

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Education & Employment  
 2 Committee

3 Representative Tomkow offered the following:

4

5 **Amendment (with directory and title amendments)**

6 Remove line 1875 and insert:

7 (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;

8 APPLICATION.—In order to participate in the scholarship program  
 9 created under this section, a charitable organization that seeks  
 10 to be a nonprofit scholarship-funding organization must submit  
 11 an application for initial approval or renewal to the Office of  
 12 Independent Education and Parental Choice. ~~The office shall~~  
 13 ~~provide at least two application periods in which~~ Charitable  
 14 organizations may apply at any time to participate in the  
 15 program.

16 (a) An application for initial approval must include:

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17 1. A copy of the organization's incorporation documents  
18 and registration with the Division of Corporations of the  
19 Department of State.

20 2. A copy of the organization's Internal Revenue Service  
21 determination letter as a s. 501(c)(3) not-for-profit  
22 organization.

23 3. A description of the organization's financial plan that  
24 demonstrates sufficient funds to operate throughout the school  
25 year.

26 4. A description of the geographic region that the  
27 organization intends to serve and an analysis of the demand and  
28 unmet need for eligible students in that area.

29 5. The organization's organizational chart.

30 6. A description of the criteria and methodology that the  
31 organization will use to evaluate scholarship eligibility.

32 7. A description of the application process, including  
33 deadlines and any associated fees.

34 8. A description of the deadlines for attendance  
35 verification and scholarship payments.

36 9. A copy of the organization's policies on conflict of  
37 interest and whistleblowers.

38 10. A copy of a surety bond or letter of credit to secure  
39 the faithful performance of the obligations of the eligible  
40 nonprofit scholarship-funding organization in accordance with  
41 this section in an amount equal to 25 percent of the scholarship

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42 funds anticipated for each school year or \$100,000, whichever is  
43 greater. The surety bond or letter of credit must specify that  
44 any claim against the bond or letter of credit may be made only  
45 by an eligible nonprofit scholarship-funding organization to  
46 provide scholarships to and on behalf of students who would have  
47 had scholarships funded if it were not for the diversion of  
48 funds giving rise to the claim against the bond or letter of  
49 credit.

50 (b) In addition to the information required by  
51 subparagraphs (a)1.-9., an application for renewal must include:

52 1. A surety bond or letter of credit to secure the  
53 faithful performance of the obligations of the eligible  
54 nonprofit scholarship-funding organization in accordance with  
55 this section equal to the amount of undisbursed donations held  
56 by the organization based on the annual report submitted  
57 pursuant to paragraph (6) (o). The amount of the surety bond or  
58 letter of credit must be at least \$100,000, but not more than  
59 \$25 million. The surety bond or letter of credit must specify  
60 that any claim against the bond or letter of credit may be made  
61 only by an eligible nonprofit scholarship-funding organization  
62 to provide scholarships to and on behalf of students who would  
63 have had scholarships funded if it were not for the diversion of  
64 funds giving rise to the claim against the bond or letter of  
65 credit.

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66           2. The organization's completed Internal Revenue Service  
67 Form 990 submitted no later than November 30 of the year before  
68 the school year that the organization intends to offer the  
69 scholarships, notwithstanding the department's application  
70 deadline.

71           3. A copy of the statutorily required audit to the  
72 Department of Education and Auditor General.

73           4. An annual report that includes:

74           a. The number of students who completed applications, by  
75 county and by grade.

76           b. The number of students who were approved for  
77 scholarships, by county and by grade.

78           c. The number of students who received funding for  
79 scholarships within each funding category, by county and by  
80 grade.

81           d. The amount of funds received, the amount of funds  
82 distributed in scholarships, and an accounting of remaining  
83 funds and the obligation of those funds.

84           e. A detailed accounting of how the organization spent the  
85 administrative funds allowable under paragraph (6) (1).

