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1
2 An act relating to educational options; amending s.
3 1002.385, F.S.; redefining the terms "disability" and
4 "IEP"; defining the term "inactive"; prohibiting a
5 student who is enrolled in the Florida School for the
6 Deaf and the Blind from being eligible for the
7 Gardiner Scholarship Program; revising the purposes
8 for which program funds may be used; requiring that a
9 student's account be closed and program funds revert
10 to the state after the account is inactive for a
11 specified number of years; specifying that certain
12 actions of a private school are a basis for program
13 ineligibility; revising parent and student
14 responsibilities for program participation; revising
15 obligations of scholarship-funding organizations;
16 amending s. 1002.395, F.S.; revising student
17 eligibility criteria for the Florida Tax Credit
18 Scholarship Program; requiring the Department of
19 Education to provide a letter of denial to participate
20 in the program to a specified entity within a certain
21 period; requiring the department to provide a letter
22 of acceptance or denial of specified actions related
23 to a tax credit to a specified entity and include that
24 entity on certain letters and correspondence;
25 authorizing a child of a parent who is a member of the

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26 United States Armed Forces to apply for a scholarship
27 at any time; requiring a parent to approve each
28 payment made by funds transfer; prohibiting a parent
29 from designating certain entities or individuals to
30 approve a funds transfer; providing that consecutive
31 years of certain material exceptions constitutes
32 program ineligibility for certain private schools;
33 revising the annual limits of a scholarship awarded to
34 certain students; authorizing payment of the
35 scholarship to be made by funds transfer; specifying
36 approved means of funds transfer; requiring a parent
37 to approve a funds transfer before funds are
38 deposited; providing an effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Paragraphs (d) and (h) of subsection (2) of
43 section 1002.385, Florida Statutes, are amended, present
44 paragraphs (i) and (j) of that subsection are redesignated as
45 paragraphs (j) and (k), respectively, a new paragraph (i) is
46 added to that subsection, paragraph (a) of subsection (3) of
47 that section is amended, paragraph (e) is added to subsection
48 (4) of that section, and subsection (5), paragraph (b) of
49 subsection (6), subsection (8), paragraph (f) of subsection
50 (11), and paragraph (j) of subsection (12) of that section are

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51 amended, to read:

52 1002.385 The Gardiner Scholarship.—

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

54 (d) "Disability" means, for a 3- or 4-year-old child or
 55 for a student in kindergarten to grade 12, autism spectrum
 56 disorder, as defined in the Diagnostic and Statistical Manual of
 57 Mental Disorders, Fifth Edition, published by the American
 58 Psychiatric Association; cerebral palsy, as defined in s.
 59 393.063(6); Down syndrome, as defined in s. 393.063(15); an
 60 intellectual disability, as defined in s. 393.063(24); Phelan-
 61 McDermid syndrome, as defined in s. 393.063(28); Prader-Willi
 62 syndrome, as defined in s. 393.063(29); spina bifida, as defined
 63 in s. 393.063(40); being a high-risk child, as defined in s.
 64 393.063(23) (a); muscular dystrophy; ~~and~~ Williams syndrome; rare
 65 diseases which affect patient populations of fewer than 200,000
 66 individuals in the United States, as defined by the National
 67 Organization for Rare Disorders; anaphylaxis; deaf; visually
 68 impaired; dual sensory impaired; traumatic brain injured; or
 69 hospital or homebound, as defined by rules of the State Board of
 70 Education and evidenced by reports from local school districts.
 71 The term "hospital or homebound" includes a student who has a
 72 medically diagnosed physical or psychiatric condition or
 73 illness, as defined by the state board in rule, and who is
 74 confined to the home or hospital for more than 6 months.

75 (h) "IEP" means individual education plan, regardless of

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76 | whether the plan has been reviewed or revised within the last 12
 77 | months.

78 | (i) "Inactive" means that eligible expenditures have not
 79 | been made from an account funded pursuant to paragraph (13)(d).

