

1 A bill to be entitled

2 An act relating to the Hope Scholarship Program;
3 amending s. 1002.40, F.S.; revising the purpose of the
4 Hope Scholarship Program; defining terms and revising
5 definitions; deleting obsolete language; revising
6 program eligibility; providing for the use of funds
7 under the program; revising the term of a program
8 scholarship; revising school district, Department of
9 Education, parent, and nonprofit scholarship-funding
10 organization obligations under the program;
11 authorizing payment of scholarship funds by
12 organizations to be made by deposit into the student's
13 account instead of by individual warrant made payable
14 to the student's parent; providing that accrued
15 interest in the student's account is in addition to,
16 and not part of, awarded funds; providing that program
17 funds include both the awarded funds and accrued
18 interest; prohibiting a student's scholarship award
19 from being reduced for debit card or electronic
20 payment fees; conforming provisions to changes made by
21 the act; amending ss. 213.053, 1002.394, and 1002.395,
22 F.S.; conforming cross-references; providing an
23 effective date.

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

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Section 1. Section 1002.40, Florida Statutes, is amended to read:

1002.40 The Hope Scholarship Program.—

(1) PURPOSE.—The Hope Scholarship Program is established to provide the parent of a public school student who was subjected to an incident listed in subsection (3) or who attends a school overseen by a district school board that is subject to ongoing action initiated by the State Board of Education pursuant to s. 1008.32(4)(b), (c), or (d) an opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school.

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

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

(b) "Dealer" has the same meaning as provided in s. 212.06.

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

(d)~~(e)~~ "Designated agent" has the same meaning as provided in s. 212.06(10).

(e)~~(d)~~ "Eligible contribution" or "contribution" means a monetary contribution from a person purchasing a motor vehicle, subject to the restrictions provided in this section, to an

51 eligible nonprofit scholarship-funding organization. The person
52 making the contribution may not designate a specific student as
53 the beneficiary of the contribution.

54 (f)~~(e)~~ "Eligible nonprofit scholarship-funding
55 organization" or "organization" has the same meaning as provided
56 in s. 1002.395(2)(f).

57 (g)~~(f)~~ "Eligible private school" has the same meaning as
58 provided in s. 1002.395(2)(g).

59 (h) "Inactive" means that no eligible expenditures have
60 been made from an account funded pursuant to subsection (12).

61 (i)~~(g)~~ "Motor vehicle" has the same meaning as provided in
62 s. 320.01(1)(a), but does not include a heavy truck, truck
63 tractor, trailer, or motorcycle.

64 (j)~~(h)~~ "Parent" means a resident of this state who is a
65 parent, as defined in s. 1000.21, and whose student reported an
66 incident in accordance with subsection (7) ~~(6)~~ or whose student
67 attends a school overseen by a district school board that is
68 subject to ongoing action initiated by the State Board of
69 Education pursuant to s. 1008.32(4)(b), (c), or (d).

70 (k)~~(i)~~ "Program" means the Hope Scholarship Program.

71 (l)~~(j)~~ "School" means any educational program or activity
72 conducted by a public K-12 educational institution, any school-
73 related or school-sponsored program or activity, and riding on a
74 school bus, as defined in s. 1006.25(1), including waiting at a
75 school bus stop.

76 ~~(k) "Unweighted FTE funding amount" means the statewide~~
 77 ~~average total funds per unweighted full-time equivalent funding~~
 78 ~~amount that is incorporated by reference in the General~~
 79 ~~Appropriations Act, or by a subsequent special appropriations~~
 80 ~~act, for the applicable state fiscal year.~~

81 (3) PROGRAM ELIGIBILITY. ~~Beginning with the 2018-2019~~
 82 ~~school year,~~ Contingent upon available funds, and on a first-
 83 come, first-served basis, a student enrolled in a Florida public
 84 school in kindergarten through grade 12 is eligible for a
 85 scholarship under this program if:

86 (a) The student or student's parent reported an incident
 87 in accordance with subsection (6), regardless of the outcome of
 88 any investigation. For purposes of this section, the term
 89 "incident" means battery; harassment; hazing; bullying;
 90 kidnapping; physical attack; robbery; sexual offenses,
 91 harassment, assault, or battery; threat or intimidation; or
 92 fighting at school, as defined by the department in accordance
 93 with s. 1006.09(6); or

94 (b) The student attends a school overseen by a district
 95 school board that is subject to ongoing action initiated by the
 96 State Board of Education pursuant to s. 1008.32(4)(b), (c), or
 97 (d).