86           (c) In consultation with the Department of Revenue and the  
87 Chief Financial Officer, the Office of Independent Education and  
88 Parental Choice shall review the application. The Department of  
89 Education shall notify the organization in writing of any

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90 deficiencies within 30 days after receipt of the application and  
91 allow the organization 30 days to correct any deficiencies.

92 (d) Within 30 days after receipt of the finalized  
93 application by the Office of Independent Education and Parental  
94 Choice, the Commissioner of Education shall recommend approval  
95 or disapproval of the application to the State Board of  
96 Education. The State Board of Education shall consider the  
97 application and recommendation at the next scheduled meeting,  
98 adhering to appropriate meeting notice requirements. If the  
99 State Board of Education disapproves the organization's  
100 application, it shall provide the organization with a written  
101 explanation of that determination. The State Board of  
102 Education's action is not subject to chapter 120.

103 (e) If the State Board of Education disapproves the  
104 renewal of a nonprofit scholarship-funding organization, the  
105 organization must notify the affected eligible students and  
106 parents of the decision within 15 days after disapproval. An  
107 eligible student affected by the disapproval of an  
108 organization's participation remains eligible under this section  
109 until the end of the school year in which the organization was  
110 disapproved. The student must apply and be accepted by another  
111 eligible nonprofit scholarship-funding organization for the  
112 upcoming school year. The student shall be given priority in  
113 accordance with paragraph (6)(g).

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114 (f) All remaining funds held by a nonprofit scholarship-  
115 funding organization that is disapproved for participation must  
116 be transferred to other eligible nonprofit scholarship-funding  
117 organizations to provide scholarships for eligible students. All  
118 transferred funds must be deposited by each eligible nonprofit  
119 scholarship-funding organization receiving such funds into its  
120 scholarship account. All transferred amounts received by any  
121 eligible nonprofit scholarship-funding organization must be  
122 separately disclosed in the annual financial audit required  
123 under subsection (6).

124 (g) A nonprofit scholarship-funding organization is a  
125 renewing organization if it maintains continuous approval and  
126 participation in the program. An organization that chooses not  
127 to participate for 1 year or more or is disapproved to  
128 participate for 1 year or more must submit an application for  
129 initial approval in order to participate in the program again.

130 (h) The State Board of Education shall adopt rules  
131 providing guidelines for receiving, reviewing, and approving  
132 applications for new and renewing nonprofit scholarship-funding  
133 organizations. The rules must include a process for compiling  
134 input and recommendations from the Chief Financial Officer, the  
135 Department of Revenue, and the Department of Education. The  
136 rules must also require that the nonprofit scholarship-funding  
137 organization make a brief presentation to assist the State Board  
138 of Education in its decision.

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139 (i) A state university; or an independent college or  
140 university which is eligible to participate in the William L.  
141 Boyd, IV, Effective Access to Student Education Grant Program,  
142 located and chartered in this state, is not for profit, and is  
143 accredited by the Commission on Colleges of the Southern  
144 Association of Colleges and Schools, is exempt from the initial  
145 or renewal application process, but must file a registration  
146 notice with the Department of Education to be an eligible  
147 nonprofit scholarship-funding organization. The State Board of  
148 Education shall adopt rules that identify the procedure for  
149 filing the registration notice with the department. The rules  
150 must identify appropriate reporting requirements for fiscal,  
151 programmatic, and performance accountability purposes consistent  
152 with this section, but shall not exceed the requirements for  
153 eligible nonprofit scholarship-funding organizations for  
154 charitable organizations.

155 Section 5. Section 1002.40, Florida Statutes, is amended  
156 to read:

157 1002.40 The Hope Scholarship Program.—

158 (1) PURPOSE.—The Hope Scholarship Program is established  
159 to provide the parent of a public school student who was  
160 subjected to an incident listed in subsection (3) an opportunity  
161 to transfer the student to another public school or to request a  
162 scholarship for the student to enroll in and attend an eligible  
163 private school.