80 | (3) PROGRAM ELIGIBILITY.—A parent of a student with a
 81 | disability may request and receive from the state a Gardiner
 82 | Scholarship for the purposes specified in subsection (5) if:

83 | (a) The student:

84 | 1. Is a resident of this state;

85 | 2. Is 3 or 4 years of age on or before September 1 of the
 86 | year in which the student applies for program participation, or
 87 | is eligible to enroll in kindergarten through grade 12 in a
 88 | public school in this state;

89 | 3. Has a disability as defined in paragraph (2)(d); and

90 | 4. Is the subject of an IEP written in accordance with
 91 | rules of the State Board of Education or with the applicable
 92 | rules of another state or has received a diagnosis of a
 93 | disability from a physician who is licensed under chapter 458 or
 94 | chapter 459, ~~or~~ a psychologist who is licensed under chapter
 95 | 490, or a physician who holds an active license issued by
 96 | another state or territory of the United States, the District of
 97 | Columbia, or the Commonwealth of Puerto Rico.

98 | (4) PROGRAM PROHIBITIONS.—A student is not eligible for
 99 | the program if he or she is:

100 | (e) Enrolled in the Florida School for the Deaf and the

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101 Blind.

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

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

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

111 (c) Specialized services by approved providers or by a
 112 hospital in this state which ~~that~~ are selected by the parent.

113 These specialized services may include, but are not limited to:

114 1. Applied behavior analysis services as provided in ss.
 115 627.6686 and 641.31098.

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

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

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

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

125 (d) Enrollment in, or tuition or fees associated with

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126 enrollment in, a home education program, an eligible private
 127 school, an eligible postsecondary educational institution or a
 128 program offered by the institution, a private tutoring program
 129 authorized under s. 1002.43, a virtual program offered by a
 130 department-approved private online provider that meets the
 131 provider qualifications specified in s. 1002.45(2)(a), the
 132 Florida Virtual School as a private paying student, or an
 133 approved online course offered pursuant to s. 1003.499 or s.
 134 1004.0961.

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

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

143 (g) Contracted services provided by a public school or
 144 school district, including classes. A student who receives
 145 services under a contract under this paragraph is not considered
 146 enrolled in a public school for eligibility purposes as
 147 specified in subsection (4).

148 (h) Tuition and fees for part-time tutoring services
 149 provided by a person who holds a valid Florida educator's
 150 certificate pursuant to s. 1012.56; a person who holds an

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151 adjunct teaching certificate pursuant to s. 1012.57; or a person
 152 who has demonstrated a mastery of subject area knowledge
 153 pursuant to s. 1012.56(5). As used in this paragraph, the term
 154 "part-time tutoring services" does not qualify as regular school
 155 attendance as defined in s. 1003.01(13)(e).

156 (i) Fees for specialized summer education programs.

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

158 (k) Transition services provided by job coaches.

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

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

166 (n) Fees for services provided at a center that is a
 167 member of the Professional Association of Therapeutic
 168 Horsemanship International.

169 (o) Fees for services provided by a therapist who is
 170 certified by the Certification Board for Music Therapists or
 171 credentialed by the Art Therapy Credentials Board.

172
 173 A provider of any services receiving payments pursuant to this
 174 subsection may not share, refund, or rebate any moneys from the
 175 Gardiner Scholarship with the parent or participating student in

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176 | any manner. A parent, student, or provider of any services may
 177 | not bill an insurance company, Medicaid, or any other agency for
 178 | the same services that are paid through the Gardiner Scholarship
 179 | funds.

180 | (6) TERM OF THE PROGRAM.—For purposes of continuity of
 181 | educational choice and program integrity:

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

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

193 | b. ~~After~~ Any period of 3 consecutive years after high
 194 | school completion or graduation during which the student has not
 195 | been enrolled in an eligible postsecondary educational
 196 | institution or a program offered by the institution; or—

197 | c. Three consecutive fiscal years in which an account has
 198 | been inactive.

199 | 2. The commissioner must notify the parent and the
 200 | organization when a Gardiner Scholarship account is closed and

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201 | program funds revert to the state.

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

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

208 | (b) Provide to the organization, upon request, all
 209 | documentation required for the student's participation,
 210 | including the private school's and student's fee schedules.

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

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

215 | 2. Annually administering or making provision for students
 216 | participating in the program in grades 3 through 10 to take one
 217 | of the nationally norm-referenced tests identified by the
 218 | Department of Education or the statewide assessments pursuant to
 219 | s. 1008.22. Students with disabilities for whom standardized
 220 | testing is not appropriate are exempt from this requirement. A
 221 | participating private school shall report a student's scores to
 222 | the parent.