98 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

99 (a) Program funds awarded to a student who meets the
 100 eligibility requirements in subsection (3) and who opts to

101 enroll in and attend an eligible private school may be used for:
 102 1. Instructional materials, including digital devices,
 103 digital periphery devices, and assistive technology devices that
 104 allow a student to access instruction or instructional content
 105 and training on the use of and maintenance agreements for these
 106 devices.
 107 2. Curriculum as defined in subsection (2).
 108 3. Tuition and fees at an eligible private school.
 109 4. Fees for nationally standardized, norm-referenced
 110 achievement tests, Advanced Placement Examinations, industry
 111 certification examinations, assessments related to postsecondary
 112 education, or other assessments.
 113 5. Contributions to the Stanley G. Tate Florida Prepaid
 114 College Program pursuant to s. 1009.98 or the Florida College
 115 Savings Program pursuant to s. 1009.981 for the benefit of the
 116 eligible student.
 117 (b) Program funds awarded to a student who meets the
 118 eligibility requirements in subsection (3) and who opts to
 119 transfer to a public school located outside the district in
 120 which the student resides pursuant to s. 1002.31 may be used to
 121 transport the student.
 122 (5) PROGRAM PROHIBITIONS.—Payment of a scholarship to a
 123 student enrolled in a private school may not be made if a
 124 student is:
 125 (a) Enrolled in a public school, including, but not

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126 limited to, the Florida School for the Deaf and the Blind; the
127 College-Preparatory Boarding Academy; a developmental research
128 school authorized under s. 1002.32; or a charter school
129 authorized under s. 1002.33, s. 1002.331, or s. 1002.332;

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

133 (c) Participating in a virtual school, correspondence
134 school, or distance learning program that receives state funding
135 pursuant to the student's participation unless the participation
136 is limited to no more than two courses per school year; or

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

139 ~~(6)~~~~(5)~~ TERM OF HOPE SCHOLARSHIP.—For purposes of
140 continuity of educational choice:7

141 (a) A Hope scholarship shall remain in force until:

142 1. The student returns to public school or graduates from
143 high school, whichever occurs first. A scholarship student who
144 enrolls in a public school or public school program is
145 considered to have returned to a public school for the purpose
146 of determining the end of the scholarship's term;

147 2. The parent does not renew program eligibility;

148 3. The organization determines that the student is not
149 eligible for program renewal;

150 4. The Commissioner of Education suspends or revokes

151 program participation or use of funds; or

152 5. The student's parent has forfeited participation in the
 153 program for failure to comply with subsection (10).

154 (b) Reimbursements for program expenditures may continue
 155 until the account balance is expended or the account is closed.

156 (c) A student's scholarship account must be closed and any
 157 remaining funds, including, but not limited to, contributions
 158 made to the Stanley G. Tate Florida Prepaid College Program or
 159 earnings from or contributions made to the Florida College
 160 Savings Program using program funds pursuant to subparagraph
 161 (4)(a)5., shall revert to the organization after:

162 1. Denial or revocation of program eligibility by the
 163 commissioner for fraud or abuse, including, but not limited to,
 164 the student or student's parent accepting any payment, refund,
 165 or rebate, in any manner, from a provider of any goods or
 166 services received pursuant to subsection (4); or

167 2. Two consecutive fiscal years during which an account
 168 has been inactive.

169 (7)~~(6)~~ SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

170 (a) Upon receipt of a report of an incident, the school
 171 principal, or his or her designee, shall provide a copy of the
 172 report to the parent and investigate the incident to determine
 173 if the incident must be reported as required by s. 1006.09(6).
 174 Within 24 hours after receipt of the report, the principal or
 175 his or her designee shall provide a copy of the report to the

176 parent of the alleged offender and to the superintendent. Upon
177 conclusion of the investigation or within 15 days after the
178 incident was reported, whichever occurs first, the school
179 district shall notify the parent of the program and offer the
180 parent an opportunity to enroll his or her student in another
181 public school that has capacity or to request and receive a
182 scholarship to attend an eligible private school, subject to
183 available funding. The school district shall provide such notice
184 and offer regardless of the outcome of any investigation.

185 (b) A parent of a student who is eligible pursuant to
186 paragraph (3)(a) may, at any time after the submission of the
187 report, apply directly to an organization participating in the
188 scholarship program for a scholarship. The parent must include a
189 copy of the submitted report with the application.

190 (c) A parent who chooses to enroll his or her student in a
191 public school located outside the district in which the student
192 resides pursuant to s. 1002.31 shall be eligible for a
193 scholarship to transport the student as provided in paragraph
194 (12)(b) ~~(11)(b)~~.

195 (d) ~~(b)~~ For each student participating in the program in an
196 eligible private school who chooses to participate in the
197 statewide assessments under s. 1008.22 or the Florida Alternate
198 Assessment, the school district in which the student resides
199 must notify the student and his or her parent about the
200 locations and times to take all statewide assessments.

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201 (e) Each school district shall publish information about
202 the program on the district's website homepage. At a minimum,
203 the published information must include a website link to the
204 program published on the Department of Education website as well
205 as a telephone number and an e-mail address that students and
206 parents may use to contact relevant personnel in the school
207 district to obtain information about the scholarship program.

