A bill to be entitled

An act relating to the Education Savings Account Program; creating s. 1002.385, F.S.; providing definitions; specifying criteria for students who are eligible to participate in the program; identifying certain students who may not participate in the program; providing that a parent may direct a financial institution trustee of his or her child's account to use the funds for specified costs of attending a private school or participating in a dual enrollment program or to make a contribution to the child's college savings plan or a payment to a contract under the Stanley G. Tate Florida Prepaid College Program; requiring a financial institution to transfer an account to another participating financial institution upon the request of a parent as provided by the Chief Financial Officer by rule; authorizing a parent to direct the trustee to donate unspent funds in an account when a student graduates from high school or when the student's participation in the program is terminated; requiring the trustee to donate the unspent funds to the student's school district if a selection is not timely made; requiring a parent to apply to the Department of Education for his or her child to participate in the program; specifying responsibilities of a parent or student for using funds in an account to attend a private school or private virtual school; requiring a student who participates in the program and attends a private school or private virtual school to take norm-referenced

assessment tests required by the Department of Education; specifying responsibilities of a parent or student for using funds in an account to hire a private tutor or private tutoring program; specifying responsibilities of a parent or student for using funds in an account to participate in a dual enrollment program; specifying eligibility criteria for private schools, private tutors, private tutoring programs, and private postsecondary institutions to participate in the program; providing that all state postsecondary institutions are eligible to participate in the program; requiring that the Department of Education establish an enrollment period for the program, process student applications by certain date, verify the eligibility of private schools, private virtual schools, private tutors, private tutoring programs, and postsecondary institutions, publish a list of eligible private schools, submit the list to participating financial institutions by a certain date, notify the participating financial institutions of certain students, establish a toll-free hotline for certain information, establish a process for reporting to the department violations of law relating to the program, require participating private schools, private virtual schools, private tutors, private tutoring programs, and postsecondary institutions to certify compliance with the requirements of the program, compare the list of participating students with the public school enrollment lists, maintain a list of nationally norm-referenced

assessment tests, select an independent research organization that must make annual reports relating to the learning gains of students in the program, publish certain annual reports on its website, conduct random visits to certain schools, and issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that the Chief Financial Officer process applications from financial institutions to participate in the program, provide a list of participating financial institutions to the department by a certain date each year, conduct random audits of participating financial institutions, revoke the eligibility of a financial institutions for violations of law relating to the program, and make payments to the accounts of participating students in specified situations; requiring financial institutions to apply to the Chief Financial Officer to participate in the program; providing that a participating financial institution serves as a trustee for a student's account; limiting the fees that may be charged by a financial institution for its services under the program; requiring a financial institution to make timely quarterly payments directly to a private school, private tutor, private tutoring program, or postsecondary institution; requiring a financial institution to make timely quarterly payments to a selected college savings plan or the Stanley G. Tate Florida Prepaid College Program; requiring a financial institution to notify the department of the identity of

certain students at certain dates; requiring a financial institution to annually notify the Chief Financial Officer of its intent to continue to participate in, or intent to withdraw from, the program; requiring a financial institution to provide advance notice to the Chief Financial Officer and parents of students participating in the program before withdrawing from the program; specifying criteria and procedures by which the Commissioner of Education may deny, suspend, or revoke a private school's participation in the program; specifying procedures by which a private school may challenge the decision of the Commissioner of Education to deny, suspend, or revoke the school's participation in the program; requiring the director of the Division of Administrative Hearings to expedite a hearing in certain situations; authorizing the Commissioner of Education to order participating financial institutions to immediately suspend payments from a student's account to a participating private school under certain circumstances; providing for appeal against a payment suspension; authorizing the Office of Inspector General of the Department of Education to release otherwise confidential student information under certain circumstances involving allegations of fraudulent activity under the program; specifying a formula to be used in determining the amount of annual payments made to a student's account under the program; providing for the random selection of applicants to the program who are attending a home education program

or a private school; providing a calculation to determine the number of such students who may participate in the program; authorizing the Legislative Budget Commission to transfer funds in excess of amounts required to fully fund the accounts of all participating students to the Florida Education Finance Program; requiring the department and the Department of Financial Services to develop an agreement to assist in the administration of the program; requiring the State Board of Education to adopt rules for the Department of Education and the Commissioner of Education to administer the program; requiring the Chief Financial Officer to adopt rules to administer its responsibilities under the program; providing for the enrollment period and for the number of eligible students for the 2011-2012 school year; requiring the department to randomly select participating students in specified situations; authorizing the State Board of Education to adopt emergency rules for the department and the Commissioner of Education to implement the program; providing an effective date.

