

By Senator Diaz

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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.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 1002.40, Florida Statutes, is amended to
28 read:

29 1002.40 The Hope Scholarship Program.—

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30 (1) PURPOSE.—The Hope Scholarship Program is established to
31 provide the parent of a public school student who was subjected
32 to an incident listed in subsection (3) or who attends a school
33 overseen by a district school board that is subject to ongoing
34 action initiated by the State Board of Education pursuant to s.
35 1008.32(4)(b), (c), or (d) an opportunity to transfer the
36 student to another public school or to request a scholarship for
37 the student to enroll in and attend an eligible private school.

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

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

42 (b) “Dealer” has the same meaning as provided in s. 212.06.

43 (c) ~~(b)~~ “Department” means the Department of Education.

44 (d) ~~(e)~~ “Designated agent” has the same meaning as provided
45 in s. 212.06(10).

46 (e) ~~(d)~~ “Eligible contribution” or “contribution” means a
47 monetary contribution from a person purchasing a motor vehicle,
48 subject to the restrictions provided in this section, to an
49 eligible nonprofit scholarship-funding organization. The person
50 making the contribution may not designate a specific student as
51 the beneficiary of the contribution.

52 (f) ~~(e)~~ “Eligible nonprofit scholarship-funding
53 organization” or “organization” has the same meaning as provided
54 in s. 1002.395(2)(f).

55 (g) ~~(f)~~ “Eligible private school” has the same meaning as
56 provided in s. 1002.395(2)(g).

57 (h) “Inactive” means that no eligible expenditures have
58 been made from an account funded pursuant to subsection (12).

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

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

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

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

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

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

84 (a) The student or student's parent reported an incident ~~in~~
85 ~~accordance with subsection (6),~~ regardless of the outcome of any
86 investigation. For purposes of this section, the term "incident"
87 means battery; harassment; hazing; bullying; kidnapping;

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88 physical attack; robbery; sexual offenses, harassment, assault,
89 or battery; threat or intimidation; or fighting at school, as
90 defined by the department in accordance with s. 1006.09(6); or

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

95 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

96 (a) Program funds awarded to a student who meets the
97 eligibility requirements in subsection (3) and who opts to
98 enroll in and attend an eligible private school may be used for:

99 1. Instructional materials, including digital devices,
100 digital periphery devices, and assistive technology devices that
101 allow a student to access instruction or instructional content
102 and training on the use of and maintenance agreements for these
103 devices.

104 2. Curriculum as defined in subsection (2).

105 3. Tuition and fees at an eligible private school.

106 4. Fees for nationally standardized, norm-referenced
107 achievement tests, Advanced Placement Examinations, industry
108 certification examinations, assessments related to postsecondary
109 education, or other assessments.

110 5. Contributions to the Stanley G. Tate Florida Prepaid
111 College Program pursuant to s. 1009.98 or the Florida College
112 Savings Program pursuant to s. 1009.981 for the benefit of the
113 eligible student.

114 (b) Program funds awarded to a student who meets the
115 eligibility requirements in subsection (3) and who opts to
116 transfer to a public school located outside the district in

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117 which the student resides pursuant to s. 1002.31 may be used to
118 transport the student.

119 (5) PROGRAM PROHIBITIONS.—Payment of a scholarship to a
120 student enrolled in a private school may not be made if a
121 student is:

122 (a) Enrolled in a public school, including, but not limited
123 to, the Florida School for the Deaf and the Blind; the College-
124 Preparatory Boarding Academy; a developmental research school
125 authorized under s. 1002.32; or a charter school authorized
126 under s. 1002.33, s. 1002.331, or s. 1002.332;

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

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

134 (d) Receiving any other educational scholarship pursuant to
135 this chapter.

136 (6)~~(5)~~ TERM OF HOPE SCHOLARSHIP.—For purposes of continuity
137 of educational choice:7

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

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

144 2. The parent does not renew program eligibility;

145 3. The organization determines that the student is not

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146 eligible for program renewal;

147 4. The Commissioner of Education suspends or revokes
148 program participation or use of funds; or

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

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

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

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

164 2. Two consecutive fiscal years during which an account has
165 been inactive.

