

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education Pre-K -12

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BILL: SB 1318

INTRODUCER: Senator Rodriguez

SUBJECT: Florida Tax Credit Scholarship Program

DATE: February 9, 2026

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Palazesi	Bouck	ED	<b>Favorable</b>
2. _____	_____	AED	_____
3. _____	_____	FP	_____

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**I. Summary:**

SB 1318 makes a technical change to clarify that when a student's Florida Tax Credit scholarship account has been closed the remaining funds in the scholarship account must revert, but do not revert to the state.

The bill takes effect on July 1, 2026.

**II. Present Situation:**

**Florida's K-12 Scholarship Program**

Florida offers several scholarship programs that allow parents of an eligible student to register their child to attend a private school that may better serve the student's particular needs, provide educational options for their student with a disability, or direct the education of their child. The three scholarship programs include:

- The Family Empowerment Scholarship (FES), which includes:
  - The Family Empowerment Scholarship for students attending a private school (FES-EO).
  - The Family Empowerment Scholarship for students with disabilities (FES-UA).<sup>1</sup>
- The Florida Tax Credit (FTC) Scholarship Program,<sup>2</sup> for students attending a private school or for students in a personalized education program (PEP).<sup>3</sup>
- The Hope Scholarship Program (HSP).<sup>4</sup>

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<sup>1</sup> Section 1002.394, F.S.; *see also* Rule 6A-6.0952, F.A.C.

<sup>2</sup> Section 1002.395, F.S.; *see also* Rule 6A-6.0960, F.A.C.

<sup>3</sup> Section 1002.395(2), F.S.

<sup>4</sup> Section 1002.40, F.S.; *see also* Rule 6A-6.0951, F.A.C.

The Department of Education (DOE) and Commissioner of Education<sup>5</sup> are tasked with implementation and oversight responsibilities. Florida's scholarship programs are administered by scholarship funding organizations (SFOs) approved by the DOE.<sup>6</sup>

As of November 2025, a total of 560,935 students were funded in the scholarship program in the 2025-2026 school year:<sup>7</sup>

- 307,993 students were funded through the FES-EO scholarship;
- 163,242 students were funded through the FES-UA scholarship;
- 7,560 students were funded through the FTC scholarship; and
- 84,140 students were funded through the PEP scholarship.

### ***Florida Tax Credit Scholarship Program***

The Florida Tax Credit scholarship program (FTC) was established in 2001 to provide an income tax credit for corporations that contribute money to nonprofit Scholarship-Funding Organizations (SFOs) that award scholarships to students from families with limited financial resources.<sup>8</sup> The FTC scholarship program allows taxpayers to make private, voluntary contributions to eligible nonprofit scholarship-funding organizations and receive a dollar-for-dollar credit against the following Florida taxes:<sup>9</sup>

- Corporate income tax;
- Excise tax on liquor, wine, and malt beverages;
- Gas and oil production tax;
- Insurance premium tax; and
- Use tax due under a direct pay permit.

In any state fiscal year when the annual tax credit amount for the prior state fiscal year is equal to or greater than 90 percent of the tax credit cap amount applicable to that state fiscal year, the tax credit cap amount increases by 25 percent.<sup>10</sup> In the 2012-2013 state fiscal year the tax credit cap was \$229 million,<sup>11</sup> for the 2024-2025 fiscal year the tax credit cap was \$1,091,957,093.<sup>12</sup>

The FTC Scholarship program consists of two types of scholarships, the FTC scholarship for low-income students to attend an eligible private school and students who elected a PEP scholarship.<sup>13</sup> The purpose of the FTC scholarship program is to:<sup>14</sup>

- Enable taxpayers to make private, voluntary contributions to nonprofit scholarship-funding organizations in order to promote the general welfare.

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<sup>5</sup> Section 1002.421, F.S.

<sup>6</sup> See ss. 1002.394(11) and 1002.395(6) and (15), F.S.

<sup>7</sup> Email, Florida Department of Education (Dec. 1, 2025).

<sup>8</sup> Florida Department of Education, *Florida Tax Credit FAQs*, available at <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/ftc/ftc-faqs.stml>, (last visited Feb. 5, 2026).

<sup>9</sup> Florida Department of Revenue, *Florida Tax Credit Scholarship Program*, available at [https://floridarevenue.com/taxes/taxesfees/Pages/sfo\\_taxes.aspx](https://floridarevenue.com/taxes/taxesfees/Pages/sfo_taxes.aspx), last visited (Feb. 5, 2026).

<sup>10</sup> Section 1002.395(5)(a)2.

<sup>11</sup> *Id.* at (5)(a)1.

<sup>12</sup> Florida Department of Education, *Florida Tax Credit Scholarships*, available at <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/ftc/>, last visited (Feb. 5, 2026).

<sup>13</sup> Section 1002.395, F.S.

<sup>14</sup> *Id.* at (1)(b).

- Provide taxpayers who wish to help parents with limited resources exercise their basic right to educate their children as they see fit with a means to do so.
- Promote the general welfare by expanding educational opportunities for children of families that have limited financial resources.
- Enable children in this state to achieve a greater level of excellence in their education.
- Improve the quality of education in this state, both by expanding educational opportunities for children and by creating incentives for schools to achieve excellence.

In 2023, the legislature passed HB 1,<sup>15</sup> which incorrectly required SFOs to revert remaining funds from tax credits to the state when certain conditions were met. The law should direct reverted funds back to the SFO which received the donations. The SFO is required to revert funds from the FTC scholarship program when a student's scholarship account is closed for one of the following reasons:<sup>16</sup>

- Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider.
- Two consecutive fiscal years in which an account has been inactive; or
- The student remains unenrolled in an eligible private school for 30 days while receiving a scholarship that requires full-time enrollment.

### **III. Effect of Proposed Changes:**

SB 1318 amends s. 1002.395, F.S., to make a technical change to clarify that when a student's Florida Tax Credit Scholarship Program account has been closed the remaining funds in the scholarship account must revert, but do not revert to the state.

The bill takes effect on July 1, 2026.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

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<sup>15</sup> Ch. 2013-16, Laws of Fla.

<sup>16</sup> Section 1002.395(11)(h), F.S.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1002.395 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.