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1  
 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 under the program; providing that certain  
 18 students are not eligible for a scholarship under the  
 19 program under certain circumstances; providing  
 20 exceptions; revising the obligations of school  
 21 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

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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 student eligibility criteria  
 38 based on household income level for the Florida Tax  
 39 Credit Scholarship Program; amending ss. 1002.40,  
 40 1009.971, 1009.98, 1009.981, 1011.61, and 1011.62,  
 41 F.S.; conforming provisions to changes made by the  
 42 act; providing effective dates.

43  
 44 Be It Enacted by the Legislature of the State of Florida:

45  
 46 Section 1. Paragraph (1) of subsection (2) of section  
 47 11.45, Florida Statutes, is amended to read:

48 11.45 Definitions; duties; authorities; reports; rules.—

49 (2) DUTIES.—The Auditor General shall:

50 (1) At least once every 3 years, ~~Annually~~ conduct

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

63  
64 The Auditor General shall perform his or her duties  
65 independently but under the general policies established by the  
66 Legislative Auditing Committee. This subsection does not limit  
67 the Auditor General's discretionary authority to conduct other  
68 audits or engagements of governmental entities as authorized in  
69 subsection (3).

70 Section 2. Section 1002.385, Florida Statutes, is  
71 repealed.

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

75 1002.39 The John M. McKay Scholarships for Students with

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

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

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

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

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101 ~~share of supplemental academic instruction funds, instructional~~  
102 ~~materials funds, technology funds, and other categorical funds~~  
103 ~~as provided in the General Appropriations Act.~~

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

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

115 ~~5. The scholarship amount for a student eligible under s.~~  
116 ~~504 of the Rehabilitation Act of 1973 shall be based on the~~  
117 ~~program cost factor the student currently generates through the~~  
118 ~~Florida Education Finance Program.~~

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

122 (b) The amount of the John M. McKay Scholarship shall be  
123 the calculated amount or the amount of the private school's  
124 tuition and fees, whichever is less. The amount of any  
125 assessment fee required by the participating private school may

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126 | be paid from the total amount of the scholarship.

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

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

136 |       ~~a. Report to the department all such students who are~~  
137 | ~~attending a private school under this program.~~

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

142 |       (d) Following notification on July 1, September 1,  
143 | December 1, or February 1 of the number of program participants,  
144 | the department shall transfer, from General Revenue funds only,  
145 | the amount calculated under paragraph (a) ~~(b)~~ from the school  
146 | district's total funding entitlement under the Florida Education  
147 | Finance Program and from authorized categorical accounts to a  
148 | separate account for the scholarship program for quarterly  
149 | disbursement to the parents of participating students. Funds may  
150 | not be transferred from any funding provided to the Florida

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151 School for the Deaf and the Blind for program participants who  
152 are eligible under sub-subparagraph (2)(a)2.b. For a student  
153 exiting a Department of Juvenile Justice commitment program who  
154 chooses to participate in the scholarship program, the amount of  
155 the ~~John M. McKay~~ scholarship calculated pursuant to paragraph  
156 (a) ~~(b)~~ shall be transferred from the school district in which  
157 the student last attended a public school before commitment to  
158 the Department of Juvenile Justice. When a student enters the  
159 scholarship program, the department must receive all  
160 documentation required for the student's participation,  
161 including the private school's and the student's fee schedules,  
162 at least 30 days before the first quarterly scholarship payment  
163 is made for the student.

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

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176 to the private school for deposit into the account of the  
177 private school.

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

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

183 Section 4. Section 1002.394, Florida Statutes, is amended  
184 to read:

185 1002.394 The Family Empowerment Scholarship Program.—

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

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

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

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

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

199 (d) "Disability" means, for a 3- or 4-year-old child or  
200 for a student in kindergarten to grade 12, autism spectrum



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201 disorder, as defined in the Diagnostic and Statistical Manual of  
 202 Mental Disorders, Fifth Edition, published by the American  
 203 Psychiatric Association; cerebral palsy, as defined in s.  
 204 393.063; Down syndrome, as defined in s. 393.063; an  
 205 intellectual disability, as defined in s. 393.063; a speech  
 206 impairment; a language impairment; an orthopedic impairment; an  
 207 other health impairment; an emotional or a behavioral  
 208 disability; a specific learning disability, including, but not  
 209 limited to, dyslexia, dyscalculia, or developmental aphasia;  
 210 Phelan-McDermid syndrome, as defined in s. 393.063; Prader-Willi  
 211 syndrome, as defined in s. 393.063; spina bifida, as defined in  
 212 s. 393.063; being a high-risk child, as defined in s.  
 213 393.063(23)(a); muscular dystrophy; Williams syndrome; rare  
 214 diseases which affect patient populations of fewer than 200,000  
 215 individuals in the United States, as defined by the National  
 216 Organization for Rare Disorders; anaphylaxis; a hearing  
 217 impairment, including deafness; a visual impairment, including  
 218 blindness; traumatic brain injury; hospital or homebound; or  
 219 identification as dual sensory impaired, as defined by rules of  
 220 the State Board of Education and evidenced by reports from local  
 221 school districts. The term "hospital or homebound" includes a  
 222 student who has a medically diagnosed physical or psychiatric  
 223 condition or illness, as defined by the state board in rule, and  
 224 who is confined to the home or hospital for more than 6 months.  
 225 (e) ~~(b)~~ "Eligible nonprofit scholarship-funding

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226 organization" or "organization" has the same meaning as provided  
 227 in s. 1002.395(2) (f).

