

## CHAPTER 2016-2

### Senate Bill No. 672

An act relating to educational options; creating s. 1004.6495, F.S.; providing a short title; providing purposes and legislative intent; defining terms; establishing student eligibility requirements for enrollment in the Florida Postsecondary Comprehensive Transition Program; requiring eligible institutions to make student eligibility determinations; establishing the Florida Center for Students with Unique Abilities; specifying the responsibilities of the center and the center director; specifying amounts of funds to be used for start-up and enhancement grants; specifying application requirements for initial approval and renewal of approval; requiring an eligible institution with an approved program to submit an annual report to the center by a specified date; establishing a Florida Postsecondary Comprehensive Transition Program Scholarship for certain qualified students; specifying requirements for a student to maintain scholarship eligibility; providing for the distribution of scholarship funds; requiring an eligible institution to report certain data and information to the center; requiring an eligible institution to certify and report the amount of funds disbursed and undisbursed advances to the center by a specified date; specifying the amount of the scholarship for eligible students; authorizing awards to be prorated under certain circumstances; requiring the center, with the Board of Governors and the State Board of Education, to identify program progress and performance indicators; requiring an annual report to the Legislature, the Chancellor of the State University System, and the Commissioner of Education by a specified date; requiring the center, in collaboration with the Board of Governors, State Board of Education, Higher Education Coordinating Council, and other stakeholders, to submit to the Governor and Legislature statutory and budgetary recommendations for the program; requiring the Board of Governors and the State Board of Education, in consultation with the center, to adopt regulations and rules; creating s. 1011.78, F.S.; authorizing certain school districts and charter schools to be eligible to receive incentive payments for implementing a standard student attire policy that meets certain criteria; providing a short title and purpose; establishing the qualifications for such a payment; providing for funding, subject to availability in the General Appropriations Act; requiring the district school superintendent or charter school governing board to certify certain information to the commissioner by a specified date; providing for reversion of the funds under certain circumstances; providing immunity from civil liability to a school district board or charter school governing board that establishes a standard student attire policy; amending ss. 1001.43 and 1002.33, F.S.; authorizing a district school board or charter school that implements a standard student attire policy to be eligible to receive incentive payments; amending s. 1002.385, F.S.; changing the name of the “Florida Personal Learning Scholarship Account Program” to the “Gardiner Scholarship Program”; revising terms for purposes of the

Gardiner Scholarship Program; revising program eligibility criteria and program prohibitions for such scholarships; authorizing a parent to submit a specified document to receive scholarship funds before confirmed eligibility; requiring that authorized program funds be used to support the student's educational needs; authorizing program funds to be spent for specified fees and services; revising the terms of the program; providing for the reversion of certain funds to the state; revising the obligations of school districts, parents, and the Department of Education with respect to the program; revising the authority of the Commissioner of Education to deny, suspend, or revoke certain program participation and use of program funds; specifying maximum periods for certain suspensions and revocations; authorizing the commissioner to recover program funds through certain means; revising information that must be provided for the program by scholarship-funding organizations and parents of applicants; specifying priority for participation in the program; revising funding and payment provisions for the program; requiring the Auditor General to provide the commissioner with program annual operational audits by a specified time; amending s. 1002.395, F.S.; prohibiting a scholarship-funding organization from charging an application fee; deleting a requirement that certain fees be returned to the General Revenue Fund; providing for the transfer of contributions in excess of the amount that may be carried forward; revising the surety bond or letter of credit requirements for nonprofit scholarship-funding organizations submitting initial or renewal scholarship program participation applications; providing for the deposit of certain transferred funds by certain scholarship-funding organizations; requiring that certain deposited funds be separately disclosed; amending s. 1009.971, F.S.; revising the duties of the Florida Prepaid College Board; amending ss. 1009.98 and 1009.981, F.S.; providing implementation procedures for the Stanley G. Tate Florida Prepaid College Program and the Florida College Savings Program relating to plans purchased through the Gardiner Scholarship Programs; providing appropriations; providing an effective date.

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

Section 1. Section 1004.6495, Florida Statutes, is created to read:

1004.6495 Florida Postsecondary Comprehensive Transition Program and Florida Center for Students with Unique Abilities.—

(1) SHORT TITLE.—This section may be cited as the “Florida Postsecondary Comprehensive Transition Program Act.”

(2) PURPOSE AND LEGISLATIVE INTENT.—The purpose of this section is to increase independent living, inclusive and experiential postsecondary education, and employment opportunities for students with intellectual disabilities through degree, certificate, or nondegree programs and to establish statewide coordination of the dissemination of information regarding programs and services for students with disabilities. It is the intent of the Legislature that students with intellectual disabilities and

students with disabilities have access to meaningful postsecondary education credentials and be afforded the opportunity to have a meaningful campus experience.

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

(a) “Center” means the Florida Center for Students with Unique Abilities established under subsection (5).

(b) “Director” means the director of the center.

(c) “Eligible institution” means a state university; a Florida College System institution; a career center; a charter technical career center; or an independent college or university that is located and chartered in this state, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, and is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.

(d) “Florida Postsecondary Comprehensive Transition Program Scholarship” or “scholarship” means the scholarship established under this section to provide state financial assistance awards to students who meet the student eligibility requirements specified in subsection (4) and are enrolled in an FPCTP.

(e) “FPCTP” means a Florida Postsecondary Comprehensive Transition Program that is approved pursuant to paragraph (5)(c) and offered by an eligible institution.

(f) “Transitional student” means a student who is 18 to 26 years of age and meets the student eligibility requirements specified in subsection (4).

(4) STUDENT ELIGIBILITY.—To be eligible to enroll in an FPCTP at an eligible institution, a student must, as determined by the institution, based on guidelines established by the center:

(a) Be a “student with an intellectual disability” as that term is defined in 20 U.S.C. s. 1140(2), including, but not limited to, a transitional student.

(b) Physically attend the eligible institution.

