

1 A bill to be entitled  
2 An act relating to school choice; amending s. 11.45,  
3 F.S.; revising the frequency of specified audits  
4 conducted by the Auditor General; amending s.  
5 1002.385, F.S.; authorizing certain students who turn  
6 3 years of age after a certain date to receive a  
7 Gardiner Scholarship under certain circumstances;  
8 revising student ineligibility criteria for  
9 participation in the program; revising the conditions  
10 necessary for program funds to revert to the state;  
11 authorizing certain students to continue using  
12 scholarship funds from prior years; requiring certain  
13 student's accounts to be closed if his or her parent  
14 fails to procure specified services; providing that  
15 certain students are ineligible for a scholarship;  
16 deleting a provision allowing certain students to  
17 become eligible for a scholarship; amending s.  
18 1002.394, F.S.; revising student priority criteria for  
19 an award under the Family Empowerment Scholarship  
20 Program; requiring requests for such scholarship to be  
21 provided directly to an eligible nonprofit  
22 scholarship-funding organization; deleting a  
23 notification requirement; requiring the maximum  
24 household income level to be increased under certain  
25 circumstances; revising student ineligibility criteria

26 and school district obligations for such scholarship;  
 27 requiring the Department of Education to maintain a  
 28 specified list and notify such organizations of a  
 29 specified deadline; requiring participating private  
 30 schools to annually report certain scores to a state  
 31 university; revising such organization's obligations;  
 32 requiring, rather than authorizing, an annual  
 33 specified increase in the maximum number of students  
 34 participating in such program; amending s. 1002.395,  
 35 F.S.; revising student eligibility criteria for  
 36 initial and renewal awards under the Florida Tax  
 37 Credit Scholarship Program; requiring that certain  
 38 students be given priority for such program;  
 39 authorizing eligible nonprofit scholarship-funding  
 40 organizations to use certain income for specified  
 41 purposes; amending s. 1002.40, F.S.; revising the  
 42 criteria for a public school to have a specified  
 43 entity evaluate its bullying prevention education  
 44 program, climate, and code of student conduct under  
 45 the Hope Scholarship Program; providing an effective  
 46 date.

47  
 48 Be It Enacted by the Legislature of the State of Florida:

49  
 50 Section 1. Paragraph (1) of subsection (2) of section

51 11.45, Florida Statutes, is amended to read:

52 11.45 Definitions; duties; authorities; reports; rules.—

53 (2) DUTIES.—The Auditor General shall:

54 (1) At least every 3 years, ~~Annually~~ conduct operational  
 55 audits of the accounts and records of eligible nonprofit  
 56 scholarship-funding organizations receiving eligible  
 57 contributions under s. 1002.395, including any contracts for  
 58 services with related entities, to determine compliance with the  
 59 provisions of that section. Such audits shall include, but not  
 60 be limited to, a determination of the eligible nonprofit  
 61 scholarship-funding organization's compliance with s.  
 62 1002.395(6)(j). The Auditor General shall provide its report on  
 63 the results of the audits to the Governor, the President of the  
 64 Senate, the Speaker of the House of Representatives, the Chief  
 65 Financial Officer, and the Legislative Auditing Committee,  
 66 within 30 days of completion of the audit.

67  
 68 The Auditor General shall perform his or her duties  
 69 independently but under the general policies established by the  
 70 Legislative Auditing Committee. This subsection does not limit  
 71 the Auditor General's discretionary authority to conduct other  
 72 audits or engagements of governmental entities as authorized in  
 73 subsection (3).

74 Section 2. Paragraph (a) of subsection (3), paragraphs  
 75 (c), (d), and (e) of subsection (4), paragraph (b) of subsection

76 (6), paragraphs (e) and (f) of subsection (11), and paragraph  
 77 (j) of subsection (12) of section 1002.385, Florida Statutes,  
 78 are amended to read:

79 1002.385 The Gardiner Scholarship.—

80 (3) PROGRAM ELIGIBILITY.—A parent of a student with a  
 81 disability may request and receive from the state a Gardiner  
 82 Scholarship for the purposes specified in subsection (5) if:

83 (a) The student:

84 1. Is a resident of this state;

85 2. Is 3 or 4 years of age on or before September 1 of the  
 86 year in which the student applies for program participation, or  
 87 is eligible to enroll in kindergarten through grade 12 in a  
 88 public school in this state;

89 3. Has a disability as defined in paragraph (2) (d); and

90 4. Is the subject of an IEP written in accordance with  
 91 rules of the State Board of Education or with the applicable  
 92 rules of another state or has received a diagnosis of a  
 93 disability from a physician who is licensed under chapter 458 or  
 94 chapter 459, a psychologist who is licensed under chapter 490,  
 95 or a physician who holds an active license issued by another  
 96 state or territory of the United States, the District of  
 97 Columbia, or the Commonwealth of Puerto Rico.