WHEREAS, the Legislature finds that it has a duty to provide for a high-quality education for all children residing within this state, and

WHEREAS, the Legislature finds that it has a duty to provide for the establishment, maintenance, and operation of institutions of higher learning, and

WHEREAS, a high-quality education for children is

facilitated by parental involvement in educational choices for their children, competition among schools and other learning environments, and the measurement and evaluation of student learning gains, and

WHEREAS, the Legislature finds that competition between public schools and private schools will enhance the quality of education at public schools by encouraging innovation, flexibility, and efficiency, and

WHEREAS, providing a child with an opportunity to attend a public school or with funds to pay for private schooling or tutoring enables the child to access the high-quality education best suited for his or her specific needs, and

WHEREAS, the Legislature finds that under the right to religious freedom in the State Constitution, the state may not prohibit a person from using private funds to pay the cost of private schooling or tutoring at an institution having any religious affiliation, NOW, THEREFORE,

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

Section 1. Section 1002.385, Florida Statutes, is created to read:

1002.385 Education Savings Account Program.—

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

(a) "Account" means an education savings account belonging to a student who is participating in, or who participated in, the program. Funds in an account are private funds.

(b) "College savings plan" means a qualified tuition plan

under s. 529 of the Internal Revenue Code which allows the establishment of an account for a beneficiary for the purpose of paying the beneficiary's eligible college expenses.

(c) "Department" means the Department of Education.

(d) "Eligible private postsecondary institution" means a private postsecondary institution that is a member of the Independent Colleges and Universities of Florida and is located in the state.

(e) "Eligible private school" means a private school that offers an education to students in any grade of kindergarten through grade 12, is located in this state, and meets the requirements in subsection (6).

(f) "Financial institution" has the same meaning as defined in s. 655.005.

(g) "Program" means the Education Savings Account Program.

(2) ELIGIBLE STUDENTS.—

(a) A student is eligible to receive funds under the program if the student resides in this state and:

1. Is eligible to enter kindergarten or first grade;

2. Is the sibling of a student who participates in the program and who resides in the same household;

3. Was counted as a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding; or

4. Attends a home education program or a private school and was randomly selected to participate in the program pursuant to subsection (13).

(b) A student remains eligible for the program until he or

she graduates from high school and as long as the student does not enroll in a public school, charter school, or a virtual instruction program, excluding the Florida Virtual School, which receives state funding as a result of the student's participation.

(3) INELIGIBLE STUDENTS.—A student may not participate in the program if he or she:

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

(b) Participates in a virtual school, correspondence school, or distance learning program that receives state funding for the student's participation;

(c) Is enrolled in the Florida School for the Deaf and the Blind; or

(d) Is receiving an educational scholarship pursuant to chapter 1002.

(4) PARENT AND STUDENT OPTIONS.—

(a) A parent may direct the trustee to use the funds in his or her child's account, in whole or in combination, to:

1. Pay the tuition and fees for the child to attend an eligible private school;

2. Pay the tuition and fees for the child to attend an eligible private virtual school;

3. Pay a private tutor or private tutoring program qualified under s. 1002.43 for supplemental educational services;

4. Pay the cost of tuition, books, or fees for the child

to enroll in a dual enrollment program at a state postsecondary institution;

5. Pay the cost of tuition, books, or fees for the child to enroll in a dual enrollment program at an eligible private postsecondary institution;

6. Contribute to the child's college savings plan; or

7. Make a payment toward the purchase of a contract under the Stanley G. Tate Florida Prepaid College Program in s. 1009.98.