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- 164 (2) DEFINITIONS.—As used in this section, the term:
- 165 ~~(a) "Dealer" has the same meaning as provided in s.~~
- 166 ~~212.06.~~
- 167 ~~(b) "Department" means the Department of Education.~~
- 168 ~~(c) "Designated agent" has the same meaning as provided in~~
- 169 ~~s. 212.06(10).~~
- 170 ~~(d) "Eligible contribution" or "contribution" means a~~
- 171 ~~monetary contribution from a person purchasing a motor vehicle,~~
- 172 ~~subject to the restrictions provided in this section, to an~~
- 173 ~~eligible nonprofit scholarship-funding organization. The person~~
- 174 ~~making the contribution may not designate a specific student as~~
- 175 ~~the beneficiary of the contribution.~~
- 176 ~~(e) "Eligible nonprofit scholarship-funding organization"~~
- 177 ~~or "organization" has the same meaning as provided in s.~~
- 178 ~~1002.395(2).~~
- 179 ~~(f) "Eligible private school" has the same meaning as~~
- 180 ~~provided in s. 1002.395(2).~~
- 181 ~~(g) "Motor vehicle" has the same meaning as provided in s.~~
- 182 ~~320.01(1)(a), but does not include a heavy truck, truck tractor,~~
- 183 ~~trailer, or motorcycle.~~
- 184 (a)(h) "Parent" means a resident of this state who is a
- 185 parent, as defined in s. 1000.21, and whose student reported an
- 186 incident in accordance with subsection (4)(6).
- 187 (b)(i) "Program" means the Hope Scholarship Program.



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188        ~~(c)-(j)~~ "School" means any educational program or activity  
189 conducted by a public K-12 educational institution, any school-  
190 related or school-sponsored program or activity, and riding on a  
191 school bus, as defined in s. 1006.25(1), including waiting at a  
192 school bus stop.

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

198        (3) PROGRAM ELIGIBILITY. ~~Beginning with the 2018-2019~~  
199 ~~school year, contingent upon available funds, and on a first-~~  
200 ~~come, first-served basis,~~ A student enrolled in a Florida public  
201 school in kindergarten through grade 12 is eligible for the  
202 educational options described in subsection (4) ~~a scholarship~~  
203 ~~under this program~~ if the student reported an incident in  
204 accordance with that subsection ~~(6)~~. For purposes of this  
205 section, the term "incident" means battery; harassment; hazing;  
206 bullying; kidnapping; physical attack; robbery; sexual offenses,  
207 harassment, assault, or battery; threat or intimidation; or  
208 fighting at school, as defined by the department in accordance  
209 with s. 1006.09(6).

210        ~~(4) PROGRAM PROHIBITIONS. Payment of a scholarship to a~~  
211 ~~student enrolled in a private school may not be made if a~~  
212 ~~student is:~~

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213 ~~(a) Enrolled in a public school, including, but not~~  
214 ~~limited to, the Florida School for the Deaf and the Blind; the~~  
215 ~~College-Preparatory Boarding Academy; a developmental research~~  
216 ~~school authorized under s. 1002.32; or a charter school~~  
217 ~~authorized under s. 1002.33, s. 1002.331, or s. 1002.332;~~

218 ~~(b) Enrolled in a school operating for the purpose of~~  
219 ~~providing educational services to youth in the Department of~~  
220 ~~Juvenile Justice commitment programs;~~

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

225 ~~(d) Receiving any other educational scholarship pursuant~~  
226 ~~to this chapter.~~

227 ~~(5) TERM OF HOPE SCHOLARSHIP. For purposes of continuity~~  
228 ~~of educational choice, a Hope scholarship shall remain in force~~  
229 ~~until the student returns to public school or graduates from~~  
230 ~~high school, whichever occurs first. A scholarship student who~~  
231 ~~enrolls in a public school or public school program is~~  
232 ~~considered to have returned to a public school for the purpose~~  
233 ~~of determining the end of the scholarship's term.~~

234 ~~(4)(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—~~

235 ~~(a) Upon receipt of a report of an incident, the school~~  
236 ~~principal, or his or her designee, shall provide a copy of the~~  
237 ~~report to the parent and investigate the incident to determine~~