(c) Submit to the eligible institution documentation regarding his or her intellectual disability. Such documentation may include, but need not be limited to, a current individualized plan for employment associated with a review completed pursuant to s. 413.20(3) or a diagnosis from a physician who is licensed under chapter 458 or chapter 459 or a psychologist licensed under chapter 490.

(5) CENTER RESPONSIBILITIES.—The Florida Center for Students with Unique Abilities is established within the University of Central Florida. At a minimum, the center shall:

(a) Disseminate information to students with disabilities and their parents, including, but not limited to:

1. Education programs, services, and resources that are available at eligible institutions.

2. Supports, accommodations, technical assistance, or training provided by eligible institutions, the advisory council established pursuant to s. 383.141, and regional autism centers established pursuant to s. 1004.55.

3. Mentoring, networking, and employment opportunities.

(b) Coordinate, facilitate, and oversee the statewide implementation of this section. At a minimum, the director shall:

1. Consult and collaborate with the National Center and the Coordinating Center, as identified in 20 U.S.C. s. 1140q, regarding guidelines established by the center for the effective implementation of the programs for students with disabilities and for students with intellectual disabilities which align with the federal requirements and with standards, quality indicators, and benchmarks identified by the National Center and the Coordinating Center.

2. Consult and collaborate with the Higher Education Coordinating Council to identify meaningful credentials for FPCTPs and to engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities.

3. Establish requirements and timelines for the:

a. Submission and review of an application.

b. Approval or disapproval of an initial or renewal application.

c. Implementation of an FPCTP, which must begin no later than the academic year immediately following the academic year during which the approval is granted.

4. Administer scholarship funds.

5. Administer FPCTP start-up and enhancement grants. From funds appropriated in the 2016-2017 fiscal year for the FPCTP, \$3 million shall be used for such grants. Thereafter, funds appropriated for the FPCTP may only be used for such grants if specifically authorized in the General Appropriations Act. The maximum annual start-up and enhancement grant award shall be \$300,000 per institution.

6. Report on the implementation and administration of this section by planning, advising, and evaluating approved degree, certificate, and non-degree programs and the performance of students and programs pursuant to subsection (8).

(c) Create the application for the initial approval and renewal of approval as an FPCTP for use by an eligible institution which, at a minimum, must align with the federal comprehensive transition and postsecondary program application requirements. Notwithstanding the program approval requirements of s. 1004.03, the director shall review applications for the initial approval of an application for, or renewal of approval of, an FPCTP.

1. Within 30 days after receipt of an application, the director shall issue his or her recommendation regarding approval to the Chancellor of the State University System or the Commissioner of Education, as applicable, or shall give written notice to the applicant of any deficiencies in the application, which the eligible institution must be given an opportunity to correct. Within 15 days after receipt of a notice of deficiencies, an eligible institution that chooses to continue to seek program approval shall correct the application deficiencies and return the application to the center. Within 30 days after receipt of a revised application, the director shall recommend approval or disapproval of the revised application to the chancellor or the commissioner, as applicable. Within 15 days after receipt of the director's recommendation, the chancellor or the commissioner shall approve or disapprove the recommendation. If the chancellor or the commissioner does not act on the director's recommendation within 15 days after receipt of such recommendation, the comprehensive transition program proposed by the institution shall be considered approved.

2. Initial approval of an application for an FPCTP that meets the requirements of this section is valid for the 3 academic years immediately following the academic year during which the approval is granted. An eligible institution may submit an application to the center requesting that the initial approval be renewed. If the approval is granted and the FPCTP continues to meet the requirements of this section, including, but not limited to, program and student performance outcomes, and federal requirements, a renewal is valid for the 5 academic years immediately following the academic year during which the renewal is granted.

3. An application must, at a minimum:

a. Identify a credential associated with the proposed program which will be awarded to eligible students upon completion of the FPCTP.

b. Outline the program length and design, including, at a minimum, inclusive and successful experiential education practices relating to curricular, assessment, and advising structure and internship and employment opportunities, which must support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an eligible institution, including, but not limited to, opportunities to earn industry certifications, to prepare students for gainful employment. If an eligible institution offers a credit-bearing degree program, the institution is responsible for maintaining the rigor and effectiveness of a comprehensive transition degree program at the same

level as other comparable degree programs offered by the institution pursuant to applicable accreditation standards.

c. Outline a plan for students with intellectual disabilities to be integrated socially and academically with nondisabled students, to the maximum extent possible, and to participate on not less than a half-time basis, as determined by the eligible institution, with such participation focusing on academic components and occurring through one or more of the following activities with nondisabled students:

(I) Regular enrollment in credit-bearing courses offered by the institution.

(II) Auditing or participating in courses offered by the institution for which the student does not receive academic credit.

(III) Enrollment in noncredit-bearing, nondegree courses.

(IV) Participation in internships or work-based training.

d. Outline a plan for partnerships with businesses to promote experiential training and employment opportunities for students with intellectual disabilities.

e. Identify performance indicators pursuant to subsection (8) and other requirements identified by the center.

f. Outline a 5-year plan incorporating enrollment and operational expectations for the program.

(d) Provide technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors, staff, and others, as applicable, at eligible institutions by:

1. Holding meetings and annual workshops to share successful practices and to address issues or concerns.

2. Facilitating collaboration between eligible institutions and school districts, private schools operating pursuant to s. 1002.42, and parents of students enrolled in home education programs operating pursuant to s. 1002.41 in assisting students with intellectual disabilities and their parents to plan for the transition of such students into an FPCTP or another program at an eligible institution.

3. Assisting eligible institutions with FPCTP and federal comprehensive transition and postsecondary program applications.

4. Assisting eligible institutions with the identification of funding sources for an FPCTP and for student financial assistance for students enrolled in an FPCTP.

5. Monitoring federal and state law relating to the comprehensive transition program and notifying the Legislature, the Governor, the Board of Governors, and the State Board of Education of any change in law which may impact the implementation of this section.