(b) A parent may direct the trustee to transfer the account to another financial institution participating in the program as provided by the Chief Financial Officer by rule.

(c) Within 3 months after the child graduates from high school or no longer participates in the program, a parent may direct the trustee to donate any unspent funds in the account to any institution identified in subparagraphs 1.-5. or to the school district for the county in which the child last resided before the child's participation in the program was terminated. If a parent fails to identify an institution to which the trustee must donate the funds, the trustee shall donate the funds to the school district for the county in which the child last resided before the child's participation in the program was terminated.

(5) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(a) A parent must annually apply to the department on behalf of the child during the annual enrollment period. As part of the enrollment, the parent must identify the educational

option chosen to meet the compulsory attendance requirements of state law whether through attendance at a private school or private virtual school, enrollment in a home education program under s. 1002.41, or a private tutoring program under s. 1002.43.

(b)1. If a parent elects for the child to attend an eligible private school or private virtual school, the parent or the child must:

a. Select an eligible private school or private virtual school and apply for admission.

b. Inform the child's school district when the parent withdraws the child to attend the private school or private virtual school.

c. Remain in attendance in the selected school throughout the school year unless excused by the school for illness or other good cause.

d. Comply with the school's published policies.

e. Ensure that the child participating in the program takes the nationally norm-referenced assessment tests administered by the school which are required by the department. The parent may also choose to have the child participate in a statewide assessment test pursuant to s. 1008.22. If the parent requests that the child take a statewide assessment test, the parent is responsible for transporting the child to the testing site designated by the school district.

f. Pay the balance of the school's tuition and fees in excess of the funds in the child's account.

2. A parent who chooses to comply with the compulsory

attendance requirements by enrolling his or her child in a private school or private virtual school may also choose to enroll the child in a dual enrollment program through a public postsecondary institution or an eligible private postsecondary institution and use funds from the child's account for such purposes. The parent and child must register and apply for admissions during the institution's registration or application period and are responsible for paying the balance of tuition and fees which is not covered by the payments from the child's account.

(c)1. If a parent elects for his or her child to participate in a home education program, the parent and child must comply with s. 1002.41.

2. A parent who chooses to comply with the compulsory attendance requirements by enrolling his or her child in a home education program may also choose to enroll the child in a dual enrollment program through a public postsecondary institution or an eligible private postsecondary institution and use funds from the child's account for such purpose. The parent and child must register and apply for admissions during the institution's registration or application period and are responsible for paying the balance of tuition and fees which is not covered by payments from the child's account.

(d)1. If a parent elects for the child to receive an education from an eligible private tutor or private tutoring program, the parent and the child must comply with this chapter.

2. A parent who chooses to comply with the compulsory attendance requirements through use of a private tutor or

private tutoring program may also choose to enroll his or her child in a dual enrollment program through a public postsecondary institution or an eligible private postsecondary institution and use funds from the child's account for such purpose. The parent and child must register and apply for admissions during the institution's registration or application period and are responsible for paying the balance of tuition and fees which is not covered by payments from the child's account.

(e) If a parent elects to use any portion of his or her child's account as payment for private tutoring through an eligible supplemental educational services provider, the parent is responsible for payments to the provider which are not covered by the child's account.

(f) If a parent elects for the child to participate in dual enrollment at a state postsecondary institution or an eligible private postsecondary institution, the parent or the child must:

1. Register or apply for admission during the institution's registration or application period.

2. Inform the child's school district when the parent withdraws the child to attend the postsecondary institution.

3. Remain in attendance in the postsecondary institution throughout the school year unless excused by the institution for illness or other good cause.

4. Comply with the institution's published policies.

5. Pay the balance of the postsecondary institution's tuition and fees in excess of the funds in the child's account.

(g) If a parent elects to use any of the funds in the

child's account to make a contribution to a college savings plan, the parent must comply with all federal and state laws related to contributions to college savings plan.

(h) If a parent elects to use any of the funds in the child's account toward the purchase of a contract under the Stanley G. Tate Florida Prepaid College Program, the parent must comply with all rules and requirements of the program and is responsible for payments in excess of the funds in the account.