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238 if the incident must be reported as required by s. 1006.09(6).  
239 Within 24 hours after receipt of the report, the principal or  
240 his or her designee shall provide a copy of the report to the  
241 parent of the alleged offender and to the superintendent. Upon  
242 conclusion of the investigation or within 15 days after the  
243 incident was reported, whichever occurs first, the school  
244 district shall notify the parent of the program, ~~and~~ offer the  
245 parent an opportunity to enroll his or her student in another  
246 public school that has capacity, and notify the parent of their  
247 eligibility ~~or to apply for request and receive~~ a scholarship to  
248 attend an eligible private school under ss. 1002.394 and  
249 1002.395, ~~subject to available funding. A parent who chooses to~~  
250 ~~enroll his or her student in a public school located outside the~~  
251 ~~district in which the student resides pursuant to s. 1002.31~~  
252 ~~shall be eligible for a scholarship to transport the student as~~  
253 ~~provided in paragraph (11)(b).~~

254 ~~(b) For each student participating in the program in an~~  
255 ~~eligible private school who chooses to participate in the~~  
256 ~~statewide assessments under s. 1008.22 or the Florida Alternate~~  
257 ~~Assessment, the school district in which the student resides~~  
258 ~~must notify the student and his or her parent about the~~  
259 ~~locations and times to take all statewide assessments.~~

260 ~~(7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. An~~  
261 ~~eligible private school may be sectarian or nonsectarian and~~  
262 ~~shall:~~

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263 ~~(a) Comply with all requirements for private schools~~  
264 ~~participating in state school choice scholarship programs~~  
265 ~~pursuant to this section and s. 1002.421.~~

266 ~~(b)1. Annually administer or make provision for students~~  
267 ~~participating in the program in grades 3 through 10 to take one~~  
268 ~~of the nationally norm-referenced tests identified by the~~  
269 ~~department or the statewide assessments pursuant to s. 1008.22.~~  
270 ~~Students with disabilities for whom standardized testing is not~~  
271 ~~appropriate are exempt from this requirement. A participating~~  
272 ~~private school shall report a student's scores to his or her~~  
273 ~~parent.~~

274 ~~2. Administer the statewide assessments pursuant to s.~~  
275 ~~1008.22 if a private school chooses to offer the statewide~~  
276 ~~assessments. A participating private school may choose to offer~~  
277 ~~and administer the statewide assessments to all students who~~  
278 ~~attend the private school in grades 3 through 10 and must submit~~  
279 ~~a request in writing to the department by March 1 of each year~~  
280 ~~in order to administer the statewide assessments in the~~  
281 ~~subsequent school year.~~

282  
283 ~~If a private school fails to meet the requirements of this~~  
284 ~~subsection or s. 1002.421, the commissioner may determine that~~  
285 ~~the private school is ineligible to participate in the program.~~

286 ~~(8) DEPARTMENT OF EDUCATION OBLIGATIONS. The department~~  
287 ~~shall:~~

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288 ~~(a) Cross-check the list of participating scholarship~~  
289 ~~students with the public school enrollment lists to avoid~~  
290 ~~duplication and, when the Florida Education Finance Program is~~  
291 ~~recalculated, adjust the amount of state funds allocated to~~  
292 ~~school districts through the Florida Education Finance Program~~  
293 ~~based upon the results of the cross-check.~~

294 ~~(b) Maintain a list of nationally norm-referenced tests~~  
295 ~~identified for purposes of satisfying the testing requirement in~~  
296 ~~paragraph (9)(f). The tests must meet industry standards of~~  
297 ~~quality in accordance with State Board of Education rule.~~

298 ~~(c) Require quarterly reports by an eligible nonprofit~~  
299 ~~scholarship-funding organization regarding the number of~~  
300 ~~students participating in the program, the private schools in~~  
301 ~~which the students are enrolled, and other information deemed~~  
302 ~~necessary by the department.~~

303 ~~(d) Contract with an independent entity to provide an~~  
304 ~~annual evaluation of the program by:~~