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

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

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

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

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

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

249 (l)~~(e)~~ "Program" means the Family Empowerment Scholarship  
 250 Program.

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

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

256 (4) (a) if:

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

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

263           3. The student's household income level does not exceed  
 264 375 ~~300~~ percent of the federal poverty level or an adjusted  
 265 maximum percent of the federal poverty level that is increased  
 266 by 25 percentage points in the fiscal year following any fiscal  
 267 year in which more than 5 percent of the available scholarships  
 268 authorized under paragraph (12) (a) have not been funded;

269  
 270           4. The student is a sibling of a student who is  
 271 participating in the scholarship program under this subsection  
 272 and such siblings reside in the same household; or

273           5. The student is a dependent child of a member of the  
 274 United States Armed Forces.

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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 ~~as established pursuant to~~  
279 ~~paragraph (c). A student who initially receives a scholarship~~  
280 ~~based on eligibility under subparagraph 2. remains eligible to~~  
281 ~~participate until the student graduates from high school or~~  
282 ~~attains the age of 21 years, whichever occurs first, regardless~~  
283 ~~of the student's household income level. A sibling of a student~~  
284 ~~who is participating in the scholarship program under this~~  
285 ~~subsection is eligible for a scholarship if the student resides~~  
286 ~~in the same household as the 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,

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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~~

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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:~~

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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

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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



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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

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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

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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);

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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 ~~organization~~ department  
 499 and the school district, the student's parent may remove the  
 500 student from the private school and place the student in a

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501 public school in accordance with this section.

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

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

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

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

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

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

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526 1002.41;

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

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

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

536 (7)(6) SCHOOL DISTRICT OBLIGATIONS.—

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

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

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

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

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

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

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

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576 student's parent an opportunity to enroll the student in another  
577 public school in the school district.

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

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

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

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



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

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

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

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626 obtain information about the scholarship.

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

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

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

638 (a) The department shall:

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

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

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

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651 board rule.

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

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

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

660 7. Notify the parent and the organization when a  
661 scholarship account is closed and program funds revert to the  
662 state.

663 8. Notify an eligible nonprofit scholarship-funding  
664 organization of any of the organization's or other  
665 organization's identified students who are receiving  
666 scholarships under this chapter.

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

672 10. Require each organization to verify eligible  
673 expenditures before the distribution of funds for any  
674 expenditures made pursuant to subparagraphs (4) (b)1. and 2.  
675 Review of expenditures made for services specified in

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676 subparagraphs (4) (b) 3.-15. may be completed after the purchase  
 677 is made.

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

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

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

696 (b) At the direction of the Commissioner of Education, the  
 697 department may:

698 1. Suspend or revoke program participation or use of  
 699 program funds by the student or participation or eligibility of  
 700 an organization, eligible postsecondary educational institution,

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701 approved provider, or other party for a violation of this  
702 section.

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

705 3. Recover unexpended program funds or withhold payment of  
706 an equal amount of program funds to recover program funds that  
707 were not authorized for use.

708  
709 In determining whether to suspend or revoke participation or  
710 lift a suspension or revocation in accordance with this  
711 paragraph, the department may consider factors that include, but  
712 are not limited to, acts or omissions that led to a previous  
713 suspension or revocation of participation in a state or federal  
714 program or an education scholarship program; failure to  
715 reimburse the organization for funds improperly received or  
716 retained; failure to reimburse government funds improperly  
717 received or retained; imposition of a prior criminal sanction  
718 related to the person or entity or its officers or employees;  
719 imposition of a civil fine or administrative fine, license  
720 revocation or suspension, or program eligibility suspension,  
721 termination, or revocation related to a person's or entity's  
722 management or operation; or other types of criminal proceedings  
723 in which the person or entity or its officers or employees were  
724 found guilty of, regardless of adjudication, or entered a plea  
725 of nolo contendere or guilty to, any offense involving fraud,

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726 deceit, dishonesty, or moral turpitude.

727 ~~(c) Establish deadlines for the receipt of initial~~  
 728 ~~applications and renewal notifications in order to implement the~~  
 729 ~~priority order for scholarship awards pursuant to paragraph~~  
 730 ~~(3)(d).~~

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

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

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

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

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751 the diagnosis or the IEP team determines that standardized  
 752 testing is not appropriate are exempt from this requirement. A  
 753 participating private school shall report a student's scores to  
 754 his or her parent. By August 15 of each year, a participating  
 755 private school must report the scores of all participating  
 756 students to a state university as described in s.  
 757 1002.395(9) (f).

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

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

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

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

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776 private school and must:-

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

779 2.(b) ~~The parent must~~ Request the scholarship by a date  
780 established by the organization, in a manner that creates a  
781 written or electronic record of the request and the date of  
782 receipt of the request at least 60 days before the date of the  
783 first scholarship payment.

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

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

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

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



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801 ~~(g)~~ If the parent requests that the student participating  
 802 in the program take all statewide assessments required pursuant  
 803 to s. 1008.22, the parent is responsible for transporting the  
 804 student to the assessment site designated by the school  
 805 district.