A child may return to the public school system at any time and quarterly payments to the child's account shall cease. The parent of a child who chooses to return to the public school system is responsible for the payment of any outstanding balance owed to the private school, private virtual school, private tutor, private tutoring program, state postsecondary institution, or private postsecondary education institution which was in excess of the funds in the account when payments to the account ceased.

(6) EDUCATIONAL INSTITUTION ELIGIBILITY AND OBLIGATIONS.—

(a) A private school is eligible to participate in the program, whether sectarian or nonsectarian, if the school:

1. Is accredited by the Southern Association of Colleges and Schools or is eligible to participate in the Tax Credit Scholarship Program or the John M. McKay Scholarships for Students with Disabilities Program; and

2. Complies with rules adopted by the department for participation in the program.

(b) A private virtual school is eligible to participate in

the program, whether sectarian or nonsectarian, if the school:

1. Is approved by the department to participate in the school district virtual instruction program under s. 1002.45; and

2. Complies with rules adopted by the department for participation in the program.

(c) A private tutor or private tutoring program is eligible to participate in the program if the private tutor or private tutoring program:

1. Is qualified under s. 1002.43;

2. Complies with rules adopted by the department for participation in the program; and

3. Is a supplemental educational services provider under the federal Elementary and Secondary Education Act.

(d) All state postsecondary institutions are eligible to participate in the program and must comply with rules adopted by the department for participation in the program.

(e) A private postsecondary institution is eligible to participate in the program, whether sectarian or nonsectarian, if the institution is a member of the Independent Colleges and Universities of Florida and complies with rules adopted by the department for participation in the program.

(7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(a) Establish an annual enrollment period and a process in which a parent may apply to enroll his or her child in the program. The enrollment period shall begin by January 1 and end by March 1 before the school year in which funding for the

child's account is sought. All applications must be processed by May 1 of each year.

(b) Randomly select students attending a home education program, private school, or private virtual school who are eligible under subparagraph (2)(a)4. to participate in the program if the appropriation to the program is sufficient to fully fund the accounts of all other applicants but is insufficient to fully fund the accounts of all applicants who are attending a home education program or private school.

(c) Annually verify the eligibility of private schools, private virtual schools, private tutors, private tutoring programs, and postsecondary institutions to participate in the program and publish a list of eligible schools, tutors, tutoring programs, and postsecondary institutions.

(d) Annually, by March 15, submit to participating financial institutions a list of eligible private schools, private virtual schools, private tutors, private tutoring programs, and private postsecondary institutions.

(e) Notify participating financial institutions of students who are approved to participate in the program. The notice must be made annually, by May 1, after the department processes all applications to participate in the program.

(f) Establish a toll-free hotline that provides parents and private schools with information on the program.

(g) Establish a process by which a person may notify the department of any violation of laws or rules relating to participation in the program. The department shall conduct an inquiry of all signed, written, and legally sufficient

complaints that allege a violation of this section, or must make a referral to the appropriate agency for an investigation. A complaint is legally sufficient if it states ultimate facts showing that this section or a rule adopted under this section has been violated.

(h) Require participating private schools and private virtual schools to annually certify compliance with the requirements of the program. The certification must be made in a sworn and notarized statement by the head of the private school.

(i) Compare the list of students participating in the program with the public school enrollment lists to avoid duplicate payments.

(j) Maintain a list of nationally norm-referenced assessment tests identified by the department which must be administered by a participating private school or private virtual school to students participating in the program. The tests must meet industry standards of quality under rules of the State Board of Education.

(k) Select an independent research organization, which may be a public or private entity or university, to which participating private schools and private virtual schools must report the scores of participating students on the nationally norm-referenced assessment tests administered by the schools in grades 3 through 10.

1. The independent research organization must annually issue a report to the department which includes:

a. The year-to-year learning gains of students in the program;

b. To the extent possible, a comparison of the learning gains of students in the program to the statewide learning gains of public school students having backgrounds similar to those of the students in the program. In order to minimize the costs and time that the independent research organization requires for analysis and evaluation, the department shall conduct analyses of assessment data from matched students in public schools and shall calculate learning gains of control groups using a methodology outlined in the contract with the independent research organization; and

c. The aggregate year-to-year learning gains of students in the program in each participating private school in which there are at least 30 participating students having scores for tests for 2 consecutive years at that private school.