166 (7)~~(6)~~ SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

167 (a) Upon receipt of a report of an incident, the school
168 principal, or his or her designee, shall provide a copy of the
169 report to the parent and investigate the incident to determine
170 if the incident must be reported as required by s. 1006.09(6).
171 Within 24 hours after receipt of the report, the principal or
172 his or her designee shall provide a copy of the report to the
173 parent of the alleged offender and to the superintendent. Upon
174 conclusion of the investigation or within 15 days after the

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

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

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

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

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

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204 district to obtain information about the scholarship program.

205 (8)~~(7)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
206 eligible private school may be sectarian or nonsectarian and
207 shall:

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

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

219 2. Administer the statewide assessments pursuant to s.
220 1008.22 if a private school chooses to offer the statewide
221 assessments. A participating private school may choose to offer
222 and administer the statewide assessments to all students who
223 attend the private school in grades 3 through 10 and must submit
224 a request in writing to the department by March 1 of each year
225 in order to administer the statewide assessments in the
226 subsequent school year.

227
228 If a private school fails to meet the requirements of this
229 subsection or s. 1002.421, the commissioner may determine that
230 the private school is ineligible to participate in the program.

231 (9)~~(8)~~ DEPARTMENT OF EDUCATION OBLIGATIONS.—

232 (a) The department shall:

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233 ~~1.(a)~~ Cross-check the list of participating scholarship
234 students with the public school enrollment lists to avoid
235 duplication.

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

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

247 ~~4.(d)~~ Contract with an independent entity to provide an
248 annual evaluation of the program by:

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

257 ~~(I)a.~~ An assessment of the investigation time and quality
258 of the response of the school and the school district.

259 ~~(II)b.~~ An assessment of the effectiveness of communication
260 procedures with the students involved in an incident, the
261 students' parents, and the school and school district personnel.

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262 (III)~~e.~~ An analysis of school incident and discipline data.

263 (IV)~~d.~~ The challenges and obstacles relating to
264 implementing recommendations from the review.

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

271 c.3. Reviewing the performance of participating students
272 enrolled in a private school in which at least 51 percent of the
273 total enrolled students in the prior school year participated in
274 the program and in which there are at least 10 participating
275 students who have scores for tests administered.

276 d.4. Surveying the parents of participating students to
277 determine academic, safety, and school climate satisfaction and
278 to identify any challenges to or obstacles in addressing the
279 incident or relating to the use of the scholarship.

280 5. Publish and update, as necessary, information on the
281 department website about the program, including, but not limited
282 to, student eligibility criteria, parental responsibilities, and
283 relevant data.

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

286 7. Notify the parent and the organization when a
287 scholarship account is closed and program funds revert to the
288 organization.

289 8. Require each organization to verify eligible
290 expenditures before the distribution of funds for any

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291 expenditures made pursuant to subparagraphs (4)(a)1. and 2.
292 Review of expenditures made for services specified in
293 subparagraphs (4)(a)3., 4., and 5. may be completed after the
294 purchase is made.

295 9. Investigate any written complaint of a violation of this
296 section by a parent, a student, a private school, a public
297 school, a school district, an organization, or another
298 appropriate party in accordance with the process established
299 under s. 1002.421.

300 (b) At the direction of the commissioner, the department
301 may:

302 1. Suspend or revoke the program participation or use of
303 program funds by the student or the participation or eligibility
304 of an organization, eligible private school, or other party for
305 a violation of this section.

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

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

311
312 In determining whether to suspend or revoke participation or to
313 lift a suspension or revocation in accordance with this
314 paragraph, the department may consider factors that include, but
315 are not limited to, acts or omissions that led to a previous
316 suspension or revocation of participation in a state or federal
317 program or an education scholarship program; failure to
318 reimburse the organization for funds improperly received or
319 retained; failure to reimburse government funds improperly

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

330 (10) ~~(9)~~ PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
331 PARTICIPATION.—A parent who applies for a Hope scholarship is
332 exercising his or her parental option to place his or her
333 student in an eligible private school or another public school.