98

99 A student with a disability who meets the requirements of this  
 100 paragraph, but who turns 3 years of age after September 1, may

101 be determined to be eligible for a Gardiner Scholarship on or  
 102 after his or her third birthday and may be awarded a scholarship  
 103 if program funds are available.

104 (4) PROGRAM PROHIBITIONS.—A student is not eligible for  
 105 the program if he or she is:

106 (c) Receiving an ~~a scholarship pursuant to the Florida Tax~~  
 107 ~~Credit Scholarship Program under s. 1002.395 or the John M.~~  
 108 ~~McKay Scholarships for Students with Disabilities Program under~~  
 109 ~~s. 1002.39.~~

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

112 ~~(e) Enrolled in the Florida School for the Deaf and the~~  
 113 ~~Blind.~~

114 (6) TERM OF THE PROGRAM.—For purposes of continuity of  
 115 educational choice and program integrity:

116 (b)1. A student's scholarship account must be closed and  
 117 any remaining funds, including, but not limited to,  
 118 contributions made to the Stanley G. Tate Florida Prepaid  
 119 College Program or earnings from or contributions made to the  
 120 Florida College Savings Program using program funds pursuant to  
 121 paragraph (5) (f), shall revert to the state after:

122 a. Denial or revocation of program eligibility by the  
 123 commissioner for fraud or abuse, including, but not limited to,  
 124 the student or student's parent accepting any payment, refund,  
 125 or rebate, in any manner, from a provider of any services

126 received pursuant to subsection (5);

127 b. Any period of 3 consecutive years after high school  
 128 completion or graduation during which the student has not been  
 129 enrolled in an eligible postsecondary educational institution or  
 130 a program offered by the institution; or

131 c. Two ~~Three~~ consecutive fiscal years in which an account  
 132 has been inactive.

133 2. The commissioner must notify the parent and the  
 134 organization when a Gardiner Scholarship account is closed and  
 135 program funds revert to the state.

136 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 137 PARTICIPATION.—A parent who applies for program participation  
 138 under this section is exercising his or her parental option to  
 139 determine the appropriate placement or the services that best  
 140 meet the needs of his or her child. The scholarship award for a  
 141 student is based on a matrix that assigns the student to support  
 142 Level III services. If a parent receives an IEP and a matrix of  
 143 services from the school district pursuant to subsection (7),  
 144 the amount of the payment shall be adjusted as needed, when the  
 145 school district completes the matrix.

146 (e) The parent must annually renew participation in the  
 147 program in order for a student to be eligible to receive  
 148 funding. A student whose participation in the program is not  
 149 renewed may continue to spend scholarship funds that are in his  
 150 or her account from prior years unless the account must be

151 closed pursuant to paragraph (6) (b). Notwithstanding any changes  
152 to the student's IEP, a student who was previously eligible for  
153 participation in the program shall remain eligible to apply for  
154 renewal. However, for a high-risk child to continue to  
155 participate in the program in the school year after he or she  
156 reaches 6 years of age, the child's application for renewal of  
157 program participation must contain documentation that the child  
158 has a disability defined in paragraph (2) (d) other than high-  
159 risk status.

160 (f) The parent is responsible for procuring the services  
161 necessary to educate the student. If a parent does not procure  
162 the necessary educational services for the student and the  
163 student's account has been inactive for 2 consecutive fiscal  
164 years, the student is ineligible and the student's account must  
165 be closed pursuant to paragraph (6) (b) ~~for additional~~  
166 ~~scholarship payments until the scholarship funding organization~~  
167 ~~verifies that expenditures from the account have occurred~~. When  
168 the student receives a Gardiner Scholarship, the district school  
169 board is not obligated to provide the student with a free  
170 appropriate public education. For purposes of s. 1003.57 and the  
171 Individuals with Disabilities in Education Act, a participating  
172 student has only those rights that apply to all other  
173 unilaterally parentally placed students, except that, when  
174 requested by the parent, school district personnel must develop  
175 an individual education plan or matrix level of services.

176  
177 A parent who fails to comply with this subsection forfeits the  
178 Gardiner Scholarship.