208 (8)-(7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
209 eligible private school may be sectarian or nonsectarian and
210 shall:

211 (a) Comply with all requirements for private schools
212 participating in state school choice scholarship programs
213 pursuant to this section and s. 1002.421.

214 (b)1. Annually administer or make provision for students
215 participating in the program in grades 3 through 10 to take one
216 of the nationally norm-referenced tests identified by the
217 department or the statewide assessments pursuant to s. 1008.22.
218 Students with disabilities for whom standardized testing is not
219 appropriate are exempt from this requirement. A participating
220 private school shall report a student's scores to his or her
221 parent.

222 2. Administer the statewide assessments pursuant to s.
223 1008.22 if a private school chooses to offer the statewide
224 assessments. A participating private school may choose to offer
225 and administer the statewide assessments to all students who

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226 attend the private school in grades 3 through 10 and must submit
227 a request in writing to the department by March 1 of each year
228 in order to administer the statewide assessments in the
229 subsequent school year.

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231 If a private school fails to meet the requirements of this
232 subsection or s. 1002.421, the commissioner may determine that
233 the private school is ineligible to participate in the program.

234 (9)~~(8)~~ DEPARTMENT OF EDUCATION OBLIGATIONS.—

235 (a) The department shall:

236 1.~~(a)~~ Cross-check the list of participating scholarship
237 students with the public school enrollment lists to avoid
238 duplication.

239 2.~~(b)~~ Maintain a list of nationally norm-referenced tests
240 identified for purposes of satisfying the testing requirement in
241 paragraph (10) (g) ~~(9) (f)~~. The tests must meet industry standards
242 of quality in accordance with State Board of Education rule.

243 3.~~(c)~~ Require quarterly reports by an eligible nonprofit
244 scholarship-funding organization regarding the number of
245 students participating in the program, the private schools in
246 which the students are enrolled, the program award amount per
247 student, the total expenditures for the purposes specified in
248 subsection (4), and other information deemed necessary by the
249 department.

250 4.~~(d)~~ Contract with an independent entity to provide an

251 annual evaluation of the program by:

252 ~~a.1.~~ Reviewing the school bullying prevention education
253 program, climate, and code of student conduct of each public
254 school from which 10 or more students transferred to another
255 public school or private school using the Hope scholarship to
256 determine areas in the school or school district procedures
257 involving reporting, investigating, and communicating a parent's
258 and student's rights that are in need of improvement. At a
259 minimum, the review must include:

260 (I)a. An assessment of the investigation time and quality
261 of the response of the school and the school district.

262 (II)b. An assessment of the effectiveness of communication
263 procedures with the students involved in an incident, the
264 students' parents, and the school and school district personnel.

265 (III)c. An analysis of school incident and discipline
266 data.

267 (IV)d. The challenges and obstacles relating to
268 implementing recommendations from the review.

269 ~~b.2.~~ Reviewing the school bullying prevention education
270 program, climate, and code of student conduct of each public
271 school to which a student transferred if the student was from a
272 school identified in subparagraph 1. in order to identify best
273 practices and make recommendations to a public school at which
274 the incidents occurred.

275 ~~c.3.~~ Reviewing the performance of participating students

276 enrolled in a private school in which at least 51 percent of the
277 total enrolled students in the prior school year participated in
278 the program and in which there are at least 10 participating
279 students who have scores for tests administered.

280 ~~d.4.~~ Surveying the parents of participating students to
281 determine academic, safety, and school climate satisfaction and
282 to identify any challenges to or obstacles in addressing the
283 incident or relating to the use of the scholarship.

284 5. Publish and update, as necessary, information on the
285 department website about the program, including, but not limited
286 to, student eligibility criteria, parental responsibilities, and
287 relevant data.

288 6. Deny or terminate program participation upon a parent's
289 failure to comply with subsection (10).

290 7. Notify the parent and the organization when a
291 scholarship account is closed and program funds revert to the
292 organization.

293 8. Require each organization to verify eligible
294 expenditures before the distribution of funds for any
295 expenditures made pursuant to subparagraphs (4) (a)1. and 2.
296 Review of expenditures made for services specified in
297 subparagraphs (4) (a)3., 4., and 5. may be completed after the
298 purchase is made.

299 9. Investigate any written complaint of a violation of
300 this section by a parent, a student, a private school, a public

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301 school, a school district, an organization, or another
302 appropriate party in accordance with the process established
303 under s. 1002.421.

304 (b) At the direction of the commissioner, the department
305 may:

306 1. Suspend or revoke the program participation or use of
307 program funds by the student or the participation or eligibility
308 of an organization, eligible private school, or other party for
309 a violation of this section.

310 2. Determine the length of, and conditions for lifting, a
311 suspension or revocation specified in this paragraph.

312 3. Recover unexpended program funds to recover program
313 funds that were not authorized for use. Funds recovered in this
314 manner must be returned to the organization.

