By Senator Diaz

A bill to be entitled
An act relating to the Hope Scholarship Program;
amending s. 1002.40, F.S.; revising the purpose of the
Hope Scholarship Program; defining terms and revising
definitions; deleting obsolete language; revising
program eligibility; providing for the use of funds
under the program; revising the term of a program
scholarship; revising school district, Department of
Education, parent, and nonprofit scholarship-funding
organization obligations under the program;
authorizing payment of scholarship funds by
organizations to be made by deposit into the student’s
account instead of by individual warrant made payable
to the student’s parent; providing that accrued
interest in the student’s account is in addition to,
and not part of, awarded funds; providing that program
funds include both the awarded funds and accrued
interest; prohibiting a student’s scholarship award
from being reduced for debit card or electronic
payment fees; conforming provisions to changes made by
the act; amending ss. 213.053, 1002.394, and 1002.395,
F.S.; conforming cross-references; providing an
effective date.

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

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

1002.40 The Hope Scholarship Program.—
(1) PURPOSE.—The Hope Scholarship Program is established to provide the parent of a public school student who was subjected to an incident listed in subsection (3) or who attends a school overseen by a district school board that is subject to ongoing action initiated by the State Board of Education pursuant to s. 1008.32(4)(b), (c), or (d) an opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school.

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

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

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

(c) “Department” means the Department of Education.

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

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

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

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

(h) “Inactive” means that no eligible expenditures have been made from an account funded pursuant to subsection (12).
“Motor vehicle” has the same meaning as provided in s. 320.01(1)(a), but does not include a heavy truck, truck tractor, trailer, or motorcycle.

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

“Program” means the Hope Scholarship Program.

“School” means any educational program or activity conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), including waiting at a school bus stop.

“Unweighted FTE funding amount” means the statewide average total funds per unweighted full-time equivalent funding amount that is incorporated by reference in the General Appropriations Act, or by a subsequent special appropriations act, for the applicable state fiscal year.

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

(a) The student or student’s parent reported an incident in accordance with subsection (6), regardless of the outcome of any investigation. For purposes of this section, the term “incident” means battery; harassment; hazing; bullying; kidnapping;
physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school, as defined by the department in accordance with s. 1006.09(6); or
(b) The student attends a school overseen by a district school board that is subject to ongoing action initiated by the State Board of Education pursuant to s. 1008.32(4)(b), (c), or (d).

(4) AUTHORIZED USES OF PROGRAM FUNDS.—
(a) Program funds awarded to a student who meets the eligibility requirements in subsection (3) and who opts to enroll in and attend an eligible private school may be used for:
1. Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.
2. Curriculum as defined in subsection (2).
3. Tuition and fees at an eligible private school.
4. Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
5. Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 or the Florida College Savings Program pursuant to s. 1009.981 for the benefit of the eligible student.
(b) Program funds awarded to a student who meets the eligibility requirements in subsection (3) and who opts to transfer to a public school located outside the district in...
which the student resides pursuant to s. 1002.31 may be used to transport the student.

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

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

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

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

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

(6) TERM OF HOPE SCHOLARSHIP.—For purposes of continuity of educational choice:

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

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

2. The parent does not renew program eligibility;

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

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

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

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

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

1. 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 of any goods or services received pursuant to subsection (4); or

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

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

(a) Upon receipt of a report of an incident, the school principal, or his or her designee, shall provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by s. 1006.09(6). Within 24 hours after receipt of the report, the principal or his or her designee shall provide a copy of the report to the parent of the alleged offender and to the superintendent. Upon conclusion of the investigation or within 15 days after the
incident was reported, whichever occurs first, the school
district shall notify the parent of the program and offer the
parent an opportunity to enroll his or her student in another
public school that has capacity or to request and receive a
scholarship to attend an eligible private school, subject to
available funding. The school district shall provide such notice
and offer regardless of the outcome of any investigation.

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

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

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

(e) Each school district shall publish information about
the program on the district’s website homepage. At a minimum,
the published information must include a website link to the
program published on the Department of Education website as well
as a telephone number and an e-mail address that students and
parents may use to contact relevant personnel in the school
PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

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

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

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

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

DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The department shall:
1. (a) Cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication.

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

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

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

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

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

      (II) An assessment of the effectiveness of communication procedures with the students involved in an incident, the students’ parents, and the school and school district personnel.
An analysis of school incident and discipline data.

The challenges and obstacles relating to implementing recommendations from the review.

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

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

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

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

Deny or terminate program participation upon a parent’s failure to comply with subsection (10).

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

Require each organization to verify eligible expenditures before the distribution of funds for any
expenditures made pursuant to subparagraphs (4)(a)1. and 2.

Review of expenditures made for services specified in subparagraphs (4)(a)3., 4., and 5. may be completed after the purchase is made.

