

ENROLLED

HB 3C

2023C Legislature

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An act relating to the Family Empowerment Scholarship Program; amending s. 1002.394, F.S.; revising the number of certain students eligible to participate in the Family Empowerment Scholarship Program; providing an effective date.

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

Section 1. Paragraph (b) of subsection (12) of section 1002.394, Florida Statutes, is amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

(b)1. For the 2023-2024 school year, the maximum number of students participating in the scholarship program under paragraph (3)(b) shall be the number of Scholarships for students the organization and the department determined eligible pursuant to this section ~~paragraph (3)(b) are established for up to 26,500 students annually beginning in the 2022-2023 school year.~~ Beginning in the 2024-2025 ~~2023-2024~~ school year, the maximum number of students participating in the scholarship program under paragraph (3)(b) ~~this section~~ shall annually increase by 3.0 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students. An eligible student who meets any of the

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26 following requirements shall be excluded from the maximum number  
 27 of students if the student:

28 a. Received specialized instructional services under the  
 29 Voluntary Prekindergarten Education Program pursuant to s.  
 30 1002.66 during the previous school year and the student has a  
 31 current IEP developed by the district school board in accordance  
 32 with rules of the State Board of Education;

33 b. Is a dependent child of a law enforcement officer or a  
 34 member of the United States Armed Forces, a foster child, or an  
 35 adopted child; or

36 c. Spent the prior school year in attendance at a Florida  
 37 public school or the Florida School for the Deaf and the Blind.  
 38 For purposes of this subparagraph, the term "prior school year  
 39 in attendance" means that the student was enrolled and reported  
 40 by:

41 (I) A school district for funding during either the  
 42 preceding October or February full-time equivalent student  
 43 membership surveys in kindergarten through grade 12, which  
 44 includes time spent in a Department of Juvenile Justice  
 45 commitment program if funded under the Florida Education Finance  
 46 Program;

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

50 (III) A school district for funding during the preceding

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51 | October or February full-time equivalent student membership  
52 | surveys, was at least 4 years of age when enrolled and reported,  
53 | and was eligible for services under s. 1003.21(1)(e); or

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

56 | 2. For a student who has a Level I to Level III matrix of  
57 | services or a diagnosis by a physician or psychologist, the  
58 | calculated scholarship amount for a student participating in the  
59 | program must be based upon the grade level and school district  
60 | in which the student would have been enrolled as the total funds  
61 | per unweighted full-time equivalent in the Florida Education  
62 | Finance Program for a student in the basic exceptional student  
63 | education program pursuant to s. 1011.62(1)(c) and (d), plus a  
64 | per full-time equivalent share of funds for the categorical  
65 | programs established in s. 1011.62(5), (7)(a), (8), and (16), as  
66 | funded in the General Appropriations Act. For the categorical  
67 | program established in s. 1011.62(8), the funds must be  
68 | allocated based on the school district's average exceptional  
69 | student education guaranteed allocation funds per exceptional  
70 | student education full-time equivalent student.

71 | 3. For a student with a Level IV or Level V matrix of  
72 | services, the calculated scholarship amount must be based upon  
73 | the school district to which the student would have been  
74 | assigned as the total funds per full-time equivalent for the  
75 | Level IV or Level V exceptional student education program

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76 | pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time  
77 | equivalent share of funds for the categorical programs  
78 | established in s. 1011.62(5), (7)(a), and (16), as funded in the  
79 | General Appropriations Act.

80 |         4. For a student who received a Gardiner Scholarship  
81 | pursuant to former s. 1002.385 in the 2020-2021 school year, the  
82 | amount shall be the greater of the amount calculated pursuant to  
83 | subparagraph 2. or the amount the student received for the 2020-  
84 | 2021 school year.

85 |         5. For a student who received a John M. McKay Scholarship  
86 | pursuant to former s. 1002.39 in the 2020-2021 school year, the  
87 | amount shall be the greater of the amount calculated pursuant to  
88 | subparagraph 2. or the amount the student received for the 2020-  
89 | 2021 school year.

90 |         6. The organization must provide the department with the  
91 | documentation necessary to verify the student's participation.

92 |         7. Upon receiving the documentation, the department shall  
93 | release, from state funds only, the student's scholarship funds  
94 | to the organization, to be deposited into the student's account  
95 | in four equal amounts no later than September 1, November 1,  
96 | February 1, and April 1 of each school year in which the  
97 | scholarship is in force.

98 |         8. Accrued interest in the student's account is in  
99 | addition to, and not part of, the awarded funds. Program funds  
100 | include both the awarded funds and accrued interest.

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101           9. The organization may develop a system for payment of  
102 benefits by funds transfer, including, but not limited to, debit  
103 cards, electronic payment cards, or any other means of payment  
104 which the department deems to be commercially viable or cost-  
105 effective. A student's scholarship award may not be reduced for  
106 debit card or electronic payment fees. Commodities or services  
107 related to the development of such a system must be procured by  
108 competitive solicitation unless they are purchased from a state  
109 term contract pursuant to s. 287.056.

110           10. An organization may not transfer any funds to an  
111 account of a student determined to be eligible pursuant to  
112 paragraph (3)(b) which has a balance in excess of \$50,000.

113           11. Moneys received pursuant to this section do not  
114 constitute taxable income to the qualified student or the parent  
115 of the qualified student.

116           Section 2. This act shall take effect upon becoming a law.