315
316 In determining whether to suspend or revoke participation or to
317 lift a suspension or revocation in accordance with this
318 paragraph, the department may consider factors that include, but
319 are not limited to, acts or omissions that led to a previous
320 suspension or revocation of participation in a state or federal
321 program or an education scholarship program; failure to
322 reimburse the organization for funds improperly received or
323 retained; failure to reimburse government funds improperly
324 received or retained; imposition of a prior criminal sanction
325 related to the person or entity or its officers or employees;

326 imposition of a civil fine or an administrative fine, license
 327 revocation or suspension, or program eligibility suspension,
 328 termination, or revocation related to a person's or an entity's
 329 management or operation; or other types of criminal proceedings
 330 in which the person or entity or its officers or employees were
 331 found guilty of, regardless of adjudication, or entered a plea
 332 of nolo contendere or guilty to, any offense involving fraud,
 333 deceit, dishonesty, or moral turpitude.

334 ~~(10)~~~~(9)~~ PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 335 PARTICIPATION.—A parent who applies for a Hope scholarship is
 336 exercising his or her parental option to place his or her
 337 student in an eligible private school or another public school.

338 (a) The parent must select an eligible private school or
 339 another public school and apply for the admission of his or her
 340 student.

341 (b) The parent must inform the student's school district
 342 when the parent withdraws his or her student to attend an
 343 eligible private school or a public school in a different school
 344 district.

345 (c) Any student participating in the program must remain
 346 in attendance throughout the school year unless excused by the
 347 school for illness or other good cause.

348 (d) Each parent and each student has an obligation to the
 349 private school to comply with such school's published policies.

350 (e) Upon reasonable notice to the department and the

351 school district, the parent may remove the student from the
352 private school and place the student in a public school in
353 accordance with this section.

354 (f) Upon reasonable notice to the organization, the
355 student's parent may move the student from one eligible private
356 school to another eligible private school.

357 (g) The parent must ensure that the student participating
358 in the program takes the norm-referenced assessment offered by
359 the private school. The parent may also choose to have the
360 student participate in the statewide assessments pursuant to s.
361 1008.22. If the parent requests that the student take the
362 statewide assessments pursuant to s. 1008.22 and the private
363 school has not chosen to offer and administer the statewide
364 assessments, the parent is responsible for transporting the
365 student to the assessment site designated by the school
366 district.

367 ~~(h)(g)~~ ~~Upon receipt of a scholarship warrant, the parent~~
368 ~~to whom the warrant is made must restrictively endorse the~~
369 ~~warrant to the private school for deposit into the account of~~
370 ~~such school.~~ If payment is made by funds transfer in accordance
371 with paragraph (12)(d) ~~(11)(d)~~, the parent must approve each
372 payment before the scholarship funds may be deposited. The
373 parent may not designate any entity or individual associated
374 with the participating private school as the parent's attorney
375 in fact to ~~endorse a scholarship warrant or~~ approve a funds

376 transfer. A parent who fails to comply with this paragraph
377 forfeits the scholarship.

378 (i) The parent must renew participation in the program
379 each year. A student whose participation in the program is not
380 renewed may continue to spend scholarship funds in his or her
381 account from prior years unless the account must be closed
382 pursuant to paragraph (6) (c).

383 (j) The parent is responsible for making authorized uses
384 of program funds and for all authorized uses of program funds in
385 excess of the amount of the scholarship. If a parent does not
386 make authorized uses of program funds for the student, and the
387 student's account has been inactive for 2 consecutive fiscal
388 years, the student is ineligible for additional scholarship
389 payments until the organization verifies that expenditures from
390 the account have occurred.

391 (k) The parent must sign an agreement with the
392 organization and annually submit a sworn compliance statement to
393 the organization to satisfy or maintain program eligibility,
394 including eligibility to receive and spend program payments, by
395 affirming that:

396 1. The student is enrolled in and in good standing with an
397 eligible private school or a public school.

398 2. The student remains in attendance throughout the school
399 year unless excused by the school for illness or other good
400 cause.

401 3. Program funds are used only for authorized uses as
 402 described in subsection (4); that any prepaid college plan or
 403 college savings plan funds contributed will not be transferred
 404 to another beneficiary while the plan contains funds contributed
 405 pursuant to this section; and that the parent will not receive a
 406 payment, refund, or rebate of any funds provided under this
 407 section.

408 (1) A participant who fails to comply with this subsection
 409 forfeits the scholarship.

410 (11)-(10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-
 411 FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 412 organization may establish scholarships for eligible students
 413 by:

414 (a) Receiving applications and determining student
 415 eligibility in accordance with the requirements of this section.

416 (b) Notifying parents of their receipt of a scholarship on
 417 a first-come, first-served basis, based upon available funds.

418 (c) Establishing a date by which the parent of a
 419 participating student must confirm continuing participation in
 420 the program.

421 (d) Awarding scholarship funds to eligible students,
 422 giving priority to renewing students from the previous year.