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

337 (b) The parent must inform the student's school district
338 when the parent withdraws his or her student to attend an
339 eligible private school or a public school in a different school
340 district.

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

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

346 (e) Upon reasonable notice to the department and the school
347 district, the parent may remove the student from the private
348 school and place the student in a public school in accordance

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349 with this section.

350 (f) Upon reasonable notice to the organization, the
351 student's parent may move the student from one eligible private
352 school to another eligible private school.

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

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

374 (i) The parent must renew participation in the program each
375 year. A student whose participation in the program is not
376 renewed may continue to spend scholarship funds in his or her
377 account from prior years unless the account must be closed

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378 pursuant to paragraph (6) (c).

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

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

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

394 2. The student remains in attendance throughout the school
395 year unless excused by the school for illness or other good
396 cause.

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

404 (l) A participant who fails to comply with this subsection
405 forfeits the scholarship.

406 (11) ~~(10)~~ OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-

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407 FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding
408 organization may establish scholarships for eligible students
409 by:

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

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

414 (c) Establishing a date by which the parent of a
415 participating student must confirm continuing participation in
416 the program.

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

419 (e) Preparing and submitting quarterly reports to the
420 department pursuant to paragraph (9) (a) 3 ~~(8) (e)~~. In addition, an
421 eligible nonprofit scholarship-funding organization must submit
422 in a timely manner any information requested by the department
423 relating to the program.

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

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

431 (h) Documenting each scholarship student's eligibility for
432 a fiscal year before granting a scholarship for that fiscal
433 year. A student is ineligible for a scholarship if the student's
434 account has been inactive for 2 consecutive fiscal years.

435 (i) Notifying the department of any violation of this

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436 section.

437 (12) ~~(11)~~ FUNDING AND PAYMENT.—

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

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

445 (c) When a student enters the program, the eligible
446 nonprofit scholarship-funding organization must receive all
447 documentation required for the student's participation,
448 including, if applicable, a copy of the report of the incident
449 received pursuant to subsection (7) ~~(6)~~ and the private school's
450 and student's fee schedules. The initial payment shall be made
451 after verification of admission acceptance, and subsequent
452 payments shall be made upon verification of continued enrollment
453 and attendance at the private school.

454 (d) Payment of the scholarship by the eligible nonprofit
455 scholarship-funding organization may be deposited into the
456 student's account established by the organization ~~by individual~~
457 ~~warrant made payable to the student's parent~~ or by funds
458 transfer, including, but not limited to, debit cards, electronic
459 payment cards, or any other means of payment that the department
460 deems to be commercially viable or cost-effective. Accrued
461 interest in the student's account is in addition to, and not
462 part of, the awarded funds. Program funds include both the
463 awarded funds and accrued interest ~~If payment is made by~~
464 ~~warrant, the warrant must be delivered by the eligible nonprofit~~

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465 ~~scholarship funding organization to the private school of the~~
466 ~~parent's choice, and the parent shall restrictively endorse the~~
467 ~~warrant to the private school.~~ If payments are made by funds
468 transfer, the parent must approve each payment before the
469 scholarship funds may be deposited. The parent may not designate
470 any entity or individual associated with the participating
471 private school as the parent's attorney in fact to ~~endorse a~~
472 ~~scholarship warrant or~~ approve a funds transfer. A student's
473 scholarship award may not be reduced for debit card or
474 electronic payment fees.

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

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

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

487 (h) Moneys received pursuant to this section do not
488 constitute taxable income to the qualified student or his or her
489 parent.