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

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

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

824 2. Sign an agreement with the organization and annually  
 825 submit a sworn compliance statement to the organization to

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826 satisfy or maintain program eligibility, including eligibility  
 827 to receive and spend program payments by:

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

831 b. Affirming that the program funds are used only for  
 832 authorized purposes serving the student's educational needs, as  
 833 described in paragraph (4)(b); that any prepaid college plan or  
 834 college savings plan funds contributed pursuant to subparagraph  
 835 (4)(b)6. will not be transferred to another beneficiary while  
 836 the plan contains funds contributed pursuant to this section;  
 837 and that they will not receive a payment, refund, or rebate of  
 838 any funds provided under this section.

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

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

844 (II) Providing an annual evaluation in accordance with s.  
 845 1002.41(1)(f); or

846 (III) Requiring the child to take any preassessments and  
 847 postassessments selected by the provider if the child is 4 years  
 848 of age and is enrolled in a program provided by an eligible  
 849 Voluntary Prekindergarten Education Program provider. A student  
 850 with disabilities for whom the physician or psychologist who

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851 issued the diagnosis or the IEP team determines that a  
852 preassessment and postassessment is not appropriate is exempt  
853 from this requirement. A participating provider shall report a  
854 student's scores to the parent.

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

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

863 f. Renewing participation in the program each year. A  
864 student whose participation in the program is not renewed may  
865 continue to spend scholarship funds that are in his or her  
866 account from prior years unless the account must be closed  
867 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to  
868 the student's IEP, a student who was previously eligible for  
869 participation in the program shall remain eligible to apply for  
870 renewal. However, for a high-risk child to continue to  
871 participate in the program in the school year after he or she  
872 reaches 6 years of age, the child's application for renewal of  
873 program participation must contain documentation that the child  
874 has a disability defined in paragraph (2)(d) other than high-  
875 risk status.

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

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

892 ~~(i) The parent must annually renew participation in the~~  
 893 ~~program by the date established by the department pursuant to~~  
 894 ~~paragraph (7)(e).~~

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

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

899 (3) (a) :

900 1.(a) Must receive applications, determine student

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901 eligibility, notify parents in accordance with the requirements  
902 of this section, and 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 2.5 ~~±~~  
915 percent of the total amount of all scholarships funded ~~awarded~~  
916 under 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.

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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

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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

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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 either spent the prior school year in  
997 attendance at a Florida public school or, beginning in the 2022-  
998 2023 school year, is eligible to enroll in kindergarten. For  
999 purposes of this subparagraph, the term "prior school year in  
1000 attendance" means that the student was enrolled and reported by



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1001 a school district for funding during either the preceding  
 1002 October or February Florida Education Finance Program surveys in  
 1003 kindergarten through grade 12, which includes time spent in a  
 1004 Department of Juvenile Justice commitment program if funded  
 1005 under the Florida Education Finance Program.

1006 2.(b) The scholarship amount provided to a student for any  
 1007 single school year shall be for tuition and fees for an eligible  
 1008 private school, not to exceed annual limits, which shall be  
 1009 determined in accordance with this subparagraph ~~paragraph~~. The  
 1010 calculated amount for a participating student ~~to attend an~~  
 1011 ~~eligible private school~~ shall be based upon the grade level and  
 1012 school district in which the student was assigned as 100 ~~95~~  
 1013 percent of the funds per unweighted full-time equivalent in the  
 1014 Florida Education Finance Program for a student in the basic  
 1015 program established pursuant to s. 1011.62(1)(c)1., plus a per-  
 1016 full-time equivalent share of funds for all categorical  
 1017 programs, except for the Exceptional Student Education  
 1018 Guaranteed Allocation.

1019 3.(c) The amount of the scholarship ~~Family Empowerment~~  
 1020 ~~Scholarship~~ shall be the calculated amount or the amount of the  
 1021 private school's tuition and fees, whichever is less. The amount  
 1022 of any assessment fee required by the participating private  
 1023 school and any costs to provide a digital device, including  
 1024 Internet access, if necessary, to the student may be paid from  
 1025 the total amount of the scholarship.

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1026 4. A scholarship of \$750 may be awarded to a student who  
1027 is determined eligible pursuant to subparagraph (3)(a)1. or 2.  
1028 and enrolled in a Florida public school that is different from  
1029 the school to which the student was assigned or in a lab school  
1030 as defined in s. 1002.32 if the school district does not provide  
1031 the student with transportation to the school.

1032 ~~(d) The school district shall report all students who are~~  
1033 ~~attending a private school under this program. The students~~  
1034 ~~attending private schools on Family Empowerment Scholarships~~  
1035 ~~shall be reported separately from other students reported for~~  
1036 ~~purposes of the Florida Education Finance Program.~~

1037 5.(e) Upon Following notification from the organization on  
1038 July 1, September 1, December 1, and ~~or~~ February 1 that an  
1039 application has been approved for the program ~~of the number of~~  
1040 program participants, the department shall verify that the  
1041 student is not prohibited from receiving a scholarship pursuant  
1042 to subsection (6). The organization must provide the department  
1043 with the documentation necessary to verify the student's  
1044 participation. Upon verification, the department shall transfer,  
1045 from state ~~general revenue~~ funds only, the amount calculated  
1046 pursuant to subparagraph 2. ~~paragraph (b)~~ to the organization a  
1047 separate account for the scholarship program for quarterly  
1048 disbursement to parents of participating students each school  
1049 year in which the scholarship is in force. For a student exiting  
1050 a Department of Juvenile Justice commitment program who chooses

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1051 to participate in the scholarship program, the amount of the  
1052 Family Empowerment Scholarship calculated pursuant to  
1053 subparagraph 2. ~~paragraph (b)~~ must be transferred from the  
1054 school district in which the student last attended a public  
1055 school before commitment to the Department of Juvenile Justice.  
1056 When a student enters the scholarship program, the organization  
1057 ~~department~~ must receive all documentation required for the  
1058 student's participation, including the private school's and the  
1059 student's fee schedules, at least 30 days before the first  
1060 quarterly scholarship payment is made for the student.