179 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An  
180 organization may establish Gardiner Scholarships for eligible  
181 students by:

182 (j) Documenting each scholarship student's eligibility for  
183 a fiscal year before granting a scholarship for that fiscal year  
184 pursuant to paragraph (3) (b). A student is ineligible for a  
185 scholarship if the student's account has been inactive for 2  
186 consecutive fiscal years and the student's account must be  
187 closed pursuant to paragraph (6) (b). ~~However, once an eligible~~  
188 ~~expenditure is made pursuant to paragraph (11) (f), the student~~  
189 ~~is eligible for a scholarship based on available funds.~~

190 Section 3. Subsection (3), paragraph (f) of subsection  
191 (5), paragraph (a) of subsection (6), paragraph (c) of  
192 subsection (8), paragraph (a) of subsection (10), and paragraph  
193 (a) of subsection (11) of section 1002.394, Florida Statutes,  
194 are amended, and paragraphs (c) and (d) are added to subsection  
195 (7) of that section, to read:

196 1002.394 The Family Empowerment Scholarship Program.—

197 (3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible  
198 for a Family Empowerment Scholarship under this section if the  
199 student meets the following criteria:

200 (a)1. The student is on the direct certification list



201 pursuant to s. 1002.395(2)(c) or the student's household income  
 202 level does not exceed 300 percent of the federal poverty level;  
 203 or

204 2. The student is currently placed, or during the previous  
 205 state fiscal year was placed, in foster care or in out-of-home  
 206 care as defined in s. 39.01.

207  
 208 Eligible students who received a Family Empowerment Scholarship  
 209 during the previous school year ~~Priority~~ shall be given first  
 210 priority. ~~New applicants to students~~ whose household income  
 211 levels do not exceed 185 percent of the federal poverty level,  
 212 ~~or~~ who are in foster care or out-of-home care, or who are a  
 213 dependent child of a member of the United States Armed Forces  
 214 shall be given priority among new applicants. A student who  
 215 initially receives a scholarship based on eligibility under  
 216 subparagraph 2. remains eligible to participate until the  
 217 student graduates from high school or attains the age of 21  
 218 years, whichever occurs first, regardless of the student's  
 219 household income level. A sibling of a student who is  
 220 participating in the scholarship program under this subsection  
 221 is eligible for a scholarship if the student resides in the same  
 222 household as the sibling.

223 (b) The student is eligible to enroll in kindergarten  
 224 through second grade, ~~or has~~ spent the prior school year in  
 225 attendance at a Florida public school, or received a scholarship

226 pursuant to s. 1002.395 during the previous school year and,  
227 before initial receipt of such scholarship, spent the prior  
228 school year in attendance at a Florida public school. For  
229 purposes of this paragraph, prior school year in attendance  
230 means that the student was enrolled and reported by a school  
231 district for funding during the preceding October and February  
232 Florida Education Finance Program surveys in kindergarten  
233 through grade 12, which includes time spent in a Department of  
234 Juvenile Justice commitment program if funded under the Florida  
235 Education Finance Program. However, a dependent child of a  
236 member of the United States Armed Forces who transfers to a  
237 school in this state from out of state or from a foreign country  
238 due to a parent's permanent change of station orders or a foster  
239 child is exempt from the prior public school attendance  
240 requirement under this paragraph<sup>7</sup> but must meet the other  
241 eligibility requirements specified under this section to  
242 participate in the program.

243 (c) The parent has obtained acceptance for admission of  
244 the student to a private school that is eligible for the program  
245 under subsection (8), and the parent has requested a scholarship  
246 from an eligible nonprofit scholarship-funding organization ~~the~~  
247 ~~Department of Education~~ at least 60 days before the date of the  
248 first scholarship payment. The request must be communicated  
249 directly to an eligible nonprofit scholarship-funding  
250 organization ~~the department~~ in a manner that creates a written

251 or electronic record of the request and the date of receipt of  
 252 the request. ~~The department must notify the school district of~~  
 253 ~~the parent's intent upon receipt of the parent's request.~~

254 (d) The maximum household income level shall be increased  
 255 by 25 percent in the fiscal year following any fiscal year in  
 256 which more than 5 percent of the available scholarships  
 257 authorized under subsection (11) have not been awarded.

258 (5) SCHOLARSHIP PROHIBITIONS.—A student is not eligible  
 259 for a Family Empowerment Scholarship while he or she is:

260 (f) Participating in a virtual school, correspondence  
 261 school, or distance learning program that receives state funding  
 262 pursuant to the student's participation, unless the  
 263 participation is limited to no more than two courses per school  
 264 year.