223 | 3. Cooperating with the scholarship student whose parent
 224 | chooses to have the student participate in the statewide
 225 | assessments pursuant to s. 1008.22 or, if a private school

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226 | chooses to offer the statewide assessments, administering the
 227 | assessments at the school.

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

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

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

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

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251 If ~~The inability of~~ a private school is unable to meet the
 252 requirements of this subsection or has in consecutive years had
 253 material exceptions listed in its agreed-upon procedures
 254 reports, there is ~~constitutes~~ a basis for the ineligibility of
 255 the private school to participate in the program as determined
 256 by the commissioner.

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

267 (f) The parent is responsible for procuring the services
 268 necessary to educate the student. If a parent does not procure
 269 the necessary educational services for the student and the
 270 student's account has been inactive for 2 consecutive fiscal
 271 years, the student is ineligible for additional scholarship
 272 payments until the scholarship-funding organization verifies
 273 that expenditures from the account have occurred. When the
 274 student receives a Gardiner Scholarship, the district school
 275 board is not obligated to provide the student with a free

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276 appropriate public education. For purposes of s. 1003.57 and the
277 Individuals with Disabilities in Education Act, a participating
278 student has only those rights that apply to all other
279 unilaterally parentally placed students, except that, when
280 requested by the parent, school district personnel must develop
281 an individual education plan or matrix level of services.

282

283 A parent who fails to comply with this subsection forfeits the
284 Gardiner Scholarship.

285 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An
286 organization may establish Gardiner Scholarships for eligible
287 students by:

288 (j) Documenting each scholarship student's eligibility for
289 a fiscal year before granting a scholarship for that fiscal year
290 pursuant to paragraph (3) (b). A student is ineligible for
291 scholarship funding if the student's account has been inactive
292 for 2 consecutive fiscal years. However, once an eligible
293 expenditure is made pursuant to paragraph (11) (f), the student
294 may resume scholarship funding, based on available funds.

295 Section 2. Paragraph (f) of subsection (5) of section
296 1002.395, Florida Statutes, is redesignated as paragraph (g),
297 subsection (3), paragraph (b) of subsection (5), paragraph (h)
298 of subsection (6), paragraph (f) of subsection (7), subsection
299 (8), and paragraphs (a) and (b) of subsection (12) are amended,
300 and a new paragraph (f) is added to subsection (5) of that

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301 section, to read:

302 1002.395 Florida Tax Credit Scholarship Program.—

303 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

304 (a) The Florida Tax Credit Scholarship Program is
305 established.

306 ~~(b) For the 2014-2015 and 2015-2016 school years,~~
307 ~~contingent upon available funds, a student is eligible for a~~
308 ~~Florida tax credit scholarship under this section if the student~~
309 ~~meets one or more of the following criteria:~~

310 ~~1. The student qualifies for free or reduced-price school~~
311 ~~lunches under the National School Lunch Act or is on the direct~~
312 ~~certification list;~~

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

316 ~~3. The student continues in the scholarship program as~~
317 ~~long as the student's household income level does not exceed 230~~
318 ~~percent of the federal poverty level.~~

319 (b)(c) ~~For the 2016-2017 school year and thereafter,~~
320 ~~contingent upon available funds,~~ A student is eligible for a
321 Florida tax credit scholarship under this section if the student
322 meets one or more of the following criteria:

323 1. The student is on the direct certification list or the
324 student's household income level does not exceed 185 percent of
325 the federal poverty level; or

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

329 3. The student's household income level is greater than
 330 185 percent of the federal poverty level but does not exceed 260
 331 percent of the federal poverty level.

332
 333 A student who initially receives a scholarship based on
 334 eligibility under subparagraph (b)2. ~~or subparagraph (c)2.~~
 335 remains eligible to participate until the student graduates from
 336 high school or attains the age of 21 years, whichever occurs
 337 first, regardless of the student's household income level. A
 338 sibling of a student who is participating in the scholarship
 339 program under this subsection is eligible for a scholarship if
 340 the student resides in the same household as the sibling.