1061 6.(f) ~~Upon notification by the department that it has~~  
1062 ~~received the documentation required under paragraph (c), the~~  
1063 ~~Chief Financial Officer shall make scholarship payments in four~~  
1064 ~~equal amounts no later than September 1, November 1, February 1,~~  
1065 ~~and April 1 of each school year in which the scholarship is in~~  
1066 ~~force.~~ The initial payment shall be made after the  
1067 organization's ~~department~~ verification of admission acceptance,  
1068 and subsequent payments shall be made upon verification of  
1069 continued enrollment and attendance at the private school.  
1070 Payment must be by individual warrant made payable to the  
1071 student's parent or by funds transfer or any other means of  
1072 payment that the department deems to be commercially viable or  
1073 cost-effective. If the payment is made by warrant, the warrant  
1074 must be delivered and mailed by the organization ~~department~~ to  
1075 the private school of the parent's choice, and the parent shall

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1076 restrictively endorse the warrant to the private school. An  
 1077 organization shall ensure that the parent to whom the warrant is  
 1078 made has restrictively endorsed the warrant to the private  
 1079 school for deposit into the account of the private school or  
 1080 that the parent has approved a funds transfer before any  
 1081 scholarship funds are deposited.

1082 ~~(g) Subsequent to each scholarship payment, the department~~  
 1083 ~~shall request from the Department of Financial Services a sample~~  
 1084 ~~of endorsed warrants to review and confirm compliance with~~  
 1085 ~~endorsement requirements.~~

1086 (b)1. Scholarships for students determined eligible  
 1087 pursuant to paragraph (3) (b) are established for up to 20,000  
 1088 students annually beginning in the 2021-2022 school year.  
 1089 Beginning in the 2022-2023 school year, the maximum number of  
 1090 students participating in the scholarship program under this  
 1091 section shall annually increase by 1.0 percent of the state's  
 1092 total exceptional student education full-time equivalent student  
 1093 enrollment, not including gifted students. An eligible student  
 1094 who meets any of the following requirements shall be excluded  
 1095 from the maximum number of students if the student:

1096 a. Received specialized instructional services under the  
 1097 Voluntary Prekindergarten Education Program pursuant to s.  
 1098 1002.66 during the previous school year and the student has a  
 1099 current IEP developed by the local school board in accordance  
 1100 with rules of the State Board of Education;

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1101 b. Is a dependent child of a member of the United States  
 1102 Armed Forces, a foster child, or an adopted child;

1103 c. Spent the prior school year in attendance at a Florida  
 1104 public school or the Florida School for the Deaf and the Blind.  
 1105 For purposes of this subparagraph, the term "prior school year  
 1106 in attendance" means that the student was enrolled and reported  
 1107 by:

1108 (I) A school district for funding during either the  
 1109 preceding October or February Florida Education Finance Program  
 1110 surveys in kindergarten through grade 12, which includes time  
 1111 spent in a Department of Juvenile Justice commitment program if  
 1112 funded under the Florida Education Finance Program;

1113 (II) The Florida School for the Deaf and the Blind during  
 1114 the preceding October or February student membership surveys in  
 1115 kindergarten through grade 12;

1116 (III) A school district for funding during the preceding  
 1117 October or February Florida Education Finance Program surveys,  
 1118 was at least 4 years of age when enrolled and reported, and was  
 1119 eligible for services under s. 1003.21(1)(e); or

1120 (IV) Received a John M. McKay Scholarship for Students  
 1121 with Disabilities in the 2021-2022 school year.

1122 2. For a student who has a Level I to Level III matrix of  
 1123 services or a diagnosis by a physician or psychologist, the  
 1124 calculated scholarship amount for a student participating in the  
 1125 program must be based upon the grade level and school district

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1126 in which the student would have been enrolled as the total funds  
1127 per unweighted full-time equivalent in the Florida Education  
1128 Finance Program for a student in the basic exceptional student  
1129 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,  
1130 plus a per full-time equivalent share of funds for all  
1131 categorical programs, as funded in the General Appropriations  
1132 Act, except that for the exceptional student education  
1133 guaranteed allocation as provided in s. 1011.62(1)(e)1.c. and  
1134 2., the funds must be allocated based on the school district's  
1135 average exceptional student education guaranteed allocation  
1136 funds per exceptional student education full-time equivalent  
1137 student.

1138 3. For a student with a Level IV or Level V matrix of  
1139 services, the calculated scholarship amount must be based upon  
1140 the school district to which the student would have been  
1141 assigned as the total funds per full-time equivalent for the  
1142 Level IV or Level V exceptional student education program  
1143 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time  
1144 equivalent share of funds for all categorical programs, as  
1145 funded in the General Appropriations Act.

1146 4. For a student who received a Gardiner Scholarship  
1147 pursuant to s. 1002.385 in the 2020-2021 school year, the amount  
1148 shall be the greater of the amount calculated pursuant to  
1149 subparagraph 2. or the amount the student received for the 2020-  
1150 2021 school year.