305 ~~1. Reviewing the school bullying prevention education~~  
306 ~~program, climate, and code of student conduct of each public~~  
307 ~~school from which 10 or more students transferred to another~~  
308 ~~public school or private school using the Hope scholarship to~~  
309 ~~determine areas in the school or school district procedures~~  
310 ~~involving reporting, investigating, and communicating a parent's~~  
311 ~~and student's rights that are in need of improvement. At a~~  
312 ~~minimum, the review must include:~~

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313 ~~a. An assessment of the investigation time and quality of~~  
314 ~~the response of the school and the school district.~~

315 ~~b. An assessment of the effectiveness of communication~~  
316 ~~procedures with the students involved in an incident, the~~  
317 ~~students' parents, and the school and school district personnel.~~

318 ~~e. An analysis of school incident and discipline data.~~

319 ~~d. The challenges and obstacles relating to implementing~~  
320 ~~recommendations from the review.~~

321 ~~2. Reviewing the school bullying prevention education~~  
322 ~~program, climate, and code of student conduct of each public~~  
323 ~~school to which a student transferred if the student was from a~~  
324 ~~school identified in subparagraph 1. in order to identify best~~  
325 ~~practices and make recommendations to a public school at which~~  
326 ~~the incidents occurred.~~

327 ~~3. Reviewing the performance of participating students~~  
328 ~~enrolled in a private school in which at least 51 percent of the~~  
329 ~~total enrolled students in the prior school year participated in~~  
330 ~~the program and in which there are at least 10 participating~~  
331 ~~students who have scores for tests administered.~~

332 ~~4. Surveying the parents of participating students to~~  
333 ~~determine academic, safety, and school climate satisfaction and~~  
334 ~~to identify any challenges to or obstacles in addressing the~~  
335 ~~incident or relating to the use of the scholarship.~~

336 ~~(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM~~  
337 ~~PARTICIPATION. A parent who applies for a Hope scholarship is~~

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338 ~~exercising his or her parental option to place his or her~~  
339 ~~student in an eligible private school.~~

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

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

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

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362 ~~student to the assessment site designated by the school~~  
363 ~~district.~~

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

375 ~~(10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP FUNDING~~  
376 ~~ORGANIZATIONS. An eligible nonprofit scholarship funding~~  
377 ~~organization may establish scholarships for eligible students~~  
378 ~~by:~~

379 ~~(a) Receiving applications and determining student~~  
380 ~~eligibility in accordance with the requirements of this section.~~

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

383 ~~(c) Establishing a date by which the parent of a~~  
384 ~~participating student must confirm continuing participation in~~  
385 ~~the program.~~



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386 ~~(d) Awarding scholarship funds to eligible students,~~  
387 ~~giving priority to renewing students from the previous year.~~

388 ~~(e) Preparing and submitting quarterly reports to the~~  
389 ~~department pursuant to paragraph (8) (c). In addition, an~~  
390 ~~eligible nonprofit scholarship-funding organization must submit~~  
391 ~~in a timely manner any information requested by the department~~  
392 ~~relating to the program.~~

393 ~~(f) Notifying the department of any violation of this~~  
394 ~~section.~~

395 ~~(11) FUNDING AND PAYMENT.—~~

396 ~~(a) For students initially eligible in the 2019-2020~~  
397 ~~school year or thereafter, the calculated amount for a student~~  
398 ~~to attend an eligible private school shall be calculated in~~  
399 ~~accordance with s. 1002.394(12)(a).~~

400 ~~(b) The maximum amount awarded to a student enrolled in a~~  
401 ~~public school located outside of the district in which the~~  
402 ~~student resides shall be \$750.~~

403 ~~(c) When a student enters the program, the eligible~~  
404 ~~nonprofit scholarship-funding organization must receive all~~  
405 ~~documentation required for the student's participation,~~  
406 ~~including a copy of the report of the incident received pursuant~~  
407 ~~to subsection (6) and the private school's and student's fee~~  
408 ~~schedules. The initial payment shall be made after verification~~  
409 ~~of admission acceptance, and subsequent payments shall be made~~