(6) INSTITUTION ELIGIBILITY AND RESPONSIBILITIES.—

(a) To offer an FPCTP, the president or executive director of an eligible institution, as applicable, must submit to the center, by a date established by the center, the following:

1. An application for approval of a comprehensive transition program proposed by the eligible institution, which must be approved by the institution’s governing board and must address the requirements of the federal comprehensive transition and postsecondary program under 20 U.S.C. s. 1140 and the requirements of this section.

2. Documented evidence that the institution currently offers a federally approved comprehensive transition and postsecondary program that is eligible for federal student aid programs, documented evidence of the submission of an application for such federal approval of a program proposed by the institution, or documentation demonstrating the commitment of the institution’s governing board to submit an application within the subsequent academic year for federal approval of a program pursuant to 20 U.S.C. s. 1140.

(b) An eligible institution may submit an application to the center for approval pursuant to the requirements of this section for implementation of the FPCTP no later than the academic year immediately following the academic year during which the approval is granted. An eligible institution must submit a renewal application to the center no later than 3 years following the year during which the approval is initially granted.

(c) By August 1 of each year, an eligible institution that has an FPCTP shall submit an annual report to the center which, at a minimum, for the prior academic year, addresses the following performance indicators:

1. Efforts to recruit students in the FPCTP and the number of students enrolled in the program.

2. Efforts to retain students in the FPCTP and the retention rate of students in the program.

3. The completion rate of students enrolled in the FPCTP and related courses, as applicable.

4. Transition success of students who complete the FPCTP, as measured by employment rates and salary levels at 1 year and 5 years after completion.

5. Other performance indicators identified by the center pursuant to subsection (8).

(d) An eligible institution shall notify students with intellectual disabilities and their parents of the student eligibility requirements specified in subsection (4) and the scholarship requirements and eligibility requirements specified in subsection (7).

(7) FLORIDA POSTSECONDARY COMPREHENSIVE TRANSITION PROGRAM SCHOLARSHIP.—

(a) Beginning in the 2016-2017 academic year, the Florida Postsecondary Comprehensive Transition Program Scholarship is established for students who meet the student eligibility requirements specified in subsection (4), are enrolled in an FPCTP, and are not receiving services that are funded through the Florida Education Finance Program or a scholarship under part III of chapter 1002.

(b) To maintain eligibility to receive a scholarship, a student must continue to meet the requirements of paragraph (a) and must demonstrate satisfactory academic progress in the FPCTP, as determined by the eligible institution that the student attends, based on the indicators identified by the center pursuant to subsection (8).

(c) Payment of scholarship funds shall be transmitted to the director of the center or his or her designee in advance of the registration period. The director or his or her designee shall disburse the scholarship funds to the eligible institutions that are responsible for awarding the scholarship to students who meet the requirements of paragraphs (a) and (b).

(d) During each academic term, by a date established by the center, an eligible institution shall report to the center the number and value of all scholarships awarded under this subsection. Each eligible institution shall also report to the center necessary demographic and eligibility data and other data requested by the center for students who received the scholarship awards.

(e) By a date annually established by the center, each eligible institution shall certify to the center the amount of funds disbursed to each student and shall remit to the center any undisbursed advances by June 1 of each year.

(f) For the 2016-2017 academic year, the amount of the annual scholarship shall be \$7,000 for each student who meets the eligibility requirements of subsection (4). Beginning in the 2017-2018 fiscal year, the funding for the program and the annual amount of the scholarship to be provided to a student who meets the eligibility requirements of subsection (4) shall be the amounts specified in the General Appropriations Act. If appropriated funds in any fiscal year are not adequate to provide the maximum allowable award to each eligible student, the awards may be prorated.

(8) ACCOUNTABILITY.—



(a) The center, in collaboration with the Board of Governors and the State Board of Education, shall identify indicators for the satisfactory progress of a student in an FPCTP and for the performance of such programs. Each eligible institution must address the indicators identified by the center in its application for the approval of a proposed program and for the renewal of an FPCTP and in the annual report that the institution submits to the center.

(b) By October 1 of each year, the center shall provide to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chancellor of the State University System, and the Commissioner of Education a report summarizing information including, but not limited to:

1. The status of the statewide coordination of FPCTPs and the implementation of FPCTPs at eligible institutions including, but not limited to:

a. The number of applications approved and disapproved and the reasons for each disapproval and no action taken by the chancellor or the commissioner.

b. The number and value of all scholarships awarded to students and undisbursed advances remitted to the center pursuant to subsection (7).

2. Indicators identified by the center pursuant to paragraph (a) and the performance of each eligible institution based on the indicators identified in paragraph (6)(c).

3. The projected number of students with intellectual disabilities who may be eligible to enroll in the FPCTPs within the next academic year.

4. Education programs and services for students with intellectual disabilities which are available at eligible institutions.

(c) Beginning in the 2016-2017 fiscal year, the center, in collaboration with the Board of Governors, State Board of Education, Higher Education Coordinating Council, and other stakeholders, by December 1 of each year, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives statutory and budget recommendations for improving the implementation and delivery of FPCTPs and other education programs and services for students with disabilities.

(9) RULES.—The Board of Governors and the State Board of Education, in consultation with the center, shall expeditiously adopt any necessary regulations and rules, as applicable, to allow the center to perform its responsibilities pursuant to this section beginning in the 2016-2017 fiscal year.

Section 2. Section 1011.78, Florida Statutes, is created to read:

1011.78 Standard student attire incentive payments.—There is created an incentive payment for school districts and charter schools that implement a standard student attire policy for all students in kindergarten through grade 8 in accordance with this section.

(1) SHORT TITLE.—This section may be cited as the “Students Attired for Education (SAFE) Act.”

(2) PURPOSE.—The purpose of a standard student attire policy is to provide a safe environment for students which fosters learning and improves school safety and discipline by:

(a) Encouraging students to express their individuality through personality and academic achievements, rather than outward appearance.

(b) Enabling students to focus on academics, rather than fashion, because they are able to convey a neat, serious, and studious image.

(c) Minimizing disciplinary problems because students are not distracted by clothing.