423 (e) Preparing and submitting quarterly reports to the
 424 department pursuant to paragraph (9) (a)3 ~~(8) (e)~~. In addition, an
 425 eligible nonprofit scholarship-funding organization must submit

426 in a timely manner any information requested by the department
 427 relating to the program.

428 (f) Establishing and maintaining separate accounts for
 429 each eligible student. For each account, the organization shall
 430 maintain a record of accrued interest that is retained in the
 431 student's account and available only for authorized uses of
 432 program funds.

433 (g) Verifying that scholarship funds are used for the
 434 authorized purposes described in subsection (4).

435 (h) Documenting each scholarship student's eligibility for
 436 a fiscal year before granting a scholarship for that fiscal
 437 year. A student is ineligible for a scholarship if the student's
 438 account has been inactive for 2 consecutive fiscal years.

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

441 ~~(12)-(11)~~ FUNDING AND PAYMENT.—

442 (a) ~~For students initially eligible in the 2019-2020~~
 443 ~~school year or thereafter,~~ The calculated amount for a student
 444 to attend an eligible private school shall be calculated in
 445 accordance with s. 1002.394(12)(a).

446 (b) The maximum amount awarded to a student enrolled in a
 447 public school located outside of the district in which the
 448 student resides shall be \$750.

449 (c) When a student enters the program, the eligible
 450 nonprofit scholarship-funding organization must receive all

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451 documentation required for the student's participation,
452 including, if applicable, a copy of the report of the incident
453 received pursuant to subsection (7) ~~(6)~~ and the private school's
454 and student's fee schedules. The initial payment shall be made
455 after verification of admission acceptance, and subsequent
456 payments shall be made upon verification of continued enrollment
457 and attendance at the private school.

458 (d) Payment of the scholarship by the eligible nonprofit
459 scholarship-funding organization may be deposited into the
460 student's account established by the organization ~~by individual~~
461 ~~warrant made payable to the student's parent~~ or by funds
462 transfer, including, but not limited to, debit cards, electronic
463 payment cards, or any other means of payment that the department
464 deems to be commercially viable or cost-effective. Accrued
465 interest in the student's account is in addition to, and not
466 part of, the awarded funds. Program funds include both the
467 awarded funds and accrued interest ~~If payment is made by~~
468 ~~warrant, the warrant must be delivered by the eligible nonprofit~~
469 ~~scholarship-funding organization to the private school of the~~
470 ~~parent's choice, and the parent shall restrictively endorse the~~
471 ~~warrant to the private school.~~ If payments are made by funds
472 transfer, the parent must approve each payment before the
473 scholarship funds may be deposited. The parent may not designate
474 any entity or individual associated with the participating
475 private school as the parent's attorney in fact to ~~endorse a~~

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476 ~~scholarship warrant or~~ approve a funds transfer. A student's
477 scholarship award may not be reduced for debit card or
478 electronic payment fees.

479 (e) An eligible nonprofit scholarship-funding organization
480 shall obtain verification from the private school of a student's
481 continued attendance at the school for each period covered by a
482 scholarship payment.

483 (f) Payment of the scholarship shall be made by the
484 eligible nonprofit scholarship-funding organization no less
485 frequently than on a quarterly basis.

486 (g) An eligible nonprofit scholarship-funding
487 organization, subject to the limitations of s. 1002.395(6)(j)1.,
488 may use eligible contributions received during the state fiscal
489 year in which such contributions are collected for
490 administrative expenses.

491 (h) Moneys received pursuant to this section do not
492 constitute taxable income to the qualified student or his or her
493 parent.

494 (i) Notwithstanding s. 1002.395(6)(j)2., no more than 5
495 percent of net eligible contributions may be carried forward to
496 the following state fiscal year by an eligible scholarship-
497 funding organization. For audit purposes, all amounts carried
498 forward must be specifically identified for individual students
499 by student name and by the name of the school to which the
500 student is admitted, subject to the requirements of ss. 1002.21

501 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and
502 regulations issued pursuant to such requirements. Any amounts
503 carried forward shall be expended for annual scholarships or
504 partial-year scholarships in the following state fiscal year.
505 Net eligible contributions remaining on June 30 of each year
506 which are in excess of the 5 percent that may be carried forward
507 shall be transferred to other eligible nonprofit scholarship-
508 funding organizations participating in the Hope Scholarship
509 Program to provide scholarships for eligible students. All
510 transferred funds must be deposited by each eligible nonprofit
511 scholarship-funding organization receiving such funds into the
512 scholarship account of eligible students. All transferred
513 amounts received by an eligible nonprofit scholarship-funding
514 organization must be separately disclosed in the annual
515 financial audit requirement under s. 1002.395(6)(m). If no other
516 eligible nonprofit scholarship-funding organization participates
517 in the Hope Scholarship Program, net eligible contributions in
518 excess of the 5 percent may be used to fund scholarships for
519 students eligible under s. 1002.395 only after fully exhausting
520 all contributions made in support of scholarships under that
521 section in accordance with the priority established in s.
522 1002.395(6)(e) before ~~prior to~~ awarding any initial
523 scholarships.