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410 ~~upon verification of continued enrollment and attendance at the~~  
411 ~~private school.~~

412 ~~(d) Payment of the scholarship by the eligible nonprofit~~  
413 ~~scholarship-funding organization may be by individual warrant~~  
414 ~~made payable to the student's parent or by funds transfer,~~  
415 ~~including, but not limited to, debit cards, electronic payment~~  
416 ~~cards, or any other means of payment that the department deems~~  
417 ~~to be commercially viable or cost-effective. If payment is made~~  
418 ~~by warrant, the warrant must be delivered by the eligible~~  
419 ~~nonprofit scholarship-funding organization to the private school~~  
420 ~~of the parent's choice, and the parent shall restrictively~~  
421 ~~endorse the warrant to the private school. If payments are made~~  
422 ~~by funds transfer, the parent must approve each payment before~~  
423 ~~the scholarship funds may be deposited. The parent may not~~  
424 ~~designate any entity or individual associated with the~~  
425 ~~participating private school as the parent's attorney in fact to~~  
426 ~~endorse a scholarship warrant or approve a funds transfer.~~

427 ~~(e) An eligible nonprofit scholarship-funding organization~~  
428 ~~shall obtain verification from the private school of a student's~~  
429 ~~continued attendance at the school for each period covered by a~~  
430 ~~scholarship payment.~~

431 ~~(f) Payment of the scholarship shall be made by the~~  
432 ~~eligible nonprofit scholarship-funding organization no less~~  
433 ~~frequently than on a quarterly basis.~~

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434 ~~(g) An eligible nonprofit scholarship-funding~~  
435 ~~organization, subject to the limitations of s. 1002.395(6)(1)1.,~~  
436 ~~may use eligible contributions received during the state fiscal~~  
437 ~~year in which such contributions are collected for~~  
438 ~~administrative expenses.~~

439 ~~(h) Moneys received pursuant to this section do not~~  
440 ~~constitute taxable income to the qualified student or his or her~~  
441 ~~parent.~~

442 ~~(i) Notwithstanding s. 1002.395(6)(1)2., no more than 5~~  
443 ~~percent of net eligible contributions may be carried forward to~~  
444 ~~the following state fiscal year by an eligible scholarship-~~  
445 ~~funding organization. For audit purposes, all amounts carried~~  
446 ~~forward must be specifically identified for individual students~~  
447 ~~by student name and by the name of the school to which the~~  
448 ~~student is admitted, subject to the requirements of ss. 1002.21~~  
449 ~~and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and~~  
450 ~~regulations issued pursuant to such requirements. Any amounts~~  
451 ~~carried forward shall be expended for annual scholarships or~~  
452 ~~partial-year scholarships in the following state fiscal year.~~  
453 ~~Net eligible contributions remaining on June 30 of each year~~  
454 ~~which are in excess of the 5 percent that may be carried forward~~  
455 ~~shall be transferred to other eligible nonprofit scholarship-~~  
456 ~~funding organizations participating in the Hope Scholarship~~  
457 ~~Program to provide scholarships for eligible students. All~~  
458 ~~transferred funds must be deposited by each eligible nonprofit~~

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459 ~~scholarship-funding organization receiving such funds into the~~  
460 ~~scholarship account of eligible students. All transferred~~  
461 ~~amounts received by an eligible nonprofit scholarship-funding~~  
462 ~~organization must be separately disclosed in the annual~~  
463 ~~financial audit requirement under s. 1002.395(6) (o). If no other~~  
464 ~~eligible nonprofit scholarship-funding organization participates~~  
465 ~~in the Hope Scholarship Program, net eligible contributions in~~  
466 ~~excess of the 5 percent may be used to fund scholarships for~~  
467 ~~students eligible under s. 1002.395 only after fully exhausting~~  
468 ~~all contributions made in support of scholarships under that~~  
469 ~~section in accordance with the priority established in s.~~  
470 ~~1002.395(6) (f) before awarding any initial scholarships.~~

