed for job maintenance.

250  
251 As used in this section, the term "student with a disability"  
252 includes a student who is documented as having an intellectual  
253 disability; a speech impairment; a language impairment; a  
254 hearing impairment, including deafness; a visual impairment,  
255 including blindness; a dual sensory impairment; an orthopedic  
256 impairment; another health impairment; an emotional or  
257 behavioral disability; a specific learning disability,  
258 including, but not limited to, dyslexia, dyscalculia, or  
259 developmental aphasia; a traumatic brain injury; a developmental  
260 delay; or autism spectrum disorder.



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261 (2) A student participating in the ~~pilot~~ program may  
262 continue to participate in the program until the student  
263 graduates from high school or reaches the age of 40 years,  
264 whichever occurs first.

265 (3) Supported employment services may be provided at more  
266 than one site.

267 (4) The provider of supported employment services must be  
268 a nonprofit corporation under s. 501(c)(3) of the Internal  
269 Revenue Code which serves Hardee County, DeSoto County, Manatee  
270 County, or Sarasota County and must contract with a private  
271 school in this state which meets the requirements in subsection  
272 (5).

273 (5) A private school that participates in the ~~pilot~~  
274 program may be sectarian or nonsectarian and must:

275 (a) Be academically accountable for meeting the  
276 educational needs of the student by annually providing to the  
277 provider of supported employment services a written explanation  
278 of the student's progress.

279 (b) Comply with the antidiscrimination provisions of 42  
280 U.S.C. s. 2000d.

281 (c) Meet state and local health and safety laws and codes.

282 (d) Provide to the provider of supported employment  
283 services all documentation required for a student's  
284 participation, including the private school's and student's fee  
285 schedules, at least 30 days before any quarterly scholarship  
286 payment is made for the student. A student is not eligible to



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287 receive a quarterly scholarship payment if the private school  
288 fails to meet this deadline.

289

290 The inability of a private school to meet the requirements of  
291 this subsection constitutes a basis for the ineligibility of the  
292 private school to participate in the ~~pilot~~ program.

293 (6) (a) If the student chooses to participate in the ~~pilot~~  
294 program and is accepted by the provider of supported employment  
295 services, the student must notify the Department of Education of  
296 his or her acceptance into the program 60 days before the first  
297 scholarship payment and before participating in the ~~pilot~~  
298 program in order to be eligible for the scholarship.

299 (b) Upon receipt of a scholarship warrant, the student or  
300 parent to whom the warrant is made must restrictively endorse  
301 the warrant to the provider of supported employment services for  
302 deposit into the account of the provider. The student or parent  
303 may not designate any entity or individual associated with the  
304 participating provider of supported employment services as the  
305 student's or parent's attorney in fact to endorse a scholarship  
306 warrant. A participant who fails to comply with this paragraph  
307 forfeits the scholarship.

308 (7) Funds for the scholarship shall be provided from the  
309 appropriation from the school district's Workforce Development  
310 Fund in the General Appropriations Act for students who reside  
311 in the Hardee County School District, the DeSoto County School  
312 District, the Manatee County School District, or the Sarasota



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313 County School District. ~~During the pilot program,~~ The  
314 scholarship amount granted for an eligible student with a  
315 disability shall be equal to the cost per unit of a full-time  
316 equivalent adult general education student, multiplied by the  
317 adult general education funding factor, and multiplied by the  
318 district cost differential pursuant to the formula required by  
319 s. 1011.80(6)(a) for the district in which the student resides.

320 (8) Upon notification by the Department of Education that  
321 it has received the required documentation, the Chief Financial  
322 Officer shall make scholarship payments in four equal amounts no  
323 later than September 1, November 1, February 1, and April 1 of  
324 each academic year in which the scholarship is in force. The  
325 initial payment shall be made after the Department of Education  
326 verifies that the student was accepted into the ~~pilot~~ program,  
327 and subsequent payments shall be made upon verification of  
328 continued participation in the ~~pilot~~ program. Payment must be by  
329 individual warrant made payable to the student or parent and  
330 mailed by the Department of Education to the provider of  
331 supported employment services, and the student or parent shall  
332 restrictively endorse the warrant to the provider of supported  
333 employment services for deposit into the account of that  
334 provider.