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1151        5. For a student who received a John M. McKay Scholarship  
1152 pursuant to s. 1002.39 in the 2020-2021 school year, the amount  
1153 shall be the greater of the amount calculated pursuant to  
1154 subparagraph 2. or the amount the student received for the 2020-  
1155 2021 school year.

1156        6. Upon notification from an organization on July 1,  
1157 September 1, December 1, and February 1 that an application has  
1158 been approved for the program, the department shall verify that  
1159 the student is not prohibited from receiving a scholarship  
1160 pursuant to subsection (6). The organization must provide the  
1161 department with the documentation necessary to verify the  
1162 student's participation.

1163        7. Upon verification, the department shall release, from  
1164 state funds only, the student's scholarship funds to the  
1165 organization, to be deposited into the student's account in four  
1166 equal amounts no later than September 1, November 1, February 1,  
1167 and April 1 of each school year in which the scholarship is in  
1168 force.

1169        8. Accrued interest in the student's account is in  
1170 addition to, and not part of, the awarded funds. Program funds  
1171 include both the awarded funds and accrued interest.

1172        9. The organization may develop a system for payment of  
1173 benefits by funds transfer, including, but not limited to, debit  
1174 cards, electronic payment cards, or any other means of payment  
1175 which the department deems to be commercially viable or cost-

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1176 effective. A student's scholarship award may not be reduced for  
1177 debit card or electronic payment fees. Commodities or services  
1178 related to the development of such a system must be procured by  
1179 competitive solicitation unless they are purchased from a state  
1180 term contract pursuant to s. 287.056.

1181 10. Moneys received pursuant to this section do not  
1182 constitute taxable income to the qualified student or the parent  
1183 of the qualified student.

1184 (13)-(12) LIABILITY.—No liability shall arise on the part  
1185 of the state based on the award or use of a Family Empowerment  
1186 Scholarship.

1187 (14)-(13) SCOPE OF AUTHORITY.—The inclusion of eligible  
1188 private schools within the options available to Florida public  
1189 school students does not expand the regulatory authority of the  
1190 state, its officers, or any school district to impose any  
1191 additional regulation of private schools beyond those reasonably  
1192 necessary to enforce requirements expressly set forth in this  
1193 section.

1194 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The  
1195 Department of Health, the Agency for Persons with Disabilities,  
1196 and the Department of Education shall work with an organization  
1197 for easy or automated access to lists of licensed providers of  
1198 services specified in subparagraph (4) (b) 3. to ensure efficient  
1199 administration of the program.

1200 (16) TRANSITION-TO-WORK PROGRAM.—A student with a



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1201 disability who is determined eligible pursuant to paragraph  
 1202 (3) (b) who is at least 17 years, but not older than 22 years of  
 1203 age and who has not received a high school diploma or  
 1204 certificate of completion is eligible for enrollment in his or  
 1205 her private school's transition-to-work program. A transition-  
 1206 to-work program shall consist of academic instruction, work  
 1207 skills training, and a volunteer or paid work experience.

1208 (a) To offer a transition-to-work program, a participating  
 1209 private school must:

1210 1. Develop a transition-to-work program plan, which must  
 1211 include a written description of the academic instruction and  
 1212 work skills training students will receive and the goals for  
 1213 students in the program.

1214 2. Submit the transition-to-work program plan to the  
 1215 Office of Independent Education and Parental Choice.

1216 3. Develop a personalized transition-to-work program plan  
 1217 for each student enrolled in the program. The student's parent,  
 1218 the student, and the school principal must sign the personalized  
 1219 plan. The personalized plan must be submitted to the Office of  
 1220 Independent Education and Parental Choice upon request by the  
 1221 office.

1222 4. Provide a release of liability form that must be signed  
 1223 by the student's parent, the student, and a representative of  
 1224 the business offering the volunteer or paid work experience.

1225 5. Assign a case manager or job coach to visit the

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1226 student's job site on a weekly basis to observe the student and,  
 1227 if necessary, provide support and guidance to the student.

1228 6. Provide to the parent and student a quarterly report  
 1229 that documents and explains the student's progress and  
 1230 performance in the program.

1231 7. Maintain accurate attendance and performance records  
 1232 for the student.

1233 (b) A student enrolled in a transition-to-work program  
 1234 must, at a minimum:

1235 1. Receive 15 instructional hours at the private school's  
 1236 physical facility, which must include academic instruction and  
 1237 work skills training.

1238 2. Participate in 10 hours of work at the student's  
 1239 volunteer or paid work experience.

1240 (c) To participate in a transition-to-work program, a  
 1241 business must:

1242 1. Maintain an accurate record of the student's  
 1243 performance and hours worked and provide the information to the  
 1244 private school.

1245 2. Comply with all state and federal child labor laws.