(d) Reducing the time needed to correct dress code violations through a readily available inventory of compliant attire.

(e) Minimizing visible differences between students and eliminating social pressures to wear brand-name clothing or colors to show gang affiliation, thereby easing financial pressures on parents and enhancing school safety.

(f) Creating a sense of school pride and belonging.

(3) QUALIFICATIONS.—To qualify for the incentive payment, a school district or charter school must, at a minimum, implement a standard attire policy that:

(a) Applies to all students in kindergarten through grade 8 in the school district or charter school, regardless of individual school grade configurations.

(b) Prohibits certain types or styles of clothing and requires solid-colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short- or long-sleeved shirts with collars.

(c) Allows reasonable accommodations based on a student’s religion, disability, or medical condition.

(4) AWARD.—Subject to the appropriation of funds by the Legislature, a qualified school district or charter school shall receive an annual award of not less than \$10 per student in kindergarten through grade 8, as specified in the General Appropriations Act. Before the release of funds, but no later than September 1 of each year, the district school superintendent or the

charter school governing board shall certify to the commissioner that the school district or charter school has implemented a districtwide or schoolwide standard student attire policy, respectively, in accordance with this section. A charter school may also qualify by participating in its sponsor's qualifying policy. The commissioner shall make payment of awards to school districts and charter schools in the order in which certifications are received. As of June 30 of each year, any funds provided pursuant to this section that have not been disbursed to qualified school districts and charter schools revert to the fund from which they were appropriated pursuant to s. 216.301.

(5) IMMUNITY.—A district school board or governing board of a charter school that implements a districtwide or schoolwide standard student attire policy, respectively, is immune from civil liability resulting from adoption of the policy in accordance with this section.

Section 3. Paragraph (b) of subsection (1) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(1) STUDENT MANAGEMENT.—The district school board may adopt programs and policies to ensure the safety and welfare of individuals, the student body, and school personnel, which programs and policies may:

(b) Require uniforms to be worn by the student body, or impose other dress-related requirements, if the district school board finds that those requirements are necessary for the safety or welfare of the student body or school personnel. However, students may wear sunglasses, hats, or other sun-protective wear while outdoors during school hours, such as when students are at recess. A district school board that implements a districtwide standard student attire policy pursuant to s. 1011.78 is eligible to receive incentive payments.

Section 4. Paragraph (g) is added to subsection (17) of section 1002.33, Florida Statutes, to read:

1002.33 Charter schools.—

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(g) A charter school that implements a schoolwide standard student attire policy pursuant to s. 1011.78 is eligible to receive incentive payments.

Section 5. Section 1002.385, Florida Statutes, is amended to read:

1002.385 The Gardiner Scholarship Florida personal learning scholarship accounts.—

(1) ESTABLISHMENT OF PROGRAM.—The Gardiner Scholarship Florida Personal Learning Scholarship Accounts Program is established to provide the option for a parent to better meet the individual educational needs of his or her eligible child. All written explanatory materials, state websites, scholarship organization materials, letters to parents, scholarship agreements, and any other information describing this program to the public shall refer to a scholarship under the program as the “Gardiner Scholarship.”

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

(a) “Approved provider” means a provider approved by the Agency for Persons with Disabilities, a health care practitioner as defined in s. 456.001(4), or a provider approved by the department pursuant to s. 1002.66.

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

(c) “Department” means the Department of Education.

(d) “Disability” means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association s. 393.063(3); cerebral palsy, as defined in s. 393.063(4); Down syndrome, as defined in s. 393.063(13); an intellectual disability, as defined in s. 393.063(21); Prader-Willi syndrome, as defined in s. 393.063(25); or spina bifida, as defined in s. 393.063(36); for a student in kindergarten, being a high-risk child, as defined in s. 393.063(20)(a); muscular dystrophy; and Williams syndrome.

(e) “Eligible nonprofit scholarship-funding organization” or “organization” means a nonprofit scholarship-funding organization that is approved pursuant to s. 1002.395(16) has the same meaning as in s. 1002.395.

(f) “Eligible postsecondary educational institution” means a Florida College System institution; a state university; a school district technical center; a school district adult general education center; an independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 1009.89; or an accredited independent nonpublic postsecondary educational institution, as defined in s. 1005.02, which is licensed to operate in the state pursuant to requirements specified in part III of chapter 1005.

(g) “Eligible private school” means a private school, as defined in s. 1002.01, which is located in this state, which offers an education to students in any grade from kindergarten to grade 12, and which meets the requirements of:

1. Sections 1002.42 and 1002.421; and
2. A scholarship program under s. 1002.39 or s. 1002.395, as applicable, if the private school participates in a scholarship program under s. 1002.39 or s. 1002.395.

(h) “IEP” means individual education plan.

(i) “Parent” means a resident of this state who is a parent, as defined in s. 1000.21.

(j) “Program” means the ~~Gardiner Scholarship Florida Personal Learning Scholarship Accounts~~ Program established in this section.

(3) PROGRAM ELIGIBILITY.—A parent of a student with a disability may request and receive from the state a Gardiner Scholarship Florida personal learning scholarship account for the purposes specified in subsection (5) if:

(a) The student:

1. Is a resident of this state;
2. Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a public school in this state;
3. Has a disability as defined in paragraph (2)(d); and
4. Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability ~~as defined in subsection (2)~~ from a physician who is licensed under chapter 458 or chapter 459 or a psychologist who is licensed under chapter 490 in this state.

(b) ~~Beginning January 2015,~~ The parent has applied to an eligible nonprofit scholarship-funding organization to participate in the program by February 1 before the school year in which the student will participate or an alternative date as set by the organization for any vacant, funded slots. The request must be communicated directly to the organization in a manner that creates a written or electronic record of the request and the date of receipt of the request. In addition to the application and any documentation required by the organization or by State Board of Education rule, the parent may submit a final verification document pursuant to this paragraph to receive scholarship funds in the student’s account before the department confirms program eligibility pursuant to paragraph (9)(e). The final verification document must consist of one of the following items applicable to the student:

1. A completed withdrawal form from the school district, if the student was enrolled in a public school before the determination of program eligibility.