335 (9) Subsequent to each scholarship payment, the Department  
336 of Education shall request from the Department of Financial  
337 Services a sample of endorsed warrants to review and confirm  
338 compliance with endorsement requirements.



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339 Section 4. Subsections (13), (22), (23), and (24) of  
340 section 1007.271, Florida Statutes, are amended, and subsection  
341 (25) is added to the section, to read:

342 1007.271 Dual enrollment programs.—

343 (13)(a) The dual enrollment program for a home education  
344 student, including, but not limited to, students with  
345 disabilities, consists of the enrollment of an eligible home  
346 education secondary student in a postsecondary course creditable  
347 toward an associate degree, a career certificate, or a  
348 baccalaureate degree. To participate in the dual enrollment  
349 program, an eligible home education secondary student must:

350 1. Provide proof of enrollment in a home education program  
351 pursuant to s. 1002.41.

352 2. Be responsible for his or her own instructional  
353 materials and transportation unless provided for in the  
354 articulation agreement ~~otherwise~~.

355 3. Sign a home education articulation agreement pursuant  
356 to paragraph (b).

357 (b) Each postsecondary institution eligible to participate  
358 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
359 ~~shall~~ enter into a home education articulation agreement with  
360 each home education student seeking enrollment in a dual  
361 enrollment course and the student's parent. By August 1 of each  
362 year, the eligible postsecondary institution shall complete and  
363 submit the home education articulation agreement to the  
364 Department of Education. The home education articulation



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365 | agreement must ~~shall~~ include, at a minimum:

366 |       1. A delineation of courses and programs available to  
367 | dually enrolled home education students. Courses and programs  
368 | may be added, revised, or deleted at any time by the  
369 | postsecondary institution.

370 |       2. The initial and continued eligibility requirements for  
371 | home education student participation, not to exceed those  
372 | required of other dually enrolled students.

373 |       3. The student's responsibilities for providing his or her  
374 | own instructional materials and transportation.

375 |       4. A copy of the statement on transfer guarantees  
376 | developed by the Department of Education under subsection (15).

377 |       (22) The Department of Education shall develop an  
378 | electronic submission system for dual enrollment articulation  
379 | agreements and shall review, for compliance, each dual  
380 | enrollment articulation agreement submitted pursuant to  
381 | subsections (13), ~~subsection (21),~~ and (24). The Commissioner of  
382 | Education shall notify the district school superintendent and  
383 | the Florida College System institution president if the dual  
384 | enrollment articulation agreement does not comply with statutory  
385 | requirements and shall submit any dual enrollment articulation  
386 | agreement with unresolved issues of noncompliance to the State  
387 | Board of Education.

388 |       (23) District school boards and Florida College System  
389 | institutions may enter into additional dual enrollment  
390 | articulation agreements with state universities for the purposes



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391 of this section. School districts may also enter into dual  
392 enrollment articulation agreements with eligible independent  
393 colleges and universities pursuant to s. 1011.62(1)(i). By  
394 August 1 of each year, the district school board and the Florida  
395 College System institution shall complete and submit the dual  
396 enrollment articulation agreement with the state university or  
397 an eligible independent college or university, as applicable, to  
398 the Department of Education.

399 (24) (a) The dual enrollment program for a private school  
400 student consists of the enrollment of an eligible private school  
401 student in a postsecondary course creditable toward an associate  
402 degree, a career certificate, or a baccalaureate degree. In  
403 addition, a private school in which a student, including, but  
404 not limited to, students with disabilities, is enrolled must  
405 award credit toward high school completion for the postsecondary  
406 course under the dual enrollment program. To participate in the  
407 dual enrollment program, an eligible private school student  
408 must:

409 1. Provide proof of enrollment in a private school  
410 pursuant to subsection (2).