265 (6) SCHOOL DISTRICT OBLIGATIONS.—

266 (a) By February ~~July 15, 2019,~~ and by ~~April~~ 1 of each year  
 267 ~~thereafter~~, a school district shall inform all households within  
 268 the district receiving free or reduced-priced meals under the  
 269 National School Lunch Act of their eligibility to apply to an  
 270 eligible nonprofit scholarship-funding organization ~~the~~  
 271 ~~department~~ for a Family Empowerment Scholarship. The form of  
 272 such notice shall be provided by the department, and the school  
 273 district shall include the provided form in any normal  
 274 correspondence with eligible households. Such notice is limited  
 275 to once a year.

276 (7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
 277 shall:

278 (c) Maintain a list of nationally norm-referenced tests  
 279 identified for purposes of satisfying the testing requirement in  
 280 subparagraph (8)(c)1. The tests must meet industry standards of  
 281 quality in accordance with state board rule.

282 (d) Notify eligible nonprofit scholarship-funding  
 283 organizations of the deadline for submitting the verified list  
 284 of students determined to be eligible for a scholarship.

285 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
 286 eligible to participate in the Family Empowerment Scholarship  
 287 Program, a private school may be sectarian or nonsectarian and  
 288 must:

289 (c)1. Annually administer or make provision for students  
 290 participating in the program in grades 3 through 10 to take one  
 291 of the nationally norm-referenced tests identified by the  
 292 department or to take the statewide assessments pursuant to s.  
 293 1008.22. Students with disabilities for whom standardized  
 294 testing is not appropriate are exempt from this requirement. A  
 295 participating private school shall report a student's scores to  
 296 his or her parent. By August 15 of each year, a participating  
 297 private school must report the scores of all participating  
 298 students to a state university as described in s.

299 1002.395(9)(f).

300 2. Administer the statewide assessments pursuant to s.

301 1008.22 if the private school chooses to offer the statewide  
 302 assessments. A participating private school may choose to offer  
 303 and administer the statewide assessments to all students who  
 304 attend the private school in grades 3 through 10 and must submit  
 305 a request in writing to the department by March 1 of each year  
 306 in order to administer the statewide assessments in the  
 307 subsequent school year.

308  
 309 If a private school fails to meet the requirements of this  
 310 subsection or s. 1002.421, the commissioner may determine that  
 311 the private school is ineligible to participate in the  
 312 scholarship program.

313 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
 314 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
 315 organization:

316 (a) Shall verify the household income level of students  
 317 pursuant to subparagraph (3)(a)1. and submit to the department  
 318 the verified list of students and related documentation to  
 319 enable the department to determine student eligibility pursuant  
 320 to paragraph (7)(b). The department must notify the school  
 321 district of the parent's intent to participate in the  
 322 scholarship program upon receipt of the verified list.

323 (11) SCHOLARSHIP FUNDING AND PAYMENT.—

324 (a) The scholarship is established for up to 18,000  
 325 students annually on a first-come, first-served basis beginning

326 | in ~~with~~ the 2019-2020 school year. Beginning in the 2020-2021  
 327 | school year, the maximum number of students participating in the  
 328 | scholarship program under this section shall ~~may~~ annually  
 329 | increase by 1.0 ~~0.25~~ percent of the state's total public school  
 330 | student enrollment.

331 | Section 4. Subsections (3) and (6) of section 1002.395,  
 332 | Florida Statutes, are amended to read:

333 | 1002.395 Florida Tax Credit Scholarship Program.—

334 | (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

335 | (a) The Florida Tax Credit Scholarship Program is  
 336 | established.

337 | (b) A student is eligible for a Florida tax credit  
 338 | scholarship under this section if the student meets one or more  
 339 | of the following criteria:

340 | 1. The student is on the direct certification list or the  
 341 | student's household income level does not exceed 260 ~~185~~ percent  
 342 | of the federal poverty level; or

343 | 2. The student is currently placed, or during the previous  
 344 | state fiscal year was placed, in foster care or in out-of-home  
 345 | care as defined in s. 39.01.