341 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

342 (b) A taxpayer may submit an application to the department
 343 for a tax credit or credits under one or more of s. 211.0251, s.
 344 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

345 1. The taxpayer shall specify in the application each tax
 346 for which the taxpayer requests a credit and the applicable
 347 taxable year for a credit under s. 220.1875 or s. 624.51055 or
 348 the applicable state fiscal year for a credit under s. 211.0251,
 349 s. 212.1831, or s. 561.1211. The department shall approve tax
 350 credits on a first-come, first-served basis and must obtain the

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351 division's approval before approving a tax credit under s.
352 561.1211.

353 2. Within 10 days after approving or denying an
354 application, the department shall provide a copy of its approval
355 or denial letter to the eligible nonprofit scholarship-funding
356 organization specified by the taxpayer in the application.

357 (f) Within 10 days after approving or denying an
358 application for a carryforward tax credit under paragraph (c),
359 the conveyance, transfer, or assignment of a tax credit under
360 paragraph (d), or the rescindment of a tax credit under
361 paragraph (e), the department shall provide a copy of its
362 approval or denial letter to the eligible nonprofit scholarship-
363 funding organization specified by the taxpayer. The department
364 shall also include the eligible nonprofit scholarship-funding
365 organization specified by the taxpayer on all letters or
366 correspondence of acknowledgment for tax credits under s.
367 212.1831.

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

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

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

381 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 382 PARTICIPATION.—

383 (f) Upon receipt of a scholarship warrant from the
 384 eligible nonprofit scholarship-funding organization, the parent
 385 to whom the warrant is made must restrictively endorse the
 386 warrant to the private school for deposit into the account of
 387 the private school. If payments are made by funds transfer, the
 388 parent must approve each payment before the scholarship funds
 389 may be deposited. The parent may not designate any entity or
 390 individual associated with the participating private school as
 391 the parent's attorney in fact to endorse a scholarship warrant
 392 or approve a funds transfer. A participant who fails to comply
 393 with this paragraph forfeits the scholarship.

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

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

400 (b) Provide to the eligible nonprofit scholarship-funding

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401 organization, upon request, all documentation required for the
402 student's participation, including the private school's and
403 student's fee schedules.

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

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

408 2. Annually administering or making provision for students
409 participating in the scholarship program in grades 3 through 10
410 to take one of the nationally norm-referenced tests identified
411 by the Department of Education or the statewide assessments
412 pursuant to s. 1008.22. Students with disabilities for whom
413 standardized testing is not appropriate are exempt from this
414 requirement. A participating private school must report a
415 student's scores to the parent. A participating private school
416 must annually report by August 15 the scores of all
417 participating students to the Learning System Institute
418 described in paragraph (9)(j).

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

424 a. A participating private school may choose to offer and
425 administer the statewide assessments to all students who attend

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426 | the private school in grades 3 through 10.

427 | b. A participating private school must submit a request in
428 | writing to the Department of Education by March 1 of each year
429 | in order to administer the statewide assessments in the
430 | subsequent school year.

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

434 | (e) Provide a report from ~~Annually contract with~~ an
435 | independent certified public accountant who performs ~~to perform~~
436 | the agreed-upon procedures developed under paragraph (6) (o) ~~and~~
437 | ~~produce a report of the results~~ if the private school receives
438 | more than \$250,000 in funds from scholarships awarded under this
439 | section in ~~the 2010-2011 state fiscal year or~~ a state fiscal
440 | year ~~thereafter~~. A private school subject to this paragraph must
441 | annually submit the report by September 15, ~~2011,~~ ~~and annually~~
442 | ~~thereafter~~ to the scholarship-funding organization that awarded
443 | the majority of the school's scholarship funds. The agreed-upon
444 | procedures must be conducted in accordance with attestation
445 | standards established by the American Institute of Certified
446 | Public Accountants.

447 |
448 | If ~~The inability of~~ a private school is unable to meet the
449 | requirements of this subsection or has consecutive years of
450 | material exceptions listed in the report required under

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451 paragraph (e), the commissioner may determine that shall
452 ~~constitute a basis for the ineligibility of the private school~~
453 is ineligible to participate in the scholarship program as
454 determined by the Department of Education.