524 ~~(13)-(12)~~ OBLIGATIONS OF THE AUDITOR GENERAL.—

525 (a) The Auditor General shall conduct an annual

526 operational audit of accounts and records of each organization
527 that participates in the program. As part of this audit, the
528 Auditor General shall verify, at a minimum, the total number of
529 students served and transmit that information to the department.
530 The Auditor General shall provide the commissioner with a copy
531 of each annual operational audit performed pursuant to this
532 paragraph within 10 days after the audit is finalized.

533 (b) The Auditor General shall notify the department of any
534 organization that fails to comply with a request for
535 information.

536 (14)~~(13)~~ SCHOLARSHIP FUNDING TAX CREDITS.—

537 (a) A tax credit is available under s. 212.1832(1) for use
538 by a person that makes an eligible contribution. Eligible
539 contributions shall be used to fund scholarships under this
540 section and may be used to fund scholarships under s. 1002.395.
541 Each eligible contribution is limited to a single payment of
542 \$105 per motor vehicle purchased at the time of purchase of a
543 motor vehicle or a single payment of \$105 per motor vehicle
544 purchased at the time of registration of a motor vehicle that
545 was not purchased from a dealer, except that a contribution may
546 not exceed the state tax imposed under chapter 212 that would
547 otherwise be collected from the purchaser by a dealer,
548 designated agent, or private tag agent. Payments of
549 contributions shall be made to a dealer at the time of purchase
550 of a motor vehicle or to a designated agent or private tag agent

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551 at the time of registration of a motor vehicle that was not
552 purchased from a dealer. An eligible contribution shall be
553 accompanied by a contribution election form provided by the
554 Department of Revenue. The form shall include, at a minimum, the
555 following brief description of the Hope Scholarship Program and
556 the Florida Tax Credit Scholarship Program: "THE HOPE
557 SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS
558 SUBJECTED TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL OR
559 WHO ATTENDS A SCHOOL OVERSEEN BY A DISTRICT SCHOOL BOARD THAT IS
560 SUBJECT TO ONGOING ACTION BY THE STATE BOARD OF EDUCATION THE
561 OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE
562 PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL
563 ENVIRONMENT. THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES
564 A LOW-INCOME STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP
565 TO ATTEND AN ELIGIBLE PRIVATE SCHOOL." The form shall also
566 include, at a minimum, a section allowing the consumer to
567 designate, from all participating scholarship funding
568 organizations, which organization will receive his or her
569 donation. For purposes of this subsection, the term "purchase"
570 does not include the lease or rental of a motor vehicle.

571 (b) A dealer, designated agent, or private tag agent
572 shall:

573 1. Provide the purchaser the contribution election form,
574 as provided by the Department of Revenue, at the time of
575 purchase of a motor vehicle or at the time of registration of a

576 motor vehicle that was not purchased from a dealer.

577 2. Collect eligible contributions.

578 3. Using a form provided by the Department of Revenue,
579 which shall include the dealer's or agent's federal employer
580 identification number, remit to an organization no later than
581 the date the return filed pursuant to s. 212.11 is due the total
582 amount of contributions made to that organization and collected
583 during the preceding reporting period. Using the same form, the
584 dealer or agent shall also report this information to the
585 Department of Revenue no later than the date the return filed
586 pursuant to s. 212.11 is due.

587 4. Report to the Department of Revenue on each return
588 filed pursuant to s. 212.11 the total amount of credits granted
589 under s. 212.1832 for the preceding reporting period.

590 (c) An organization shall report to the Department of
591 Revenue, on or before the 20th day of each month, the total
592 amount of contributions received pursuant to paragraph (b) in
593 the preceding calendar month on a form provided by the
594 Department of Revenue. Such report shall include:

595 1. The federal employer identification number of each
596 designated agent, private tag agent, or dealer who remitted
597 contributions to the organization during that reporting period.

598 2. The amount of contributions received from each
599 designated agent, private tag agent, or dealer during that
600 reporting period.

601 (d) A person who, with the intent to unlawfully deprive or
 602 defraud the program of its moneys or the use or benefit thereof,
 603 fails to remit a contribution collected under this section is
 604 guilty of theft, punishable as follows:

605 1. If the total amount stolen is less than \$300, the
 606 offense is a misdemeanor of the second degree, punishable as
 607 provided in s. 775.082 or s. 775.083. Upon a second conviction,
 608 the offender is guilty of a misdemeanor of the first degree,
 609 punishable as provided in s. 775.082 or s. 775.083. Upon a third
 610 or subsequent conviction, the offender is guilty of a felony of
 611 the third degree, punishable as provided in s. 775.082, s.
 612 775.083, or s. 775.084.