1246 ~~(17)-(14)~~ RULES.—The State Board of Education shall adopt  
 1247 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
 1248 section. ~~The state board rules must include a requirement that~~  
 1249 ~~the department work collaboratively with an approved~~  
 1250 ~~scholarship-funding organization to expedite the process for the~~

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1251 ~~verification and reporting obligations specified under~~  
1252 ~~subsection (10).~~

1253 ~~(15) IMPLEMENTATION SCHEDULE FOR THE 2019-2020 SCHOOL~~  
1254 ~~YEAR. Notwithstanding the provisions of this section related to~~  
1255 ~~notification requirements and eligibility timelines, for the~~  
1256 ~~2019-2020 school year:~~

1257 ~~(a) A student is eligible for a Family Empowerment~~  
1258 ~~Scholarship under this section if the student's parent has~~  
1259 ~~obtained acceptance of the student's admission to a private~~  
1260 ~~school that is eligible for the program under subsection (8),~~  
1261 ~~and the parent has requested a scholarship from the Department~~  
1262 ~~of Education no later than August 15, 2019. The request must be~~  
1263 ~~communicated directly to the department in a manner that creates~~  
1264 ~~a written or electronic record of the request and the date of~~  
1265 ~~receipt of the request.~~

1266 ~~(b) The department shall expedite the publication of~~  
1267 ~~information relevant to the Family Empowerment Scholarship~~  
1268 ~~Program on the department's website, including, but not limited~~  
1269 ~~to, the eligibility criteria for students to qualify for the~~  
1270 ~~scholarship under this section and how parents may request the~~  
1271 ~~scholarship. The department must immediately notify the school~~  
1272 ~~district of the parent's intent upon receipt of the parent's~~  
1273 ~~request.~~

1274 ~~(c) Upon notification by the department that it has~~  
1275 ~~received the documentation required under paragraph (10) (a), the~~

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1276 ~~Chief Financial Officer shall make the first quarter payment of~~  
 1277 ~~scholarships no later than October 1, 2019.~~

1278  
 1279 ~~This subsection shall expire June 30, 2020.~~

1280 Section 5. Paragraph (b) of subsection (3), paragraph (j)  
 1281 of subsection (6), paragraph (c) of subsection (9), and  
 1282 paragraph (a) of subsection (11) of section 1002.395, Florida  
 1283 Statutes, are amended to read:

1284 1002.395 Florida Tax Credit Scholarship Program.—

1285 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

1286 (b) A student is eligible for a Florida tax credit  
 1287 scholarship under this section if the student meets one or more  
 1288 of the following criteria:

1289 1. The student is on the direct certification list or the  
 1290 student's household income level does not exceed 375 ~~260~~ percent  
 1291 of the federal poverty level or an adjusted maximum percent of  
 1292 the federal poverty level authorized under s. 1002.394(3)(a)3.;  
 1293 or

1294 2. The student is currently placed, or during the previous  
 1295 state fiscal year was placed, in foster care or in out-of-home  
 1296 care as defined in s. 39.01.

1297  
 1298 Priority must be given to a student whose household income level  
 1299 does not exceed 185 percent of the federal poverty level or who  
 1300 is in foster care or out-of-home care. A student who initially

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1301 receives a scholarship based on eligibility under this paragraph  
 1302 remains eligible to participate until he or she graduates from  
 1303 high school or attains the age of 21 years, whichever occurs  
 1304 first, regardless of the student's household income level. A  
 1305 sibling of a student who is participating in the scholarship  
 1306 program under this subsection is eligible for a scholarship if  
 1307 the student resides in the same household as the sibling.

1308 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
 1309 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
 1310 organization:

1311 (j)1. May use eligible contributions received pursuant to  
 1312 this section and ss. 212.099, 212.1832, and 1002.40 during the  
 1313 state fiscal year in which such contributions are collected for  
 1314 administrative expenses if the organization has operated as an  
 1315 eligible nonprofit scholarship-funding organization for at least  
 1316 the preceding 3 fiscal years and did not have any findings of  
 1317 material weakness or material noncompliance in its most recent  
 1318 audit under paragraph (m). Administrative expenses from eligible  
 1319 contributions may not exceed 3 percent of the total amount of  
 1320 all scholarships funded ~~awarded~~ by an eligible scholarship-  
 1321 funding organization under this chapter. Such administrative  
 1322 expenses must be reasonable and necessary for the organization's  
 1323 management and distribution of scholarships funded ~~awarded~~ under  
 1324 this chapter. No funds authorized under this subparagraph shall  
 1325 be used for lobbying or political activity or expenses related

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1326 | to lobbying or political activity. Up to one-third of the funds  
1327 | authorized for administrative expenses under this subparagraph  
1328 | may be used for expenses related to the recruitment of  
1329 | contributions from taxpayers. An eligible nonprofit scholarship-  
1330 | funding organization may not charge an application fee.

1331 |       2. Must expend for annual or partial-year scholarships an  
1332 | amount equal to or greater than 75 percent of the net eligible  
1333 | contributions remaining after administrative expenses during the  
1334 | state fiscal year in which such contributions are collected. No  
1335 | more than 25 percent of such net eligible contributions may be  
1336 | carried forward to the following state fiscal year. All amounts  
1337 | carried forward, for audit purposes, must be specifically  
1338 | identified for particular students, by student name and the name  
1339 | of the school to which the student is admitted, subject to the  
1340 | requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,  
1341 | and the applicable rules and regulations issued pursuant  
1342 | thereto. Any amounts carried forward shall be expended for  
1343 | annual or partial-year scholarships in the following state  
1344 | fiscal year. No later than September 30 of each year, net  
1345 | eligible contributions remaining on June 30 of each year that  
1346 | are in excess of the 25 percent that may be carried forward  
1347 | shall be used to provide scholarships to eligible students or  
1348 | transferred to other eligible nonprofit scholarship-funding  
1349 | organizations to provide scholarships for eligible students. All  
1350 | transferred funds must be deposited by each eligible nonprofit

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1351 scholarship-funding organization receiving such funds into its  
 1352 scholarship account. All transferred amounts received by any  
 1353 eligible nonprofit scholarship-funding organization must be  
 1354 separately disclosed in the annual financial audit required  
 1355 under paragraph (m).