2. A letter of admission or enrollment from an eligible private school for the fiscal year in which the student wishes to participate and, if applicable, a copy of the notification from the private school that the student has withdrawn from the John M. McKay Scholarships for Students with Disabilities Program or the Florida Tax Credit Scholarship Program.

3. A copy of the notice of the parent's intent to establish and maintain a home education program required by s. 1002.41(1)(a) or the annual educational evaluation of the student in a home education program, which is required by s. 1002.41(2) The organization shall notify the district and the department of the parent's intent upon receipt of the parent's request.

(4) PROGRAM PROHIBITIONS.—

(a) A student is not eligible for the program if while he or she is:

(a)1. Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the Florida Virtual School; the College-Preparatory Boarding Academy; a developmental research school authorized under s. 1002.32; a charter school authorized under s. 1002.33, s. 1002.331, or s. 1002.332; or a virtual education program authorized under s. 1002.45. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered to be a student enrolled in a public school. Funding provided under this section for a child eligible for enrollment in the Voluntary Prekindergarten Education Program shall constitute funding for the child under part V of this chapter, and no additional funding shall be provided for the child under part V.;

(b)2. Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs.;

(c)3. Receiving a scholarship pursuant to the Florida Tax Credit Scholarship Program under s. 1002.395 or the John M. McKay Scholarships for Students with Disabilities Program under s. 1002.39.; ~~or~~

(d)4. Receiving any other educational scholarship pursuant to this chapter.

~~(b) A student is not eligible for the program if:~~

~~1. The student or student's parent has accepted any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (5);~~

~~2. The student's participation in the program has been denied or revoked by the commissioner of Education pursuant to subsection (10); or~~

~~3.—The student’s parent has forfeited participation in the program for failure to comply with requirements pursuant to subsection (11).~~

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(a) Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.

(b) Curriculum as defined in paragraph (2)(b).

(c) Specialized services by approved providers that are selected by the parent. These specialized services may include, but are not limited to:

1. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

2. Services provided by speech-language pathologists as defined in s. 468.1125.

3. Occupational therapy services as defined in s. 468.203.

4. Services provided by physical therapists as defined in s. 486.021.

5. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.

(d) Enrollment in, or tuition or fees associated with enrollment in, a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the institution, a private tutoring program authorized under s. 1002.43, a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(e) Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

(f) Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 or the Florida College Savings Program pursuant to s. 1009.981, for the benefit of the eligible student.

(g) Contracted services provided by a public school or school district, including classes. A student who receives services under a contract under

this paragraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (4).

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13)(e).

(i) Fees for specialized summer education programs.

(j) Fees for specialized after-school education programs.

(k) Transition services provided by job coaches.

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

(m) Tuition and fees associated with programs offered by Voluntary Prekindergarten Education Program providers approved pursuant to s. 1002.55 and school readiness providers approved pursuant to s. 1002.88.

~~A provider of any services specialized service provider, eligible private school, eligible postsecondary educational institution, private tutoring program provider, online or virtual program provider, public school, school district, or other entity receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship Florida personal learning scholarship account with the parent or participating student in any manner.~~

(6) TERM OF THE PROGRAM.—For purposes of continuity of educational choice and program integrity;

(a)1. The Program payments made by the state to an organization for a Gardiner Scholarship under this section shall continue remain in force until:

a. The parent does not renew program eligibility;

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

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

d. The student's parent has forfeited participation in the program for failure to comply with subsection (11);

e. The student enrolls in a public school; or



f. The student graduates from high school or attains 22 years of age, whichever occurs first a student participating in the program participates in any of the prohibited activities specified in subsection (4), has funds revoked by the Commissioner of Education pursuant to subsection (10), returns to a public school, graduates from high school, or attains 22 years of age, whichever occurs first. A participating student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the program's term.

2. Reimbursements for program expenditures may continue until the account balance is expended or the account is closed pursuant to paragraph (b).

(b)1. A student's scholarship account must be closed and any remaining funds, including, but not limited to, contributions made to the Stanley G. Tate Florida Prepaid College Program or earnings from or contributions made to the Florida College Savings Program using program funds pursuant to paragraph (5)(f), shall revert to the state upon:

a. Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (5); or

b. After any period of 3 consecutive years after high school completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution.

2. The commissioner must notify the parent and the organization when a Gardiner Scholarship account is closed and program funds revert to the state.

#### (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. The parent of For a student with a disability who does not have an IEP in accordance with subparagraph (3)(a)4. or who seeks a reevaluation of an existing IEP may request an IEP meeting and evaluation from the school district in order to obtain or revise a matrix of services. The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request. The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receipt of the parent's request in accordance with State Board of Education rules. a matrix of services under s. 1011.62(1)(e) and for whom the parent requests a matrix of services, The school district must complete a matrix that assigns the student to one of the levels of service as they existed before the 2000-2001 school year.

2.a. ~~Within 10 school days after a school district receives notification of a parent's request for completion of a matrix of services, the school district must notify the student's parent if the matrix of services has not been completed and inform the parent that the district is required to complete the matrix within 30 days after receiving notice of the parent's request for the matrix of services. This notice must include the required completion date for the matrix.~~

~~b. The school district shall complete the matrix of services for a student whose parent has made a request. The school district must provide the student's parent and the department with the student's matrix level within 10 calendar school days after its completion.~~

~~b.e. The department shall notify the parent and the eligible nonprofit scholarship funding organization of the amount of the funds awarded within 10 days after receiving the school district's notification of the student's matrix level.~~

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

(b) For each student participating in the program who chooses to participate in statewide, standardized assessments under s. 1008.22 or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide, standardized assessments.