613 2. If the total amount stolen is \$300 or more, but less
 614 than \$20,000, the offense is a felony of the third degree,
 615 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

616 3. If the total amount stolen is \$20,000 or more, but less
 617 than \$100,000, the offense is a felony of the second degree,
 618 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

619 4. If the total amount stolen is \$100,000 or more, the
 620 offense is a felony of the first degree, punishable as provided
 621 in s. 775.082, s. 775.083, or s. 775.084.

622 (e) A person convicted of an offense under paragraph (d)
 623 shall be ordered by the sentencing judge to make restitution to
 624 the organization in the amount that was stolen from the program.

625 (f) Upon a finding that a dealer failed to remit a

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626 contribution under subparagraph (b)3. for which the dealer
627 claimed a credit pursuant to s. 212.1832(2), the Department of
628 Revenue shall notify the affected organizations of the dealer's
629 name, address, federal employer identification number, and
630 information related to differences between credits taken by the
631 dealer pursuant to s. 212.1832(2) and amounts remitted to the
632 eligible nonprofit scholarship-funding organization under
633 subparagraph (b)3.

634 (g) Any dealer, designated agent, private tag agent, or
635 organization that fails to timely submit reports to the
636 Department of Revenue as required in paragraphs (b) and (c) is
637 subject to a penalty of \$1,000 for every month, or part thereof,
638 the report is not provided, up to a maximum amount of \$10,000.
639 Such penalty shall be collected by the Department of Revenue and
640 shall be transferred into the General Revenue Fund. Such penalty
641 must be settled or compromised if it is determined by the
642 Department of Revenue that the noncompliance is due to
643 reasonable cause and not due to willful negligence, willful
644 neglect, or fraud.

645 (15)~~(14)~~ LIABILITY.—The state is not liable for the award
646 of or any use of awarded funds under this section.

647 (16)~~(15)~~ SCOPE OF AUTHORITY.—This section does not expand
648 the regulatory authority of this state, its officers, or any
649 school district to impose additional regulation on participating
650 private schools beyond those reasonably necessary to enforce

651 requirements expressly set forth in this section.

652 (17)~~(16)~~ RULES.—The State Board of Education shall adopt
 653 rules to administer this section, except the Department of
 654 Revenue shall adopt rules to administer subsection (14) ~~(13)~~.

655 Section 2. Paragraph (a) of subsection (22) of section
 656 213.053, Florida Statutes, is amended to read:

657 213.053 Confidentiality and information sharing.—

658 (22) (a) The department may provide to an eligible
 659 nonprofit scholarship-funding organization, as defined in s.
 660 1002.40, a dealer's name, address, federal employer
 661 identification number, and information related to differences
 662 between credits taken by the dealer pursuant to s. 212.1832(2)
 663 and amounts remitted to the eligible nonprofit scholarship-
 664 funding organization under s. 1002.40 (14) (b) 3 ~~s.~~
 665 ~~1002.40 (13) (b) 3~~. The eligible nonprofit scholarship-funding
 666 organization may use the information for purposes of recovering
 667 eligible contributions designated for that organization that
 668 were collected by the dealer but never remitted to the
 669 organization.

670 Section 3. Paragraph (a) of subsection (12) of section
 671 1002.394, Florida Statutes, is amended to read:

672 1002.394 The Family Empowerment Scholarship Program.—

673 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

674 (a)1. Scholarships for students determined eligible
 675 pursuant to paragraph (3) (a) are established for up to 18,000

676 students annually beginning in the 2019-2020 school year.
 677 Beginning in the 2020-2021 school year, the maximum number of
 678 students participating in the scholarship program under this
 679 section shall annually increase by 1.0 percent of the state's
 680 total public school student enrollment. An eligible student who
 681 meets any of the following requirements shall be excluded from
 682 the maximum number of students if the student:

683 a. Received a scholarship pursuant to s. 1002.395 during
 684 the previous school year but did not receive a renewal
 685 scholarship based solely on the eligible nonprofit scholarship-
 686 funding organization's lack of available funds after the
 687 organization fully exhausted its efforts to use funds available
 688 for awards under ss. 1002.395 and 1002.40(12)(i) ~~ss. 1002.395~~
 689 ~~and 1002.40(11)(i)~~. Eligible nonprofit scholarship-funding
 690 organizations with students who meet the criterion in this
 691 subparagraph must annually notify the department in a format and
 692 by a date established by the department. The maximum number of
 693 scholarships awarded pursuant to this subparagraph may ~~shall~~ not
 694 exceed 15,000 per school year;

695 b. Is a dependent child of a member of the United States
 696 Armed Forces, a foster child, or an adopted child; or

697 c. Is determined eligible pursuant to subparagraph
 698 (3)(a)1. or subparagraph (3)(a)2. and either spent the prior
 699 school year in attendance at a Florida public school or,
 700 beginning in the 2022-2023 school year, is eligible to enroll in

701 kindergarten. For purposes of this subparagraph, the term "prior
702 school year in attendance" means that the student was enrolled
703 and reported by a school district for funding during either the
704 preceding October or February Florida Education Finance Program
705 surveys in kindergarten through grade 12, which includes time
706 spent in a Department of Juvenile Justice commitment program if
707 funded under the Florida Education Finance Program.