346 | ~~3. The student's household income level is greater than~~  
 347 | ~~185 percent of the federal poverty level but does not exceed 260~~  
 348 | ~~percent of the federal poverty level.~~

349 |  
 350 | For purposes of continuity of educational choice, a student who

351 ~~initially~~ receives a scholarship under this section ~~based on~~  
 352 ~~eligibility under subparagraph (b)2.~~ remains eligible to  
 353 participate until the student enrolls in a Florida public  
 354 school, graduates from high school, or attains the age of 21  
 355 years, whichever occurs first. However, if a student enters a  
 356 Department of Juvenile Justice detention center for a period of  
 357 no more than 21 days, the student is not considered to have  
 358 returned to a Florida public school, ~~regardless of the student's~~  
 359 ~~household income level.~~ A student who initially received a  
 360 ~~scholarship based on income eligibility before the 2019-2020~~  
 361 ~~school year remains eligible to participate until he or she~~  
 362 ~~graduates from high school, attains the age of 21 years, or the~~  
 363 ~~student's household income level exceeds 260 percent of the~~  
 364 ~~federal poverty level, whichever occurs first.~~ A sibling of a  
 365 student who is participating in the scholarship program under  
 366 this subsection is eligible for a scholarship if the student  
 367 resides in the same household as the sibling.

368 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
 369 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
 370 organization:

371 (a) Must comply with the antidiscrimination provisions of  
 372 42 U.S.C. s. 2000d.

373 (b) Must comply with the following background check  
 374 requirements:

375 1. All owners and operators as defined in subparagraph

376 (2) (i) 1. are, before employment or engagement to provide  
377 services, subject to level 2 background screening as provided  
378 under chapter 435. The fingerprints for the background screening  
379 must be electronically submitted to the Department of Law  
380 Enforcement and can be taken by an authorized law enforcement  
381 agency or by an employee of the eligible nonprofit scholarship-  
382 funding organization or a private company who is trained to take  
383 fingerprints. However, the complete set of fingerprints of an  
384 owner or operator may not be taken by the owner or operator. The  
385 results of the state and national criminal history check shall  
386 be provided to the Department of Education for screening under  
387 chapter 435. The cost of the background screening may be borne  
388 by the eligible nonprofit scholarship-funding organization or  
389 the owner or operator.

390 2. Every 5 years following employment or engagement to  
391 provide services or association with an eligible nonprofit  
392 scholarship-funding organization, each owner or operator must  
393 meet level 2 screening standards as described in s. 435.04, at  
394 which time the nonprofit scholarship-funding organization shall  
395 request the Department of Law Enforcement to forward the  
396 fingerprints to the Federal Bureau of Investigation for level 2  
397 screening. If the fingerprints of an owner or operator are not  
398 retained by the Department of Law Enforcement under subparagraph  
399 3., the owner or operator must electronically file a complete  
400 set of fingerprints with the Department of Law Enforcement. Upon



401 submission of fingerprints for this purpose, the eligible  
402 nonprofit scholarship-funding organization shall request that  
403 the Department of Law Enforcement forward the fingerprints to  
404 the Federal Bureau of Investigation for level 2 screening, and  
405 the fingerprints shall be retained by the Department of Law  
406 Enforcement under subparagraph 3.

407 3. Fingerprints submitted to the Department of Law  
408 Enforcement as required by this paragraph must be retained by  
409 the Department of Law Enforcement in a manner approved by rule  
410 and entered in the statewide automated biometric identification  
411 system authorized by s. 943.05(2)(b). The fingerprints must  
412 thereafter be available for all purposes and uses authorized for  
413 arrest fingerprints entered in the statewide automated biometric  
414 identification system pursuant to s. 943.051.

415 4. The Department of Law Enforcement shall search all  
416 arrest fingerprints received under s. 943.051 against the  
417 fingerprints retained in the statewide automated biometric  
418 identification system under subparagraph 3. Any arrest record  
419 that is identified with an owner's or operator's fingerprints  
420 must be reported to the Department of Education. The Department  
421 of Education shall participate in this search process by paying  
422 an annual fee to the Department of Law Enforcement and by  
423 informing the Department of Law Enforcement of any change in the  
424 employment, engagement, or association status of the owners or  
425 operators whose fingerprints are retained under subparagraph 3.

426 The Department of Law Enforcement shall adopt a rule setting the  
 427 amount of the annual fee to be imposed upon the Department of  
 428 Education for performing these services and establishing the  
 429 procedures for the retention of owner and operator fingerprints  
 430 and the dissemination of search results. The fee may be borne by  
 431 the owner or operator of the nonprofit scholarship-funding  
 432 organization.

433 5. A nonprofit scholarship-funding organization whose  
 434 owner or operator fails the level 2 background screening is not  
 435 eligible to provide scholarships under this section.