~~(c) For each student participating in the program, a school district shall notify the parent about the availability of a reevaluation at least every 3 years.~~

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

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

(b) Provide to the ~~eligible nonprofit scholarship funding~~ organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide

assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Annually contract with an independent certified public accountant to perform the agreed-upon procedures developed under s. 1002.395(6)(o) ~~s. 1002.395(6)(n)~~ and produce a report of the results if the private school receives more than \$250,000 in funds from scholarships awarded under this section in the 2014-2015 state fiscal year or a state fiscal year thereafter. A private school subject to this paragraph must submit the report by September 15, 2015, and annually thereafter to the ~~scholarship-funding~~ organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The inability of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the program as determined by the commissioner ~~department~~.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Maintain on its website a list of approved providers as required in s. 1002.66, eligible postsecondary educational institutions, eligible private schools, and organizations and may identify or provide links to lists of other approved providers.

(b) ~~Require each eligible nonprofit scholarship-funding organization to verify eligible expenditures before the distribution of funds for any expenditures made pursuant to paragraphs (5)(a) and (b). Review of expenditures made for services specified in paragraphs (5)(c)-(m) (5)(e)-(g) may be completed after the purchase is payment has been made.~~

(c) Investigate any written complaint of a violation of this section by a parent, a student, a private school, a public school or a school district, an organization, a provider, or another appropriate party in accordance with the process established by s. 1002.395(9)(f).

(d) Require quarterly reports by an ~~eligible nonprofit scholarship-funding~~ organization, which must, at a minimum, include regarding the number of students participating in the program; the demographics of program participants; the disability category of program participants; the matrix level of services, if known; the program award amount per student; the total expenditures for the purposes specified in subsection (5); the types of providers of services to students; and any other information deemed necessary by the department.

(e) Compare the list of students participating in the program with the public school student enrollment lists, Voluntary Prekindergarten Education Program enrollment lists, and the list of students participating in school choice scholarship programs established pursuant to this chapter before each scholarship award is provided to the organization, and subsequently throughout the school year, each program payment to avoid duplicate payments and confirm program eligibility. A parent who files a final verification pursuant to paragraph (3)(b) shall receive scholarship funds before the department confirms program eligibility.

(10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. ~~Shall deny, suspend, or revoke a student's participation in the program if the health, safety, or welfare of the student is threatened or fraud is suspected.~~

2. ~~Shall deny, suspend, or revoke an authorized use of program funds if the health, safety, or welfare of the student is threatened or fraud is suspected.~~

3. ~~May deny, suspend, or revoke an authorized use of program funds for material failure to comply with this section and applicable department rules if the noncompliance is correctable within a reasonable period of time. Otherwise, the commissioner shall deny, suspend, or revoke an authorized use for failure to materially comply with the law and rules adopted under this section.~~

4. ~~Shall require compliance by the appropriate party by a date certain for all nonmaterial failures to comply with this section and applicable department rules. The commissioner May deny, suspend, or revoke program participation or use of program funds by the student or participation or eligibility of an organization, eligible private school, eligible postsecondary~~

educational institution, approved provider, or other party for a violation of this section.

2. May determine the length of, and conditions for lifting, a suspension or revocation specified in this subsection.

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

4. Shall deny or terminate program participation upon a parent's forfeiture of a Gardiner Scholarship pursuant to subsection (11) under this section thereafter.

(b) In determining whether to ~~deny, suspend, or revoke~~ participation or lift a suspension or revocation in accordance with this subsection, the commissioner may consider factors that include, but are not limited to, acts or omissions that ~~by a participating entity which~~ led to a previous suspension denial or revocation of participation in a state or federal program or an education scholarship program; failure to reimburse the eligible nonprofit scholarship funding organization for program funds improperly received or retained by the entity; failure to reimburse government funds improperly received or retained; imposition of a prior criminal sanction related to the person or entity or its officers or employees; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to a person's or an entity's management or operation; or other types of criminal proceedings in which the person or entity or its officers or employees were found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives ~~chooses to request and receive~~ an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments ~~enroll an eligible student in the program~~, the parent must sign an agreement with the eligible nonprofit scholarship funding organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b)-(d).

2. Affirm that Use the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable: takes all appropriate standardized assessments as specified in this section.

a. Requiring the student to If the parent enrolls the child in an eligible private school, the student must take an assessment in accordance with paragraph (8)(c); selected by the private school pursuant to s. 1002.395(7)(e).

b. Providing an If the parent enrolls the child in a home education program, the parent may choose to participate in an assessment as part of the annual evaluation in accordance with provided for in s. 1002.41(1)(c); or.

c. Requiring the child to take any pre- and post-assessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a pre- and post-assessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

4. Notify the school district that the student is participating in the Personal Learning Scholarship Accounts if the parent chooses to enroll in a home education program as provided in s. 1002.41.

5. Request participation in the program by the date established by the eligible nonprofit scholarship funding organization.

4.6. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

7. Apply for admission of his or her child if the private school option is selected by the parent.

8. Annually renew participation in the program. Notwithstanding any changes to the student's IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal as provided in subsection (6).

9. Affirm that the parent will not transfer any college savings funds to another beneficiary.

10. Affirm that the parent will not take possession of any funding provided by the state for the Florida Personal Learning Scholarship Accounts.

11. Maintain a portfolio of records and materials which must be preserved by the parent for 2 years and be made available for inspection by the district school superintendent or the superintendent's designee upon

15 days' written notice. This paragraph does not require the superintendent to inspect the portfolio. The portfolio of records and materials must consist of:

~~a. A log of educational instruction and services which is made contemporaneously with delivery of the instruction and services and which designates by title any reading materials used; and~~

~~b. Samples of any writings, worksheets, workbooks, or creative materials used or developed by the student.~~

(b) The parent must file an application for initial program participation with an organization by the dates established pursuant to this section.

(c) The parent must notify the school district that the student is participating in the Gardiner Scholarship Program if the parent chooses to enroll the student in a home education program as provided in s. 1002.41. This notification is not in lieu of the required notification a parent must submit to the district when establishing a home education program pursuant to s. 1002.41(1)(a).

(d) The parent must enroll his or her child in a program from a Voluntary Prekindergarten Education Program provider authorized under s. 1002.55, a school readiness provider authorized under s. 1002.88, or an eligible private school if either option is selected by the parent.