708 2. The scholarship amount provided to a student for any
709 single school year shall be for tuition and fees for an eligible
710 private school, not to exceed annual limits, which shall be
711 determined in accordance with this subparagraph. The calculated
712 amount for a participating student shall be based upon the grade
713 level and school district in which the student was assigned as
714 100 percent of the funds per unweighted full-time equivalent in
715 the Florida Education Finance Program for a student in the basic
716 program established pursuant to s. 1011.62(1)(c)1., plus a per-
717 full-time equivalent share of funds for all categorical
718 programs, except for the Exceptional Student Education
719 Guaranteed Allocation.

720 3. The amount of the scholarship shall be the calculated
721 amount or the amount of the private school's tuition and fees,
722 whichever is less. The amount of any assessment fee required by
723 the participating private school and any costs to provide a
724 digital device, including Internet access, if necessary, to the
725 student may be paid from the total amount of the scholarship.

726 4. A scholarship of \$750 may be awarded to a student who
727 is determined eligible pursuant to subparagraph (3)(a)1. or
728 subparagraph (3)(a)2. and enrolled in a Florida public school
729 that is different from the school to which the student was
730 assigned or in a lab school as defined in s. 1002.32 if the
731 school district does not provide the student with transportation
732 to the school.

733 5. Upon notification from the organization on July 1,
734 September 1, December 1, and February 1 that an application has
735 been approved for the program, the department shall verify that
736 the student is not prohibited from receiving a scholarship
737 pursuant to subsection (6). The organization must provide the
738 department with the documentation necessary to verify the
739 student's participation. Upon verification, the department shall
740 transfer, from state funds only, the amount calculated pursuant
741 to subparagraph 2. to the organization for quarterly
742 disbursement to parents of participating students each school
743 year in which the scholarship is in force. For a student exiting
744 a Department of Juvenile Justice commitment program who chooses
745 to participate in the scholarship program, the amount of the
746 Family Empowerment Scholarship calculated pursuant to
747 subparagraph 2. must be transferred from the school district in
748 which the student last attended a public school before
749 commitment to the Department of Juvenile Justice. When a student
750 enters the scholarship program, the organization must receive

751 all documentation required for the student's participation,
 752 including the private school's and the student's fee schedules,
 753 at least 30 days before the first quarterly scholarship payment
 754 is made for the student.

755 6. The initial payment shall be made after the
 756 organization's verification of admission acceptance, and
 757 subsequent payments shall be made upon verification of continued
 758 enrollment and attendance at the private school. Payment must be
 759 by individual warrant made payable to the student's parent or by
 760 funds transfer or any other means of payment that the department
 761 deems to be commercially viable or cost-effective. If the
 762 payment is made by warrant, the warrant must be delivered by the
 763 organization to the private school of the parent's choice, and
 764 the parent shall restrictively endorse the warrant to the
 765 private school. An organization shall ensure that the parent to
 766 whom the warrant is made has restrictively endorsed the warrant
 767 to the private school for deposit into the account of the
 768 private school or that the parent has approved a funds transfer
 769 before any scholarship funds are deposited.

770 Section 4. Paragraphs (e) and (f) of subsection (6) of
 771 section 1002.395, Florida Statutes, are amended to read:

772 1002.395 Florida Tax Credit Scholarship Program.—

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

776 (e) Must give first priority to eligible renewal students
 777 who received a scholarship from an eligible nonprofit
 778 scholarship-funding organization or from the State of Florida
 779 during the previous school year. The eligible nonprofit
 780 scholarship-funding organization must fully apply and exhaust
 781 all funds available under this section and s. 1002.40(12)(i) ~~s.~~
 782 ~~1002.40(11)(i)~~ for renewal scholarship awards before awarding
 783 any initial scholarships.

784 (f) Must provide a renewal or initial scholarship to an
 785 eligible student on a first-come, first-served basis unless the
 786 student qualifies for priority pursuant to paragraph (e). Each
 787 eligible nonprofit scholarship-funding organization must refer
 788 any student eligible for a scholarship pursuant to this section
 789 who did not receive a renewal or initial scholarship based
 790 solely on the lack of available funds under this section and s.
 791 1002.40(12)(i) ~~s. 1002.40(11)(i)~~ to another eligible nonprofit
 792 scholarship-funding organization that may have funds available.

793
 794 Information and documentation provided to the Department of
 795 Education and the Auditor General relating to the identity of a
 796 taxpayer that provides an eligible contribution under this
 797 section shall remain confidential at all times in accordance
 798 with s. 213.053.

799 Section 5. This act shall take effect July 1, 2022.