2. The sharing and reporting of the learning gains of students pursuant to this paragraph must be in accordance with s. 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and may be for the sole purpose of creating the annual report required by subparagraph 1. The department and the independent research organization shall preserve the confidentiality of such information as required by law. The organization may not disaggregate data in its annual report to a level that will identify individual participating schools, except as required under sub-subparagraph 1.c., or disclose the academic level of individual students.

3. The department shall publish the annual report on its website.

(l) Conduct random site visits to private schools, private

tutors, private tutoring programs, and private postsecondary institutions participating in the program. During a site visit, the department may conduct only activities to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, and the results of criminal history record checks of teachers.

(m) Annually, by December 15, issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the implementation of accountability mechanisms for the program; identifying any violations of a law or rule governing the program concerning the enrollment and attendance of students, the credentials of teachers, or the background screening of teachers; and describing the corrective actions taken by the department relating to violations of a law or rule governing the program.

(8) CHIEF FINANCIAL OFFICER OBLIGATIONS.—The Chief Financial Officer shall:

(a) Process applications from financial institutions applying to participate in the program.

(b) Provide a list of participating financial institutions to the department by March 1 each year.

(c) Conduct random audits of financial institutions participating in the program to ensure compliance with this section.

(d) Revoke the eligibility of a financial institution that fails to comply with its obligations under this section.

(e) Upon notice from the department, make payments to the accounts of participating students in four equal installments by

September 1, November 1, February 1, and April 1.

(9) OBLIGATIONS OF FINANCIAL INSTITUTIONS.—

(a) A financial institution must apply to the Chief Financial Officer for approval to participate in the program. The Chief Financial Officer shall approve the application of a financial institution if the institution agrees to:

1. Serve as a trustee of the funds in a student's account.

2. Limit its fees imposed on each account to 3 percent or less of each payment it makes from an account.

3. Make timely quarterly payments directly to the eligible private school, private virtual school, private tutor, private tutoring program, or eligible private postsecondary institution selected by the parent. The amount of the quarterly payment to these institutions may not exceed:

a. The amount of the state quarterly payment to the financial institution, less the financial institution's fees.

b. The reported tuition and fee schedule provided to the department for the educational institution.

4. Make timely quarterly payments directly to a state postsecondary institution selected by the parent for the payment of books, tuition, and fees charged for a student's participation in a dual enrollment program. The amount of the quarterly payment to these institutions may not exceed:

a. The amount of the state quarterly payment to the financial institution, less the financial institution's fees.

b. The full cost of books, tuition, and fees charged for the student's participation in the dual enrollment program.

5. Make timely quarterly payments directly to the selected

college savings plan or the Stanley G. Tate Florida Prepaid College Program. The amount of such quarterly payment may not exceed the amount of the state quarterly payment to the financial institution, less the financial institution's fees.

6. Notify the department by February 1, July 1, September 1, and December 1 of the identity of students who have accounts with the institution under this section.

(b) A participating financial institution must annually notify the Chief Financial Officer of its intent to continue participating in or its intent to withdraw from the program. A financial institution must provide 180 days' notice to the Chief Financial Officer and to the parents of students having an account at the institution before it may withdraw from the program. The institution must also transfer each account to another participating institution selected by a parent or to another participating institution randomly selected by the Chief Financial Officer if the parent fails to timely make a selection.

(10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a)1. The Commissioner of Education shall deny, suspend, or revoke the participation of a private school, private virtual school, private tutor, or private tutoring program in the program if the commissioner determines that the school, tutor, or tutoring program has failed to comply with this section or the rules of the department adopted under this section. However, if the noncompliance is correctable within a reasonable amount of time and the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of

noncompliance that shall provide the school, tutor, or tutoring program with a timeframe within which to show evidence of compliance before action may be taken to suspend or revoke the private school's participation in the program.