411 2. Be responsible for his or her own instructional  
412 materials and transportation unless provided for in the  
413 articulation agreement.

414 3. Sign a private school articulation agreement pursuant  
415 to paragraph (b).

416 (b) Each postsecondary institution eligible to participate





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417 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
418 enter into a private school articulation agreement with each  
419 eligible private school in its geographic service area seeking  
420 to offer dual enrollment courses to its students, including, but  
421 not limited to, students with disabilities. By August 1 of each  
422 year, the eligible postsecondary institution shall complete and  
423 submit the private school articulation agreement to the  
424 Department of Education. The private school articulation  
425 agreement must include, at a minimum:

426 1. A delineation of courses and programs available to the  
427 private school student. The postsecondary institution may add,  
428 revise, or delete courses and programs at any time.

429 2. The initial and continued eligibility requirements for  
430 private school student participation, not to exceed those  
431 required of other dual enrollment students.

432 3. The student's responsibilities for providing his or her  
433 own instructional materials and transportation.

434 4. A provision clarifying that the private school will  
435 award appropriate credit toward high school completion for the  
436 postsecondary course under the dual enrollment program.

437 5. A provision expressing that costs associated with  
438 tuition and fees, including registration, and laboratory fees,  
439 will not be passed along to the student.

440 6. A provision stating whether the private school will  
441 compensate the postsecondary institution for the standard  
442 tuition rate per credit hour for each dual enrollment course



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443 taken by its students ~~Postsecondary institutions may enter into~~  
444 ~~dual enrollment articulation agreements with private secondary~~  
445 ~~schools pursuant to subsection (2).~~

446 (25) For students with disabilities, a postsecondary  
447 institution eligible to participate in dual enrollment pursuant  
448 to s. 1011.62(1)(i) shall include in its dual enrollment  
449 articulation agreement, services and resources that are  
450 available to students with disabilities who register in a dual  
451 enrollment course at the eligible institution and provide  
452 information regarding such services and resources to the Florida  
453 Center for Students with Unique Abilities. The Department of  
454 Education shall provide to the center the Internet website link  
455 to dual enrollment articulation agreements specific to students  
456 with disabilities. The center shall include in the information  
457 that it is responsible for disseminating to students with  
458 disabilities and their parents pursuant to s. 1004.6495, dual  
459 enrollment articulation agreements and opportunities for  
460 meaningful campus experience through dual enrollment.

461 Section 5. Subsection (4) of section 1011.61, Florida  
462 Statutes, is amended to read:

463 1011.61 Definitions.—Notwithstanding the provisions of s.  
464 1000.21, the following terms are defined as follows for the  
465 purposes of the Florida Education Finance Program:

466 (4) The maximum value for funding a student in  
467 kindergarten through grade 12 or in a prekindergarten program  
468 for exceptional children as provided in s. 1003.21(1)(e) shall



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469 be the sum of the calculations in paragraphs (a), (b), and (c)  
 470 as calculated by the department.

471 (a) The sum of the student's full-time equivalent student  
 472 membership value for the school year or the equivalent derived  
 473 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-  
 474 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and  
 475 subsection (2). If the sum is greater than 1.0, the full-time  
 476 equivalent student membership value for each program or course  
 477 shall be reduced by an equal proportion so that the student's  
 478 total full-time equivalent student membership value is equal to  
 479 1.0.

480 (b) If the result in paragraph (a) is less than 1.0 full-  
 481 time equivalent student and the student has full-time equivalent  
 482 student enrollment pursuant to sub-sub-subparagraph  
 483 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the  
 484 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of  
 485 1.0 less the value in paragraph (a).

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

488  
 489 A scholarship award provided to a student enrolled in the John  
 490 M. McKay Scholarships for Students with Disabilities Program  
 491 pursuant to s. 1002.39 is not subject to the maximum value for  
 492 funding a student under this subsection.

493 Section 6. Except as otherwise expressly provided in this  
 494 act, this act shall take effect July 1, 2016.