490 (i) Notwithstanding s. 1002.395(6)(j)2., no more than 5
491 percent of net eligible contributions may be carried forward to
492 the following state fiscal year by an eligible scholarship-
493 funding organization. For audit purposes, all amounts carried

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494 forward must be specifically identified for individual students
495 by student name and by the name of the school to which the
496 student is admitted, subject to the requirements of ss. 1002.21
497 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and
498 regulations issued pursuant to such requirements. Any amounts
499 carried forward shall be expended for annual scholarships or
500 partial-year scholarships in the following state fiscal year.
501 Net eligible contributions remaining on June 30 of each year
502 which are in excess of the 5 percent that may be carried forward
503 shall be transferred to other eligible nonprofit scholarship-
504 funding organizations participating in the Hope Scholarship
505 Program to provide scholarships for eligible students. All
506 transferred funds must be deposited by each eligible nonprofit
507 scholarship-funding organization receiving such funds into the
508 scholarship account of eligible students. All transferred
509 amounts received by an eligible nonprofit scholarship-funding
510 organization must be separately disclosed in the annual
511 financial audit requirement under s. 1002.395(6)(m). If no other
512 eligible nonprofit scholarship-funding organization participates
513 in the Hope Scholarship Program, net eligible contributions in
514 excess of the 5 percent may be used to fund scholarships for
515 students eligible under s. 1002.395 only after fully exhausting
516 all contributions made in support of scholarships under that
517 section in accordance with the priority established in s.
518 1002.395(6)(e) before ~~prior to~~ awarding any initial
519 scholarships.

520 (13) ~~(12)~~ OBLIGATIONS OF THE AUDITOR GENERAL.—

521 (a) The Auditor General shall conduct an annual operational
522 audit of accounts and records of each organization that

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

529 (b) The Auditor General shall notify the department of any
530 organization that fails to comply with a request for
531 information.

532 (14)~~(13)~~ SCHOLARSHIP FUNDING TAX CREDITS.—

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

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

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

568 1. Provide the purchaser the contribution election form, as
569 provided by the Department of Revenue, at the time of purchase
570 of a motor vehicle or at the time of registration of a motor
571 vehicle that was not purchased from a dealer.

572 2. Collect eligible contributions.

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

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581 pursuant to s. 212.11 is due.

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

585 (c) An organization shall report to the Department of
586 Revenue, on or before the 20th day of each month, the total
587 amount of contributions received pursuant to paragraph (b) in
588 the preceding calendar month on a form provided by the
589 Department of Revenue. Such report shall include:

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

593 2. The amount of contributions received from each
594 designated agent, private tag agent, or dealer during that
595 reporting period.

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

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

608 2. If the total amount stolen is \$300 or more, but less
609 than \$20,000, the offense is a felony of the third degree,

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610 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

620 (f) Upon a finding that a dealer failed to remit a
621 contribution under subparagraph (b)3. for which the dealer
622 claimed a credit pursuant to s. 212.1832(2), the Department of
623 Revenue shall notify the affected organizations of the dealer's
624 name, address, federal employer identification number, and
625 information related to differences between credits taken by the
626 dealer pursuant to s. 212.1832(2) and amounts remitted to the
627 eligible nonprofit scholarship-funding organization under
628 subparagraph (b)3.

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

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639 neglect, or fraud.

640 (15)~~(14)~~ LIABILITY.—The state is not liable for the award
641 of or any use of awarded funds under this section.

642 (16)~~(15)~~ SCOPE OF AUTHORITY.—This section does not expand
643 the regulatory authority of this state, its officers, or any
644 school district to impose additional regulation on participating
645 private schools beyond those reasonably necessary to enforce
646 requirements expressly set forth in this section.

647 (17)~~(16)~~ RULES.—The State Board of Education shall adopt
648 rules to administer this section, except the Department of
649 Revenue shall adopt rules to administer subsection (14) ~~(13)~~.

650 Section 2. Paragraph (a) of subsection (22) of section
651 213.053, Florida Statutes, is amended to read:

652 213.053 Confidentiality and information sharing.—

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

664 Section 3. Paragraph (a) of subsection (12) of section
665 1002.394, Florida Statutes, is amended to read:

666 1002.394 The Family Empowerment Scholarship Program.—

667 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

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668 (a)1. Scholarships for students determined eligible
669 pursuant to paragraph (3) (a) are established for up to 18,000
670 students annually beginning in the 2019-2020 school year.
671 Beginning in the 2020-2021 school year, the maximum number of
672 students participating in the scholarship program under this
673 section shall annually increase by 1.0 percent of the state's
674 total public school student enrollment. An eligible student who
675 meets any of the following requirements shall be excluded from
676 the maximum number of students if the student:

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

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

691 c. Is determined eligible pursuant to subparagraph (3) (a)1.
692 or subparagraph (3) (a)2. and either spent the prior school year
693 in attendance at a Florida public school or, beginning in the
694 2022-2023 school year, is eligible to enroll in kindergarten.
695 For purposes of this subparagraph, the term "prior school year
696 in attendance" means that the student was enrolled and reported

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697 by a school district for funding during either the preceding
698 October or February Florida Education Finance Program surveys in
699 kindergarten through grade 12, which includes time spent in a
700 Department of Juvenile Justice commitment program if funded
701 under the Florida Education Finance Program.

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

714 3. The amount of the scholarship shall be the calculated
715 amount or the amount of the private school's tuition and fees,
716 whichever is less. The amount of any assessment fee required by
717 the participating private school and any costs to provide a
718 digital device, including Internet access, if necessary, to the
719 student may be paid from the total amount of the scholarship.

720 4. A scholarship of \$750 may be awarded to a student who is
721 determined eligible pursuant to subparagraph (3)(a)1. or
722 subparagraph (3)(a)2. and enrolled in a Florida public school
723 that is different from the school to which the student was
724 assigned or in a lab school as defined in s. 1002.32 if the
725 school district does not provide the student with transportation

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726 to the school.

727 5. Upon notification from the organization on July 1,
728 September 1, December 1, and February 1 that an application has
729 been approved for the program, the department shall verify that
730 the student is not prohibited from receiving a scholarship
731 pursuant to subsection (6). The organization must provide the
732 department with the documentation necessary to verify the
733 student's participation. Upon verification, the department shall
734 transfer, from state funds only, the amount calculated pursuant
735 to subparagraph 2. to the organization for quarterly
736 disbursement to parents of participating students each school
737 year in which the scholarship is in force. For a student exiting
738 a Department of Juvenile Justice commitment program who chooses
739 to participate in the scholarship program, the amount of the
740 Family Empowerment Scholarship calculated pursuant to
741 subparagraph 2. must be transferred from the school district in
742 which the student last attended a public school before
743 commitment to the Department of Juvenile Justice. When a student
744 enters the scholarship program, the organization must receive
745 all documentation required for the student's participation,
746 including the private school's and the student's fee schedules,
747 at least 30 days before the first quarterly scholarship payment
748 is made for the student.

749 6. The initial payment shall be made after the
750 organization's verification of admission acceptance, and
751 subsequent payments shall be made upon verification of continued
752 enrollment and attendance at the private school. Payment must be
753 by individual warrant made payable to the student's parent or by
754 funds transfer or any other means of payment that the department

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755 deems to be commercially viable or cost-effective. If the
756 payment is made by warrant, the warrant must be delivered by the
757 organization to the private school of the parent's choice, and
758 the parent shall restrictively endorse the warrant to the
759 private school. An organization shall ensure that the parent to
760 whom the warrant is made has restrictively endorsed the warrant
761 to the private school for deposit into the account of the
762 private school or that the parent has approved a funds transfer
763 before any scholarship funds are deposited.

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

766 1002.395 Florida Tax Credit Scholarship Program.—

767 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
768 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
769 organization:

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

778 (f) Must provide a renewal or initial scholarship to an
779 eligible student on a first-come, first-served basis unless the
780 student qualifies for priority pursuant to paragraph (e). Each
781 eligible nonprofit scholarship-funding organization must refer
782 any student eligible for a scholarship pursuant to this section
783 who did not receive a renewal or initial scholarship based

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784 solely on the lack of available funds under this section and s.
785 1002.40(12)(i) ~~s. 1002.40(11)(i)~~ to another eligible nonprofit
786 scholarship-funding organization that may have funds available.

787

788 Information and documentation provided to the Department of
789 Education and the Auditor General relating to the identity of a
790 taxpayer that provides an eligible contribution under this
791 section shall remain confidential at all times in accordance
792 with s. 213.053.

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