455 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

456 (a) Except as provided in subparagraph 2., the scholarship
457 ~~amount of a scholarship~~ provided to any student for any single
458 school year by an eligible nonprofit scholarship-funding
459 organization from eligible contributions shall be for total
460 costs authorized under paragraph (6) (d), not to exceed annual
461 limits, which shall be determined as follows:

462 1.a. The base amount ~~For a scholarship~~ awarded to a
463 student enrolled in an eligible private school, ~~the limit~~ shall
464 be determined as a percentage ~~by multiplying the unweighted FTE~~
465 ~~funding amount in that state fiscal year by the percentage used~~
466 ~~to determine the limit in the prior state fiscal year. However,~~
467 ~~in each state fiscal year that the tax credit cap amount~~
468 ~~increases pursuant to paragraph (5) (a), the prior year~~
469 ~~percentage shall be increased by 4 percentage points and the~~
470 ~~increased percentage shall be used to determine the limit for~~
471 ~~that state fiscal year. If the percentage so calculated reaches~~
472 ~~80 percent in a state fiscal year, no further increase in the~~
473 ~~percentage is allowed and the limit shall be 80 percent of the~~
474 ~~unweighted FTE funding amount for that state fiscal year and~~
475 ~~thereafter. Beginning in the 2016-2017 state fiscal year, the~~

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476 ~~amount of a scholarship awarded to a student enrolled in an~~
477 ~~eligible private school shall be equal to 82 percent of the~~
478 ~~unweighted FTE funding amount for that state fiscal year and~~
479 ~~thereafter as follows:-~~

480 (I) Eighty-eight percent for a student enrolled in
481 kindergarten through grade 5.

482 (II) Ninety-two percent for a student enrolled in grade 6
483 through grade 8.

484 (III) Ninety-six percent for a student enrolled in grade 9
485 through grade 12.

486 b. The ~~For a~~ scholarship amount awarded to a student
487 enrolled in a Florida public school that is located outside the
488 district in which the student resides or in a lab school as
489 defined in s. 1002.32, is limited to \$750 ~~the limit shall be~~
490 ~~\$500.~~

491 ~~2. The annual limit for a scholarship under sub-~~
492 ~~subparagraph 1.a. shall be reduced by:~~

493 a. ~~Twenty five percent if the student's household income~~
494 ~~level is equal to or greater than 200 percent, but less than 215~~
495 ~~percent, of the federal poverty level.~~

496 b. ~~Fifty percent if the student's household income level~~
497 ~~is equal to or greater than 215 percent, but equal to or less~~
498 ~~than 230 percent, of the federal poverty level.~~

499 2.3. ~~For the 2016-2017 state fiscal year and thereafter,~~
500 ~~The annual limit for a scholarship under sub-subparagraph 1.a.~~

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501 shall be reduced by:

502 a. Twelve percent if the student's household income level
503 is greater than or equal to 200 percent, but less than 215
504 percent, of the federal poverty level.

505 b. Twenty-six percent if the student's household income
506 level is greater than or equal to 215 percent, but less than 230
507 percent, of the federal poverty level.

508 c. Forty percent if the student's household income level
509 is greater than or equal to 230 percent, but less than 245
510 percent, of the federal poverty level.

511 d. Fifty percent if the student's household income level
512 is greater than or equal to 245 percent, but less than or equal
513 to 260 percent, of the federal poverty level.

514 (b) Payment of the scholarship by the eligible nonprofit
515 scholarship-funding organization shall be by individual warrant
516 made payable to the student's parent or by funds transfer,
517 including, but not limited to, debit cards, electronic payment
518 cards, or any other means of payment that the department deems
519 to be commercially viable or cost-effective. If the payment is
520 made by warrant ~~parent chooses that his or her child attend an~~
521 ~~eligible private school,~~ the warrant must be delivered by the
522 eligible nonprofit scholarship-funding organization to the
523 private school of the parent's choice, and the parent shall
524 restrictively endorse the warrant to the private school. An
525 eligible nonprofit scholarship-funding organization shall ensure

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526 | that the parent to whom the warrant is made restrictively
527 | endorsed the warrant to the private school for deposit into the
528 | account of the private school or that the parent has approved a
529 | funds transfer before any scholarship funds are deposited.

530 | Section 3. This act shall take effect July 1, 2017.