436 6. A nonprofit scholarship-funding organization whose  
 437 owner or operator in the last 7 years has filed for personal  
 438 bankruptcy or corporate bankruptcy in a corporation of which he  
 439 or she owned more than 20 percent shall not be eligible to  
 440 provide scholarships under this section.

441 7. In addition to the offenses listed in s. 435.04, a  
 442 person required to undergo background screening pursuant to this  
 443 part or authorizing statutes must not have an arrest awaiting  
 444 final disposition for, must not have been found guilty of, or  
 445 entered a plea of nolo contendere to, regardless of  
 446 adjudication, and must not have been adjudicated delinquent, and  
 447 the record must not have been sealed or expunged for, any of the  
 448 following offenses or any similar offense of another  
 449 jurisdiction:

450 a. Any authorizing statutes, if the offense was a felony.

- 451           b. This chapter, if the offense was a felony.
- 452           c. Section 409.920, relating to Medicaid provider fraud.
- 453           d. Section 409.9201, relating to Medicaid fraud.
- 454           e. Section 741.28, relating to domestic violence.
- 455           f. Section 817.034, relating to fraudulent acts through
- 456 mail, wire, radio, electromagnetic, photoelectronic, or
- 457 photooptical systems.
- 458           g. Section 817.234, relating to false and fraudulent
- 459 insurance claims.
- 460           h. Section 817.505, relating to patient brokering.
- 461           i. Section 817.568, relating to criminal use of personal
- 462 identification information.
- 463           j. Section 817.60, relating to obtaining a credit card
- 464 through fraudulent means.
- 465           k. Section 817.61, relating to fraudulent use of credit
- 466 cards, if the offense was a felony.
- 467           l. Section 831.01, relating to forgery.
- 468           m. Section 831.02, relating to uttering forged
- 469 instruments.
- 470           n. Section 831.07, relating to forging bank bills, checks,
- 471 drafts, or promissory notes.
- 472           o. Section 831.09, relating to uttering forged bank bills,
- 473 checks, drafts, or promissory notes.
- 474           p. Section 831.30, relating to fraud in obtaining
- 475 medicinal drugs.

476 q. Section 831.31, relating to the sale, manufacture,  
477 delivery, or possession with the intent to sell, manufacture, or  
478 deliver any counterfeit controlled substance, if the offense was  
479 a felony.

480 (c) Must not have an owner or operator who owns or  
481 operates an eligible private school that is participating in the  
482 scholarship program.

483 (d) Must provide scholarships, from eligible  
484 contributions, to eligible students for the cost of:

- 485 1. Tuition and fees for an eligible private school; or  
486 2. Transportation to a Florida public school in which a  
487 student is enrolled and that is different from the school to  
488 which the student was assigned or to a lab school as defined in  
489 s. 1002.32.

490 (e) Must give first priority to eligible students who  
491 received a scholarship from an eligible nonprofit scholarship-  
492 funding organization or from the State of Florida during the  
493 previous school year. ~~Beginning in the 2016-2017 school year, an~~  
494 ~~eligible nonprofit scholarship-funding organization shall give~~  
495 ~~priority to~~ New applicants whose household income levels do not  
496 exceed 185 percent of the federal poverty level or who are in  
497 foster care or out-of-home care shall be given priority among  
498 new applicants.

499 (f) Must provide a scholarship to an eligible student on a  
500 first-come, first-served basis unless the student qualifies for

501 priority pursuant to paragraph (e).

502 (g) May not restrict or reserve scholarships for use at a  
 503 particular private school or provide scholarships to a child of  
 504 an owner or operator.

505 (h) Must allow a student in foster care or out-of-home  
 506 care or a dependent child of a parent who is a member of the  
 507 United States Armed Forces to apply for a scholarship at any  
 508 time.

509 (i) Must allow an eligible student to attend any eligible  
 510 private school and must allow a parent to transfer a scholarship  
 511 during a school year to any other eligible private school of the  
 512 parent's choice.

513 (j)1. May use eligible contributions received pursuant to  
 514 this section and ss. 212.099, 212.1832, and 1002.40 during the  
 515 state fiscal year in which such contributions are collected and  
 516 the income earned from such contributions for administrative  
 517 expenses if the organization has operated as an eligible  
 518 nonprofit scholarship-funding organization for at least the  
 519 preceding 3 fiscal years and did not have any findings of  
 520 material weakness or material noncompliance in its most recent  
 521 audit under paragraph (m). Administrative expenses from eligible  
 522 contributions may not exceed 3 percent of the total amount of  
 523 all scholarships awarded by an eligible nonprofit scholarship-  
 524 funding organization under this chapter. Such administrative  
 525 expenses must be reasonable and necessary for the organization's

526 management and distribution of scholarships awarded under this  
527 chapter. ~~No~~ Funds authorized under this subparagraph may not  
528 ~~shall~~ be used for lobbying or political activity or expenses  
529 related to lobbying or political activity. Up to one-third of  
530 the funds authorized for administrative expenses under this  
531 subparagraph may be used for expenses related to the recruitment  
532 of contributions from taxpayers. An eligible nonprofit  
533 scholarship-funding organization may not charge an application  
534 fee.

