A bill to be entitled
An act related to relating to School Choice;
amending s. 1002.394, The Family Empowerment
Scholarship Program; providing an effective date.

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

Section 1. Section 1002.394, Florida Statutes, is amended
to read:

1002.394 - The Family Empowerment Scholarship Program. -
(3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible
for a Family Empowerment Scholarship under this section if the
student meets the following criteria:
(a)1. The student is on the direct certification list
pursuant to s. 1002.395(2)(c) or the student’s household income
level does not exceed 300 percent of the federal poverty level;

2. The student is currently placed, or during the previous
state fiscal year was placed, in foster care or in out-of-home
care as defined in s. 39.01;
3. The student is currently eligible for renewal in this
program or the program in s. 1002.395; or
4. A dependent child of a member of the United States Armed
Forces who transfers to a school in this state from out of state
or from a foreign country due to a parent’s permanent change of
station orders.

Priority shall be given to students whose household income
levels do not exceed 185 percent of the federal poverty level.
who are on the direct certification list, or who are a dependent child of a member of the United States Armed Forces, or who are in foster care or out-of-home care. A student who initially receives a scholarship based on eligibility under subparagraph 2. remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student’s household income level. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

(b) 1. For the 2020-2021 school year, the student is eligible to enroll in kindergarten through second grade, or has spent the prior school year in attendance at a Florida public school, or received a scholarship from an eligible nonprofit scholarship-funding organization or from the state during the previous school year.

2. For the 2021-2022 school year, the student is eligible to enroll in kindergarten through fifth grade, has spent the prior school year in attendance at a Florida public school, or received a scholarship from an eligible nonprofit scholarship-funding organization or from the state during the previous school year.

For purposes of this paragraph, prior school year in attendance means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which includes time spent in a Department of
Juvenile Justice commitment program if funded under the Florida Education Finance Program. However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent’s permanent change of station orders or a foster child is exempt from the prior public school attendance requirement under this paragraph, but must meet the other eligibility requirements specified under this section to participate in the program.

(c) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (8), and the parent has requested a scholarship from the Department of Education at least 60 days before the date of the first scholarship payment. The request must be communicated directly to the scholarship funding organization department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The department must notify the school district of the parent’s intent upon receipt of the parent’s request. The State Board of Education must review the application and enrollment data for this program and s. 1002.395 each fall to determine whether the programs have collectively met 90 percent or more of the maximum enrollment. If the State Board of Education determines that 90 percent or more of the maximum enrollment has been met, the State Board of Education may increase the maximum household income level by 25 percentage points for the next school year.

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

(a) Enrolled in a public school, including, but not limited
to, the Florida School for the Deaf and the Blind, the College-
Preparatory Boarding Academy, a developmental research school
authorized under s. 1002.32, or a charter school authorized
under this chapter;

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

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

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

(e) Participating in a private tutoring program pursuant to
s. 1002.43; or

(f) Participating in a virtual school, correspondence
school, or distance learning program that receives state funding
pursuant to the student’s participation.

(6) SCHOOL DISTRICT OBLIGATIONS. —

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

(7) DEPARTMENT OF EDUCATION OBLIGATIONS. —The department
shall:
(a) Publish and update, as necessary, information on the department website about the Family Empowerment Scholarship Program, including, but not limited to, student eligibility criteria, parental responsibilities, and relevant data.

(b) Cross-check the list of participating scholarship students with the public school enrollment lists before each scholarship payment to avoid duplication.

(c) Maintain a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (8)(c)1. The tests must meet industry standards of quality in accordance with State Board of Education rule.

(d) Notify eligible scholarship funding organizations of the deadline for submitting students determined to be eligible for a scholarship.

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

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

(b) Provide to the department all documentation required for a student’s participation, including the private school’s and student’s fee schedules, at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (11)(f). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

(c)1. Annually administer or make 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 or to take 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 his or her parent. A participating private school must annually report by August 15 the scores of all participating students to a state university described in s. 1002.395(9)(f).

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION. — A parent who applies for a Family Empowerment Scholarship is exercising his or her parental option to place his or her child in a private school.

(a) The parent must select the private school and apply for the admission of his or her student.

(b) The parent must request the scholarship at least 60 days before the date of the first scholarship payment.

(10) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS. An eligible nonprofit scholarship-funding organization:

(a) Shall verify the household income level of students pursuant to subparagraph (3)(a)1. and submit to the department the verified list of students and related documentation to the department to enable the department to determine student eligibility in accordance with subsection (3).

The department must notify the school district of the parent’s intent to participate upon receipt of the verified list.

(11) SCHOLARSHIP FUNDING AND PAYMENT.—

(a) The scholarship is established for up to 18,000 students annually on a first-come, first-served basis beginning
with the 2019-2020 school year. Beginning in the 2020-2021 school year, the maximum number of students participating in the scholarship program under this section may annually increase by 0.50 percent of the state’s total public school student enrollment.

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

Section 2. This act shall take effect July 1, 2020.