(e) The parent must annually renew participation in the program. Notwithstanding any changes to the student's IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal. However, for a high-risk child to continue to participate in the program in the school year after he or she reaches 6 years of age, the child's application for renewal of program participation must contain documentation that the child has a disability defined in paragraph (2)(d) other than high-risk status.

~~(f)(b) The parent is responsible for procuring the services necessary to educate the student. When the student receives a Gardiner Scholarship personal learning scholarship account, the district school board is not obligated to provide the student with a free appropriate public education. For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an individual education plan or matrix level of services.~~

~~(g)(c) The parent is responsible for the payment of all eligible expenses in excess of the amount of the Gardiner Scholarship personal learning scholarship account in accordance with the terms agreed to between the parent and the providers.~~

(h) The parent may not transfer any prepaid college plan or college savings plan funds contributed pursuant to paragraph (5)(f) to another beneficiary while the plan contains funds contributed pursuant to this section.

(i) The parent may not receive a payment, refund, or rebate from an approved provider of any services under this program.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship personal learning scholarship account.

(12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP ACCOUNTS.—An eligible nonprofit scholarship funding organization participating in the Florida Tax Credit Scholarship Program established under s. 1002.395 may establish Gardiner Scholarships personal learning scholarship accounts for eligible students by:

(a) Receiving applications and determining student eligibility in accordance with the requirements of this section. The organization shall notify the department of the applicants for the program by March 1 before the school year in which the student intends to participate. When an application is approved received, the scholarship funding organization must provide the department with information on the student to enable the department to determine report the student for funding in accordance with subsection (13).

(b) Notifying parents of their receipt of a scholarship on a first-come, first-served basis, based upon the funds provided for this program in the General Appropriations Act.

(c) Establishing a date pursuant to paragraph (3)(b) by which a parent must confirm initial or continuing participation in the program and confirm the establishment or continuance of a personal learning scholarship account.

(d) Reviewing applications and awarding scholarship funds to approved applicants using the following priorities:

1. Renewing students from the previous school year;
2. Students retained on the previous school year's wait list;
3. Newly approved applicants; and
4. Late-filed applicants.

An approved student who does not receive a scholarship must be placed on the wait list in the order in which his or her application is approved. The Establishing a date and process by which students on the wait list or subsequent late-filing applicants may be allowed to participate in the program during the fiscal school year, within the amount of funds provided for this program in the General Appropriations Act. A student who does not



receive a scholarship within the fiscal year shall be retained on the wait list for the subsequent year.

(e) Establishing and maintaining separate accounts for each eligible student. For each account, the organization must maintain a record of accrued interest that is retained in the student's account and available only for authorized program expenditures.

(f) Verifying qualifying educational expenditures pursuant to the requirements of paragraph (9)(b) (8)(b).

(g) Returning any remaining program unused funds to the department pursuant to paragraph (6)(b) when the student is no longer eligible for a personal scholarship learning account.

(h) Notifying the parent about the availability of, and the requirements associated with, requesting an initial IEP or IEP reevaluation every 3 years for each student participating in the program.

(i) Notifying the department of any violation of this section.

(j) Documenting each scholarship student's eligibility for a fiscal year before granting a scholarship for that fiscal year pursuant to paragraph (3)(b).

(13) FUNDING AND PAYMENT.—

(a)1. The maximum funding amount granted for an eligible student with a disability, pursuant to subsection (3), shall be equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program which would have been provided for the student in the district school to which he or she would have been assigned, multiplied by the district cost differential.

2. In addition, an amount equivalent to a share of the guaranteed allocation for exceptional students in the Florida Education Finance Program shall be determined and added to the amount in subparagraph 1. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraph 3., the calculation shall be based on the student's grade, the matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. The calculated amount must also include an amount equivalent to the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided in the General Appropriations Act.

3. Except as otherwise provided in subsection (7), the calculation for all students participating in the program shall be based on the matrix that

assigns the student to support Level III of services. If a parent chooses to request and receive a matrix of services from the school district, when the school district completes the matrix, the amount of the payment shall be adjusted as needed.

(b) The amount of the awarded funds shall be 90 percent of the calculated amount. One hundred percent of the funds appropriated for the program shall be released to the department at the beginning of the first quarter of each fiscal year.

(c) Upon notification from the organization that a parent has filed a final verification document pursuant to paragraph (3)(b) or upon notification from the organization that a 3- or 4-year-old child's application has been approved for the program, the department shall release the student's scholarship funds to the organization to be deposited into the student's account an eligible student's graduation from an eligible postsecondary educational institution or after any period of 4 consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary educational institution, the student's personal learning scholarship account shall be closed, and any remaining funds shall revert to the state.

(d) For initial eligibility for the program, students determined eligible by the organization for a Gardiner Scholarship by:

1. September 1 shall receive 100 percent of the total awarded funds.
2. November 1 shall receive 75 percent of the total awarded funds.
3. February 1 shall receive 50 percent of the total awarded funds.
4. April 1 shall receive 25 percent of the total awarded funds.

(e) Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest.

(f)(d) The eligible nonprofit scholarship-funding organization may shall develop a system for payment of benefits by electronic funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of electronic payment that the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(g) In addition to funds appropriated for scholarship awards and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship award from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3

fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarship awards.

~~(h)(e)~~ Moneys received pursuant to this section do not constitute taxable income to the qualified student or parent of the qualified student.

(14) OBLIGATIONS OF THE AUDITOR GENERAL.—

(a) The Auditor General shall conduct an annual ~~financial and operational~~ audit of accounts and records of each ~~eligible scholarship funding~~ organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total amount of students served and the eligibility of reimbursements made by the each eligible nonprofit scholarship funding organization and transmit that information to the department. The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this subsection within 10 days after the audit is finalized.

(b) The Auditor General shall notify the department of any ~~eligible nonprofit scholarship funding~~ organization that fails to comply with a request for information.