535 2. Must expend for annual or partial-year scholarships an  
536 amount equal to or greater than 75 percent of the net eligible  
537 contributions remaining after administrative expenses during the  
538 state fiscal year in which such contributions are collected. No  
539 more than 25 percent of such net eligible contributions may be  
540 carried forward to the following state fiscal year. All amounts  
541 carried forward, for audit purposes, must be specifically  
542 identified for particular students, by student name and the name  
543 of the school to which the student is admitted, subject to the  
544 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,  
545 and the applicable rules and regulations issued pursuant  
546 thereto. Any amounts carried forward shall be expended for  
547 annual or partial-year scholarships in the following state  
548 fiscal year. No later than September 30 of each year, net  
549 eligible contributions remaining on June 30 of each year that  
550 are in excess of the 25 percent that may be carried forward

551 shall be used to provide scholarships to eligible students or  
552 transferred to other eligible nonprofit scholarship-funding  
553 organizations to provide scholarships for eligible students. All  
554 transferred funds must be deposited by each eligible nonprofit  
555 scholarship-funding organization receiving such funds into its  
556 scholarship account. All transferred amounts received by any  
557 eligible nonprofit scholarship-funding organization must be  
558 separately disclosed in the annual financial audit required  
559 under paragraph (m).

560 3. Must, before granting a scholarship for an academic  
561 year, document each scholarship student's eligibility for that  
562 academic year. A scholarship-funding organization may not grant  
563 multiyear scholarships in one approval process.

564  
565 ~~Information and documentation provided to the Department of~~  
566 ~~Education and the Auditor General relating to the identity of a~~  
567 ~~taxpayer that provides an eligible contribution under this~~  
568 ~~section shall remain confidential at all times in accordance~~  
569 ~~with s. 213.053.~~

570 (k) Must maintain separate accounts for scholarship funds  
571 and operating funds.

572 (l) With the prior approval of the Department of  
573 Education, may transfer funds to another eligible nonprofit  
574 scholarship-funding organization if additional funds are  
575 required to meet scholarship demand at the receiving nonprofit

576 scholarship-funding organization. A transfer is limited to the  
 577 greater of \$500,000 or 20 percent of the total contributions  
 578 received by the nonprofit scholarship-funding organization  
 579 making the transfer. All transferred funds must be deposited by  
 580 the receiving nonprofit scholarship-funding organization into  
 581 its scholarship accounts. All transferred amounts received by  
 582 any nonprofit scholarship-funding organization must be  
 583 separately disclosed in the annual financial and compliance  
 584 audit required in this section.

585 (m) Must provide to the Auditor General and the Department  
 586 of Education a report on the results of an annual financial  
 587 audit of its accounts and records conducted by an independent  
 588 certified public accountant in accordance with auditing  
 589 standards generally accepted in the United States, government  
 590 auditing standards, and rules promulgated by the Auditor  
 591 General. The audit report must include a report on financial  
 592 statements presented in accordance with generally accepted  
 593 accounting principles. Audit reports must be provided to the  
 594 Auditor General and the Department of Education within 180 days  
 595 after completion of the eligible nonprofit scholarship-funding  
 596 organization's fiscal year. The Auditor General shall review all  
 597 audit reports submitted pursuant to this paragraph. The Auditor  
 598 General shall request any significant items that were omitted in  
 599 violation of a rule adopted by the Auditor General. The items  
 600 must be provided within 45 days after the date of the request.



601 If the scholarship-funding organization does not comply with the  
 602 Auditor General's request, the Auditor General shall notify the  
 603 Legislative Auditing Committee.

604 (n) Must prepare and submit quarterly reports to the  
 605 Department of Education pursuant to paragraph (9)(i). In  
 606 addition, an eligible nonprofit scholarship-funding organization  
 607 must submit in a timely manner any information requested by the  
 608 Department of Education relating to the scholarship program.