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

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

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

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

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

In determining whether to suspend or revoke participation or to lift a suspension or revocation in accordance with this paragraph, the department may consider factors that include, but are not limited to, acts or omissions that led to a previous suspension or revocation of participation in a state or federal program or an education scholarship program; failure to reimburse the organization for funds improperly received or retained; failure to reimburse government funds improperly
received or retained; imposition of a prior criminal sanction related to the person or entity or its officers or employees; imposition of a civil fine or an administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to a person’s or an entity’s management or operation; or other types of criminal proceedings in which the person or entity or its officers or employees were found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

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

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

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

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

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

(e) Upon reasonable notice to the department and the school district, the parent may remove the student from the private school and place the student in a public school in accordance
(f) Upon reasonable notice to the organization, the student’s parent may move the student from one eligible private school to another eligible private school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12)(11) FUNDING AND PAYMENT.—

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

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

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

(d) Payment of the scholarship by the eligible nonprofit scholarship-funding organization may be deposited into the student’s account established by the organization by individual warrant made payable to the student’s parent or by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. Accrued interest in the student’s account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest. If payment is made by warrant, the warrant must be delivered by the eligible nonprofit
scholarship-funding organization to the private school of the parent’s choice, and the parent shall restrictively endorse the warrant to the private school. If payments are made by funds transfer, the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent’s attorney in fact to endorse a scholarship warrant or approve a funds transfer. A student’s scholarship award may not be reduced for debit card or electronic payment fees.

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

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

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

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

(i) Notwithstanding s. 1002.395(6)(j)2., no more than 5 percent of net eligible contributions may be carried forward to the following state fiscal year by an eligible scholarship-funding organization. For audit purposes, all amounts carried
forward must be specifically identified for individual students by student name and by the name of the school to which the student is admitted, subject to the requirements of ss. 1002.21 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant to such requirements. Any amounts carried forward shall be expended for annual scholarships or partial-year scholarships in the following state fiscal year. Net eligible contributions remaining on June 30 of each year which are in excess of the 5 percent that may be carried forward shall be transferred to other eligible nonprofit scholarship-funding organizations participating in the Hope Scholarship Program to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into the scholarship account of eligible students. All transferred amounts received by an eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit requirement under s. 1002.395(6)(m). If no other eligible nonprofit scholarship-funding organization participates in the Hope Scholarship Program, net eligible contributions in excess of the 5 percent may be used to fund scholarships for students eligible under s. 1002.395 only after fully exhausting all contributions made in support of scholarships under that section in accordance with the priority established in s. 1002.395(6)(e) before awarding any initial scholarships.

(13) (12) OBLIGATIONS OF THE AUDITOR GENERAL.—
(a) The Auditor General shall conduct an annual operational audit of accounts and records of each organization that
participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total number of students served and transmit that information to the department. The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this paragraph within 10 days after the audit is finalized.

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

(14) SCHOLARSHIP FUNDING TAX CREDITS.—

(a) A tax credit is available under s. 212.1832(1) for use by a person that makes an eligible contribution. Eligible contributions shall be used to fund scholarships under this section and may be used to fund scholarships under s. 1002.395. Each eligible contribution is limited to a single payment of $105 per motor vehicle purchased at the time of purchase of a motor vehicle or a single payment of $105 per motor vehicle purchased at the time of registration of a motor vehicle that was not purchased from a dealer, except that a contribution may not exceed the state tax imposed under chapter 212 that would otherwise be collected from the purchaser by a dealer, designated agent, or private tag agent. Payments of contributions shall be made to a dealer at the time of purchase of a motor vehicle or to a designated agent or private tag agent at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by a contribution election form provided by the Department of Revenue. The form shall include, at a minimum, the following brief description of the Hope Scholarship Program and
the Florida Tax Credit Scholarship Program: “THE HOPE SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS SUBJECT TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL OR WHO ATTENDS A SCHOOL OVERSEEN BY A DISTRICT SCHOOL BOARD THAT IS SUBJECT TO ONGOING ACTION BY THE STATE BOARD OF EDUCATION THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT. THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES A LOW-INCOME STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL.” The form shall also include, at a minimum, a section allowing the consumer to designate, from all participating scholarship funding organizations, which organization will receive his or her donation. For purposes of this subsection, the term “purchase” does not include the lease or rental of a motor vehicle.

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

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

2. Collect eligible contributions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

213.053 Confidentiality and information sharing.—

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

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

1002.394 The Family Empowerment Scholarship Program.—

(12) SCHOLARSHIP FUNDING AND PAYMENT.—
(a)1. Scholarships for students determined eligible pursuant to paragraph (3)(a) are established for up to 18,000 students annually beginning in the 2019-2020 school year.

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

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

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

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

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

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

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

4. A scholarship of $750 may be awarded to a student who is
determined eligible pursuant to subparagraph (3)(a)1. or
subparagraph (3)(a)2. and enrolled in a Florida public school
that is different from the school to which the student was
assigned or in a lab school as defined in s. 1002.32 if the
school district does not provide the student with transportation
5. Upon notification from the organization on July 1, September 1, December 1, and February 1 that an application has been approved for the program, the department shall verify that the student is not prohibited from receiving a scholarship pursuant to subsection (6). The organization must provide the department with the documentation necessary to verify the student’s participation. Upon verification, the department shall transfer, from state funds only, the amount calculated pursuant to subparagraph 2. to the organization for quarterly disbursement to parents of participating students each school year in which the scholarship is in force. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the Family Empowerment Scholarship calculated pursuant to subparagraph 2. must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the organization must receive all documentation required for the student’s participation, including the private school’s and the student’s fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

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

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

1002.395 Florida Tax Credit Scholarship Program.—
(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

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

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

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

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