(15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The Department of Health, the Agency for Persons with Disabilities, and the Department of Education shall work with an ~~eligible nonprofit scholarship funding~~ organization for easy or automated access to lists of licensed providers of services specified in paragraph (5)(c) to ensure efficient administration of the program.

(16) LIABILITY.—The state is not liable for the award or any use of awarded funds under this section.

(17) SCOPE OF AUTHORITY.—This section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools, independent nonpublic postsecondary educational institutions, and private providers beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(18) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

~~(19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL YEAR.—Notwithstanding the provisions of this section related to~~

~~notification and eligibility timelines, an eligible nonprofit scholarship-funding organization may enroll parents on a rolling schedule on a first-come, first-served basis, within the amount of funds provided in the General Appropriations Act.~~

Section 6. Paragraph (j) of subsection (6) and paragraphs (a), (b), and (f) of subsection (16) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

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

(j)1. May use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization under this section for at least the preceding 3 state fiscal years and did not have any negative financial findings of material weakness or material noncompliance in its most recent audit under paragraph (m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. No funds authorized under this subparagraph shall be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. If ~~An eligible nonprofit scholarship-funding organization~~ may not charge ~~charges an application fee for a scholarship, the application fee must be immediately refunded to the person that paid the fee if the student is not enrolled in a participating school within 12 months.~~

2. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of the net eligible contributions remaining after administrative expenses during the state fiscal year in which such contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. Net eligible contributions remaining on June 30 of each year that are in excess of the 25 percent that may be carried forward shall be transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed

in the annual financial audit required under paragraph (m) returned to the State Treasury for deposit in the General Revenue Fund.

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

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

(16) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS; APPLICATION.—In order to participate in the scholarship program created under this section, a charitable organization that seeks to be a nonprofit scholarship-funding organization must submit an application for initial approval or renewal to the Office of Independent Education and Parental Choice no later than September 1 of each year before the school year for which the organization intends to offer scholarships.

(a) An application for initial approval must include:

1. A copy of the organization's incorporation documents and registration with the Division of Corporations of the Department of State.

2. A copy of the organization's Internal Revenue Service determination letter as a s. 501(c)(3) not-for-profit organization.

3. A description of the organization's financial plan that demonstrates sufficient funds to operate throughout the school year.

4. A description of the geographic region that the organization intends to serve and an analysis of the demand and unmet need for eligible students in that area.

5. The organization's organizational chart.

6. A description of the criteria and methodology that the organization will use to evaluate scholarship eligibility.

7. A description of the application process, including deadlines and any associated fees.

8. A description of the deadlines for attendance verification and scholarship payments.

9. A copy of the organization's policies on conflict of interest and whistleblowers.

10. A copy of a surety bond or letter of credit to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding

organization in accordance with this section in an amount equal to 25 percent of the scholarship funds anticipated for each school year or \$100,000, whichever is greater. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of credit.

(b) In addition to the information required by subparagraphs (a)1.-9., an application for renewal must include:

1. A surety bond or letter of credit to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding organization in accordance with this section equal to the amount of undisbursed donations held by the organization based on the annual report submitted pursuant to paragraph (6)(m). The amount of the surety bond or letter of credit must be at least \$100,000, but not more than \$25 million. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of credit.

2. The organization's completed Internal Revenue Service Form 990 submitted no later than November 30 of the year before the school year that the organization intends to offer the scholarships, notwithstanding the September 1 application deadline.

3. A copy of the statutorily required audit to the Department of Education and Auditor General.

4. An annual report that includes:

a. The number of students who completed applications, by county and by grade.

b. The number of students who were approved for scholarships, by county and by grade.

c. The number of students who received funding for scholarships within each funding category, by county and by grade.

d. The amount of funds received, the amount of funds distributed in scholarships, and an accounting of remaining funds and the obligation of those funds.

e. A detailed accounting of how the organization spent the administrative funds allowable under paragraph (6)(j).

(f) All remaining funds held by a nonprofit scholarship-funding organization that is disapproved for participation must ~~be transferred revert to the Department of Revenue for redistribution to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under subsection (6).~~

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

1009.971 Florida Prepaid College Board.—

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

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

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

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

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

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

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

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

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

Section 8. Subsection (11) is added to section 1009.98, Florida Statutes, to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—

(11) IMPLEMENTATION PROCEDURES.—

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

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

Section 9. Subsection (10) is added to section 1009.981, Florida Statutes, to read:

1009.981 Florida College Savings Program.—

(10) IMPLEMENTATION PROCEDURES.—

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

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

Section 10. For the 2016-2017 fiscal year:

(1) The sum of \$71.2 million in recurring funds from the General Revenue Fund is appropriated to the Department of Education for scholarship awards under the Gardiner Scholarship Program. In addition to the funds appropriated for the scholarship awards, the sum of \$2,136,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Education for reasonable and necessary administrative expenses for each scholarship-funding organization's management and distribution of scholarship awards under the program; however, the amount paid to each scholarship-funding organization may not exceed 3 percent of the amount of each scholarship award.

(2) The sum of \$14 million in recurring funds from the General Revenue Fund is appropriated to the Department of Education for incentive payments for the Standard Student Attire Incentive Program.

(3) The sum of \$8 million in recurring funds from the General Revenue Fund is appropriated for the Florida Postsecondary Comprehensive



Transition Program to be administered by the Florida Center for Students with Unique Abilities at the University of Central Florida, as follows:

(a) The sum of \$1.5 million shall be provided to the Florida Center for Students with Unique Abilities for costs solely associated with the center serving as the statewide coordinating center for the program.

(b) The sum of \$3 million shall be distributed for startup and enhancement grants to eligible institutions pursuant to s. 1004.6495(5)(b)5., Florida Statutes.

(c) The sum of \$3.5 million shall be distributed as Florida Postsecondary Comprehensive Transition Program scholarships for students who are enrolled in eligible programs.

Section 11. This act shall take effect July 1, 2016.

Approved by the Governor January 21, 2016.

Filed in Office Secretary of State January 21, 2016.