471 ~~(12) OBLIGATIONS OF THE AUDITOR GENERAL.—~~

472 ~~(a) The Auditor General shall conduct an annual~~  
473 ~~operational audit of accounts and records of each organization~~  
474 ~~that participates in the program. As part of this audit, the~~  
475 ~~Auditor General shall verify, at a minimum, the total number of~~  
476 ~~students served and transmit that information to the department.~~  
477 ~~The Auditor General shall provide the commissioner with a copy~~  
478 ~~of each annual operational audit performed pursuant to this~~  
479 ~~paragraph within 10 days after the audit is finalized.~~

480 ~~(b) The Auditor General shall notify the department of any~~  
481 ~~organization that fails to comply with a request for~~  
482 ~~information.~~

483 ~~(13) SCHOLARSHIP-FUNDING TAX CREDITS.—~~

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484 ~~(a) A tax credit is available under s. 212.1832(1) for use~~  
485 ~~by a person that makes an eligible contribution. Eligible~~  
486 ~~contributions shall be used to fund scholarships under this~~  
487 ~~section and may be used to fund scholarships under s. 1002.395.~~  
488 ~~Each eligible contribution is limited to a single payment of~~  
489 ~~\$105 per motor vehicle purchased at the time of purchase of a~~  
490 ~~motor vehicle or a single payment of \$105 per motor vehicle~~  
491 ~~purchased at the time of registration of a motor vehicle that~~  
492 ~~was not purchased from a dealer, except that a contribution may~~  
493 ~~not exceed the state tax imposed under chapter 212 that would~~  
494 ~~otherwise be collected from the purchaser by a dealer,~~  
495 ~~designated agent, or private tag agent. Payments of~~  
496 ~~contributions shall be made to a dealer at the time of purchase~~  
497 ~~of a motor vehicle or to a designated agent or private tag agent~~  
498 ~~at the time of registration of a motor vehicle that was not~~  
499 ~~purchased from a dealer. An eligible contribution shall be~~  
500 ~~accompanied by a contribution election form provided by the~~  
501 ~~Department of Revenue. The form shall include, at a minimum, the~~  
502 ~~following brief description of the Hope Scholarship Program and~~  
503 ~~the Florida Tax Credit Scholarship Program: "THE HOPE~~  
504 ~~SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS~~  
505 ~~SUBJECTED TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE~~  
506 ~~OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE~~  
507 ~~PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL~~  
508 ~~ENVIRONMENT. THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES~~

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509 ~~A LOW-INCOME STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP~~  
510 ~~TO ATTEND AN ELIGIBLE PRIVATE SCHOOL." The form shall also~~  
511 ~~include, at a minimum, a section allowing the consumer to~~  
512 ~~designate, from all participating scholarship-funding~~  
513 ~~organizations, which organization will receive his or her~~  
514 ~~donation. For purposes of this subsection, the term "purchase"~~  
515 ~~does not include the lease or rental of a motor vehicle.~~

516 ~~(b) A dealer, designated agent, or private tag agent~~  
517 ~~shall:~~

518 ~~1. Provide the purchaser the contribution election form,~~  
519 ~~as provided by the Department of Revenue, at the time of~~  
520 ~~purchase of a motor vehicle or at the time of registration of a~~  
521 ~~motor vehicle that was not purchased from a dealer.~~

522 ~~2. Collect eligible contributions.~~

523 ~~3. Using a form provided by the Department of Revenue,~~  
524 ~~which shall include the dealer's or agent's federal employer~~  
525 ~~identification number, remit to an organization no later than~~  
526 ~~the date the return filed pursuant to s. 212.11 is due the total~~  
527 ~~amount of contributions made to that organization and collected~~  
528 ~~during the preceding reporting period. Using the same form, the~~  
529 ~~dealer or agent shall also report this information to the~~  
530 ~~Department of Revenue no later than the date the return filed~~  
531 ~~pursuant to s. 212.11 is due.~~