1356 3. Must, before granting a scholarship for an academic  
 1357 year, document each scholarship student's eligibility for that  
 1358 academic year. A scholarship-funding organization may not grant  
 1359 multiyear scholarships in one approval process.

1360  
 1361 Information and documentation provided to the Department of  
 1362 Education and the Auditor General relating to the identity of a  
 1363 taxpayer that provides an eligible contribution under this  
 1364 section shall remain confidential at all times in accordance  
 1365 with s. 213.053.

1366 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
 1367 Education shall:

1368 (c) Annually verify the eligibility of expenditures as  
 1369 provided in paragraph (6) (d) using the audit required by  
 1370 paragraph (6) (m) ~~and s. 11.45(2)(1)~~.

1371 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1372 (a) The scholarship amount provided to any student for any  
 1373 single school year by an eligible nonprofit scholarship-funding  
 1374 organization from eligible contributions shall be for total  
 1375 costs authorized under paragraph (6) (d), not to exceed annual

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1376 | limits, which shall be determined as follows:

1377 |       1. For a student who received a scholarship in the 2018-  
 1378 | 2019 school year, who remains eligible, and who is enrolled in  
 1379 | an eligible private school, the amount shall be the greater  
 1380 | amount calculated pursuant to subparagraph 2. or a percentage of  
 1381 | the unweighted FTE funding amount for the 2018-2019 state fiscal  
 1382 | year and thereafter as follows:

1383 |       a. Eighty-eight percent for a student enrolled in  
 1384 | kindergarten through grade 5.

1385 |       b. Ninety-two percent for a student enrolled in grade 6  
 1386 | through grade 8.

1387 |       c. Ninety-six percent for a student enrolled in grade 9  
 1388 | through grade 12.

1389 |       2. For students initially eligible in the 2019-2020 school  
 1390 | year or thereafter, the calculated amount for a student to  
 1391 | attend an eligible private school shall be calculated in  
 1392 | accordance with s. 1002.394(12)(a) ~~based upon the grade level~~  
 1393 | ~~and school district in which the student resides as 95 percent~~  
 1394 | ~~of the funds per unweighted full-time equivalent in the Florida~~  
 1395 | ~~Education Finance Program for a student in the basic program~~  
 1396 | ~~established pursuant to s. 1011.62(1)(c)1., plus a per full-time~~  
 1397 | ~~equivalent share of funds for all categorical programs, except~~  
 1398 | ~~for the Exceptional Student Education Guaranteed Allocation.~~

1399 |       3. The scholarship amount awarded to a student enrolled in  
 1400 | a Florida public school in which a student is enrolled and that



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1401 is different from the school to which the student was assigned  
 1402 or in a lab school as defined in s. 1002.32, is limited to \$750.

1403 Section 6. Paragraph (a) of subsection (11) of section  
 1404 1002.40, Florida Statutes, is amended to read:

1405 1002.40 The Hope Scholarship Program.—

1406 (11) FUNDING AND PAYMENT.—

1407 (a) For students initially eligible in the 2019-2020  
 1408 school year or thereafter, the calculated amount for a student  
 1409 to attend an eligible private school shall be calculated in  
 1410 accordance with s. 1002.394(12)(a) ~~based upon the grade level~~  
 1411 ~~and school district in which the student was assigned as 95~~  
 1412 ~~percent of the funds per unweighted full-time equivalent in the~~  
 1413 ~~Florida Education Finance Program for a student in the basic~~  
 1414 ~~program established pursuant to s. 1011.62(1)(c)1., plus a per-~~  
 1415 ~~full-time equivalent share of funds for all categorical~~  
 1416 ~~programs, except for the Exceptional Student Education~~  
 1417 ~~Guaranteed Allocation.~~

1418 Section 7. Paragraph (aa) of subsection (4) of section  
 1419 1009.971, Florida Statutes, is amended to read:

1420 1009.971 Florida Prepaid College Board.—

1421 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The  
 1422 board shall have the powers and duties necessary or proper to  
 1423 carry out the provisions of ss. 1009.97-1009.988, including, but  
 1424 not limited to, the power and duty to:

1425 (aa) Adopt rules relating to the purchase and use of a

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1426 | prepaid college plan authorized under s. 1009.98 or a college  
 1427 | savings plan authorized under s. 1009.981 for the Family  
 1428 | Empowerment Gardiner Scholarship Program pursuant to s. 1002.394  
 1429 | ~~s. 1002.385~~, which may include, but need not be limited to:  
 1430 |       1. The use of such funds for postsecondary education  
 1431 | programs for students with disabilities;  
 1432 |       2. Effective procedures that allow program funds to be  
 1433 | used in conjunction with other funds used by a parent in the  
 1434 | purchase of a prepaid college plan or a college savings plan;  
 1435 |       3. The tracking and accounting of program funds separately  
 1436 | from other funds contributed to a prepaid college plan or a  
 1437 | college savings plan;  
 1438 |       4. The reversion of program funds, including, but not  
 1439 | limited to, earnings from contributions to the Florida College  
 1440 | Savings Plan;  
 1441 |       5. The use of program funds only after private payments  
 1442 | have been used for prepaid college plan or college savings plan  
 1443 | expenditures;  
 1444 |       6. Contracting with each eligible nonprofit scholarship-  
 1445 | funding organization to establish mechanisms to implement s.  
 1446 | 1002.394 ~~s. 1002.385~~, including, but not limited to, identifying  
 1447 | the source of funds being deposited in the plans; and  
 1448 |       7. The development of a written agreement that defines the  
 1449 | owner and beneficiary of an account and outlines  
 1450 | responsibilities for the use of the advance payment contract

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1451 funds or savings program funds.