609 (o)1.a. Must participate in the joint development of  
 610 agreed-upon procedures during the 2009-2010 state fiscal year.  
 611 The agreed-upon procedures must uniformly apply to all private  
 612 schools and must determine, at a minimum, whether the private  
 613 school has been verified as eligible by the Department of  
 614 Education under s. 1002.421; has an adequate accounting system,  
 615 system of financial controls, and process for deposit and  
 616 classification of scholarship funds; and has properly expended  
 617 scholarship funds for education-related expenses. During the  
 618 development of the procedures, the participating scholarship-  
 619 funding organizations shall specify guidelines governing the  
 620 materiality of exceptions that may be found during the  
 621 accountant's performance of the procedures. The procedures and  
 622 guidelines shall be provided to private schools and the  
 623 Commissioner of Education by March 15, 2011.

624 b. Must participate in a joint review of the agreed-upon  
 625 procedures and guidelines developed under sub-subparagraph a.,

626 by February of each biennium, if the scholarship-funding  
627 organization provided more than \$250,000 in scholarship funds to  
628 an eligible private school under this chapter during the state  
629 fiscal year preceding the biennial review. If the procedures and  
630 guidelines are revised, the revisions must be provided to  
631 private schools and the Commissioner of Education by March 15 of  
632 the year in which the revisions were completed. The revised  
633 agreed-upon procedures shall take effect the subsequent school  
634 year. For the 2018-2019 school year only, the joint review of  
635 the agreed-upon procedures must be completed and the revisions  
636 submitted to the commissioner no later than September 15, 2018.  
637 The revised procedures are applicable to the 2018-2019 school  
638 year.

639 c. Must monitor the compliance of a private school with s.  
640 1002.421(1)(q) if the scholarship-funding organization provided  
641 the majority of the scholarship funding to the school. For each  
642 private school subject to s. 1002.421(1)(q), the appropriate  
643 scholarship-funding organization shall annually notify the  
644 Commissioner of Education by October 30 of:

645 (I) A private school's failure to submit a report required  
646 under s. 1002.421(1)(q); or

647 (II) Any material exceptions set forth in the report  
648 required under s. 1002.421(1)(q).

649 2. Must seek input from the accrediting associations that  
650 are members of the Florida Association of Academic Nonpublic

651 Schools and the Department of Education when jointly developing  
 652 the agreed-upon procedures and guidelines under sub-subparagraph  
 653 1.a. and conducting a review of those procedures and guidelines  
 654 under sub-subparagraph 1.b.

655 (p) Must maintain the surety bond or letter of credit  
 656 required by subsection (15). The amount of the surety bond or  
 657 letter of credit may be adjusted quarterly to equal the actual  
 658 amount of undisbursed funds based upon submission by the  
 659 organization of a statement from a certified public accountant  
 660 verifying the amount of undisbursed funds. The requirements of  
 661 this paragraph are waived if the cost of acquiring a surety bond  
 662 or letter of credit exceeds the average 10-year cost of  
 663 acquiring a surety bond or letter of credit by 200 percent. The  
 664 requirements of this paragraph are waived for a state  
 665 university; or an independent college or university which is  
 666 eligible to participate in the William L. Boyd, IV, Effective  
 667 Access to Student Education Grant Program, located and chartered  
 668 in this state, is not for profit, and is accredited by the  
 669 Commission on Colleges of the Southern Association of Colleges  
 670 and Schools.

671 (q) Must provide to the Auditor General any information or  
 672 documentation requested in connection with an operational audit  
 673 of a scholarship funding organization conducted pursuant to s.  
 674 11.45.

675

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

681 Section 5. Paragraph (d) of subsection (8) of section  
682 1002.40, Florida Statutes, is amended to read:

683 1002.40 The Hope Scholarship Program.—

684 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
685 shall:

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

688 1. Reviewing the school bullying prevention education  
689 program, climate, and code of student conduct of each public  
690 school from which 10 or more students transferred to another  
691 public school or private school using the Hope scholarship in a  
692 single academic year to determine areas in the school or school  
693 district procedures involving reporting, investigating, and  
694 communicating a parent's and student's rights that are in need  
695 of improvement. At a minimum, the review must include:

696 a. An assessment of the investigation time and quality of  
697 the response of the school and the school district.

698 b. An assessment of the effectiveness of communication  
699 procedures with the students involved in an incident, the  
700 students' parents, and the school and school district personnel.

701 c. An analysis of school incident and discipline data.

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

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

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

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

719 Section 6. This act shall take effect July 1, 2020.