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532 ~~4. Report to the Department of Revenue on each return~~  
533 ~~filed pursuant to s. 212.11 the total amount of credits granted~~  
534 ~~under s. 212.1832 for the preceding reporting period.~~

535 ~~(c) An organization shall report to the Department of~~  
536 ~~Revenue, on or before the 20th day of each month, the total~~  
537 ~~amount of contributions received pursuant to paragraph (b) in~~  
538 ~~the preceding calendar month on a form provided by the~~  
539 ~~Department of Revenue. Such report shall include:~~

540 ~~1. The federal employer identification number of each~~  
541 ~~designated agent, private tag agent, or dealer who remitted~~  
542 ~~contributions to the organization during that reporting period.~~

543 ~~2. The amount of contributions received from each~~  
544 ~~designated agent, private tag agent, or dealer during that~~  
545 ~~reporting period.~~

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

550 ~~1. If the total amount stolen is less than \$300, the~~  
551 ~~offense is a misdemeanor of the second degree, punishable as~~  
552 ~~provided in s. 775.082 or s. 775.083. Upon a second conviction,~~  
553 ~~the offender is guilty of a misdemeanor of the first degree,~~  
554 ~~punishable as provided in s. 775.082 or s. 775.083. Upon a third~~  
555 ~~or subsequent conviction, the offender is guilty of a felony of~~

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556 ~~the third degree, punishable as provided in s. 775.082, s.~~  
557 ~~775.083, or s. 775.084.~~

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

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

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

567 ~~(c) A person convicted of an offense under paragraph (d)~~  
568 ~~shall be ordered by the sentencing judge to make restitution to~~  
569 ~~the organization in the amount that was stolen from the program.~~

570 ~~(f) Upon a finding that a dealer failed to remit a~~  
571 ~~contribution under subparagraph (b)3. for which the dealer~~  
572 ~~claimed a credit pursuant to s. 212.1832(2), the Department of~~  
573 ~~Revenue shall notify the affected organizations of the dealer's~~  
574 ~~name, address, federal employer identification number, and~~  
575 ~~information related to differences between credits taken by the~~  
576 ~~dealer pursuant to s. 212.1832(2) and amounts remitted to the~~  
577 ~~eligible nonprofit scholarship-funding organization under~~  
578 ~~subparagraph (b)3.~~

579 ~~(g) Any dealer, designated agent, private tag agent, or~~  
580 ~~organization that fails to timely submit reports to the~~



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581 ~~Department of Revenue as required in paragraphs (b) and (c) is~~  
582 ~~subject to a penalty of \$1,000 for every month, or part thereof,~~  
583 ~~the report is not provided, up to a maximum amount of \$10,000.~~  
584 ~~Such penalty shall be collected by the Department of Revenue and~~  
585 ~~shall be transferred into the General Revenue Fund. Such penalty~~  
586 ~~must be settled or compromised if it is determined by the~~  
587 ~~Department of Revenue that the noncompliance is due to~~  
588 ~~reasonable cause and not due to willful negligence, willful~~  
589 ~~neglect, or fraud.~~

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

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

597 ~~(5)(16) RULES.—The State Board of Education shall adopt~~  
598 ~~rules to administer this section, except the Department of~~  
599 ~~Revenue shall adopt rules to administer subsection (13).~~

600  
601 -----

602 **D I R E C T O R Y   A M E N D M E N T**

603 Remove lines 1232-1233 and insert:

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604 (b) of subsection (10), paragraphs (c), (f), and (h) of  
605 subsection (11), and subsection (15) of section 1002.395,  
606 Florida Statutes, are

607

608

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609

**T I T L E   A M E N D M E N T**

610

Remove lines 71-73 and insert:

611

payment and disbursement of funds; authorizing a

612

charitable organization to apply at any time to

613

participate in the program as a scholarship-funding

614

organization; amending s. 1002.40, F.S.; revising

615

requirements for the Hope Scholarship Program;

616

amending s. 1002.421, F.S.; revising