2. The commissioner may deny, suspend, or revoke a private school's participation in the program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or another state in a manner that is contrary to the health, safety, or welfare of the public. In making this determination, the commissioner may consider factors, including, but not limited to, acts or omissions by the owner or operator which led to a previous denial or revocation of participation in an education scholarship program or an education savings account program; an owner's or operator's failure to reimburse a student's account for funds improperly received or retained by a school; imposition of a prior criminal or civil administrative sanction related to an owner's or operator's management or operation of an educational institution; or the existence of other types of criminal proceedings in which the owner or operator was 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.

(b) The commissioner's determination to deny, suspend, or revoke a private school's participation in the program is subject to the following:

1. The department must notify the private school of the proposed action in writing by certified mail and regular mail to

the private school's address of record with the department. The notice shall state the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action has 15 days following receipt of the notice of proposed action to file with the clerk of the department a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request from the department and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party may submit written exceptions to the recommended order within 10 days after the recommended order is entered. The department shall enter a final order within 30 days after the entry of the recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.

(c) The commissioner may order participating financial institutions to suspend payment of funds from accounts to a private school if the commissioner finds that probable cause of any of the following exists:

1. An imminent threat to the health, safety, and welfare

of a student.

2. Fraudulent activity on the part of the private school.

The commissioner's order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).

(11) AUTHORIZED RELEASE OF CONFIDENTIAL INFORMATION.—Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity relating to participation in the program, the Office of Inspector General of the department may release personally identifiable records or reports of students to the following persons or organizations:

(a) A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

(b) A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

(c) A person, entity, or authority issuing a subpoena for law enforcement purposes if the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

(12) EDUCATION SAVINGS ACCOUNT AMOUNT.—The total amount of payments to a participating student's account for a single school year shall be equal to 50 percent of the base student allocation under the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential plus the per-student share of instructional materials funds and other categorical funds as appropriated in the General Appropriations Act.

(13) RANDOM SELECTION OF PROGRAM PARTICIPANTS.—By April 1 of each year, the department shall randomly select applicants to participate in the program who are in home education programs and private schools and who did not participate in the program during the prior school year. The number of spaces available for these students shall equal the number of students who enrolled in the program during the annual enrollment period and were counted as full-time equivalent students at a public school during the previous state fiscal year for purposes of state per-student funding. For purposes of this calculation, the number of new participants in the program who were public school students does not include kindergarten and first grade students and siblings of other students participating in the program.

(14) LEGISLATIVE BUDGET COMMISSION.—Each quarter the Legislative Budget Commission may transfer any funds appropriated for the program in excess of amounts required to fully fund the accounts of all participating students to the Florida Education Finance Program.

(15) ADMINISTRATION; RULES.—

(a) The department and the Department of Financial Services shall develop a cooperative agreement to assist in the administration of this section.

(b) The State Board of Education shall adopt rules necessary for the department and the Commissioner of Education to administer this section, including rules relating to the establishment of the enrollment period, enrollment forms, and reporting requirements for financial institutions and schools.

(c) The Chief Financial Officer shall adopt rules necessary to administer this section, including rules relating to the eligibility and auditing of participating financial institutions.

Section 2. Enrollment period for the 2011-2012 school year.—

(1) Notwithstanding s. 1002.385(7), Florida Statutes, the enrollment period to participate in the Education Savings Account Program for the 2011-2012 school year is July 1 through July 31. The number of students who may participate is limited to the number of participants specified in the General Appropriations Act.

(2) Notwithstanding s. 1002.385(2), Florida Statutes, the students eligible to participate in the education savings account program during the 2011-2012 school year are limited to students identified in s. 1002.385(2)a.1. and 3., Florida Statutes.

(3) If the Department of Education receives more applications for eligible students during the enrollment period

for the 2011-2012 school year than the number specified in the General Appropriations Act, the department shall randomly select students who may participate in the program.

(4)(a) The State Board of Education may adopt emergency rules for the department and the Commissioner of Education to implement the program.

(b) The Chief Financial Officer may adopt emergency rules to implement the program.

Section 3. This act shall take effect upon becoming a law.