1452 Section 8. Subsection (11) of section 1009.98, Florida  
 1453 Statutes, is amended to read:

1454 1009.98 Stanley G. Tate Florida Prepaid College Program.—

1455 (11) IMPLEMENTATION PROCEDURES.—

1456 (a) A prepaid college plan may be purchased, accounted  
 1457 for, used, and terminated as provided in s. 1002.394 ~~s.~~  
 1458 ~~1002.385~~.

1459 (b) A qualified beneficiary may apply the benefits of an  
 1460 advance payment contract toward the program fees of a program  
 1461 designed for students with disabilities conducted by a state  
 1462 postsecondary institution. A transfer authorized under this  
 1463 subsection may not exceed the redemption value of the advance  
 1464 payment contract at a state postsecondary institution or the  
 1465 number of semester credit hours contracted on behalf of a  
 1466 qualified beneficiary. A qualified beneficiary may not be  
 1467 changed while a prepaid college plan contains funds contributed  
 1468 under s. 1002.394 ~~s. 1002.385~~.

1469 Section 9. Subsection (10) of section 1009.981, Florida  
 1470 Statutes, is amended to read:

1471 1009.981 Florida College Savings Program.—

1472 (10) IMPLEMENTATION PROCEDURES.—

1473 (a) A college savings plan may be purchased, accounted  
 1474 for, used, and terminated as provided in s. 1002.394 ~~s.~~  
 1475 ~~1002.385~~.

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1476 (b) A designated beneficiary may apply the benefits of a  
 1477 participation agreement toward the program fees of a program  
 1478 designed for students with disabilities conducted by a state  
 1479 postsecondary institution. A designated beneficiary may not be  
 1480 changed while a college savings plan contains funds contributed  
 1481 under s. 1002.394 ~~s. 1002.385~~.

1482 Section 10. Effective July 1, 2022, subsection (4) of  
 1483 section 1011.61, Florida Statutes, is amended to read:

1484 1011.61 Definitions.—Notwithstanding the provisions of s.  
 1485 1000.21, the following terms are defined as follows for the  
 1486 purposes of the Florida Education Finance Program:

1487 (4) The maximum value for funding a student in  
 1488 kindergarten through grade 12 or in a prekindergarten program  
 1489 for exceptional children as provided in s. 1003.21(1)(e) shall  
 1490 be the sum of the calculations in paragraphs (a), (b), and (c)  
 1491 as calculated by the department.

1492 (a) The sum of the student's full-time equivalent student  
 1493 membership value for the school year or the equivalent derived  
 1494 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-  
 1495 subparagraphs (1)(c)2.b. and c., ~~subparagraph (1)(c)3.~~, and  
 1496 subsection (2). If the sum is greater than 1.0, the full-time  
 1497 equivalent student membership value for each program or course  
 1498 shall be reduced by an equal proportion so that the student's  
 1499 total full-time equivalent student membership value is equal to  
 1500 1.0.

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1501 (b) If the result in paragraph (a) is less than 1.0 full-  
 1502 time equivalent student and the student has full-time equivalent  
 1503 student enrollment pursuant to sub-sub-subparagraph  
 1504 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the  
 1505 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of  
 1506 1.0 less the value in paragraph (a).

1507 (c) The full-time equivalent student enrollment value in  
 1508 sub-subparagraph (1)(c)2.a.

1509

1510 ~~A scholarship award provided to a student enrolled in the John~~  
 1511 ~~M. McKay Scholarships for Students with Disabilities Program~~  
 1512 ~~pursuant to s. 1002.39 is not subject to the maximum value for~~  
 1513 ~~funding a student under this subsection.~~

1514 Section 11. Paragraph (f) of subsection (18) of section  
 1515 1011.62, Florida Statutes, is amended to read:

1516 1011.62 Funds for operation of schools.—If the annual  
 1517 allocation from the Florida Education Finance Program to each  
 1518 district for operation of schools is not determined in the  
 1519 annual appropriations act or the substantive bill implementing  
 1520 the annual appropriations act, it shall be determined as  
 1521 follows:

1522 (18) TEACHER SALARY INCREASE ALLOCATION.—The Legislature  
 1523 may annually provide in the Florida Education Finance Program a  
 1524 teacher salary increase allocation to assist school districts in  
 1525 their recruitment and retention of classroom teachers and other

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1526 | instructional personnel. The amount of the allocation shall be  
1527 | specified in the General Appropriations Act.

1528 | ~~(f) Notwithstanding any other provision of law, funds~~  
1529 | ~~allocated under this subsection shall not be included in the~~  
1530 | ~~calculated amount for any scholarship awarded under chapter~~  
1531 | ~~1002.~~

1532 | Section 12. Except as otherwise expressly provided in this  
1533 | act, this act shall take effect July 1, 2021.