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

CODING: Words strucken are deletions; words underlined are additions.
and school district obligations for such scholarship; requiring the Department of Education to maintain a specified list and notify such organizations of a specified deadline; requiring participating private schools to annually report certain scores to a state university; revising such organization's obligations; requiring, rather than authorizing, an annual specified increase in the maximum number of students participating in such program; amending s. 1002.395, F.S.; revising student eligibility criteria for initial and renewal awards under the Florida Tax Credit Scholarship Program; requiring that certain students be given priority for such program; authorizing eligible nonprofit scholarship-funding organizations to use certain income for specified purposes; amending s. 1002.40, F.S.; revising the criteria for a public school to have a specified entity evaluate its bullying prevention education program, climate, and code of student conduct under the Hope Scholarship Program; providing an effective date.

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

Section 1. Paragraph (l) of subsection (2) of section...
11.45, Florida Statutes, is amended to read:

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

(2) DUTIES.—The Auditor General shall:

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
(6), paragraphs (e) and (f) of subsection (11), and paragraph (j) of subsection (12) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

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

(a) The student:

1. Is a resident of this state;

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

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

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

A student with a disability who meets the requirements of this paragraph, but who turns 3 years of age after September 1, may
be determined to be eligible for a Gardiner Scholarship on or after his or her third birthday and may be awarded a scholarship if program funds are available.

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

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

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

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

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

(b)1. 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 paragraph (5)(f), shall revert to the state after:

a. 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 services
received pursuant to subsection (5);

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

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

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

(e) The parent must annually renew participation in the program in order for a student to be eligible to receive funding. A student whose participation in the program is not renewed may continue to spend scholarship funds that are in his or her account from prior years unless the account must be
closed pursuant to paragraph (6)(b). Notwithstanding any changes
to the student's IEP, a student who was previously eligible for
participation in the program shall remain eligible to apply for
renewal. However, for a high-risk child to continue to
participate in the program in the school year after he or she
reaches 6 years of age, the child's application for renewal of
program participation must contain documentation that the child
has a disability defined in paragraph (2)(d) other than high-

risk status.

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

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

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

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

1002.394 The Family Empowerment Scholarship Program.—

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

(a)1. The student is on the direct certification list
pursuant to s. 1002.395(2)(c) or the student's household income level does not exceed 300 percent of the federal poverty level; or

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

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

(b) The student is eligible to enroll in kindergarten through second grade, or has spent the prior school year in attendance at a Florida public school, or received a scholarship
pursuant to s. 1002.395 during the previous school year and, before initial receipt of such scholarship, spent the prior school year in attendance at a Florida public school. For purposes of this paragraph, prior school year in attendance means that the student was enrolled and reported by a school district for funding during the preceding October and 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. However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent's permanent change of station orders or a foster child is exempt from the prior public school attendance requirement under this paragraph, but must meet the other eligibility requirements specified under this section to participate in the program.

(c) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (8), and the parent has requested a scholarship from an eligible nonprofit scholarship-funding organization the Department of Education at least 60 days before the date of the first scholarship payment. The request must be communicated directly to an eligible nonprofit scholarship-funding organization the department in a manner that creates a written
or electronic record of the request and the date of receipt of the request. The department must notify the school district of the parent’s intent upon receipt of the parent’s request.

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

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

(f) 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.

(6) SCHOOL DISTRICT OBLIGATIONS.—

(a) By [February] July 15, 2019, and by April 1 of each year thereafter, a school district shall inform all households within the district receiving free or reduced-priced meals under the National School Lunch Act of their eligibility to apply to an eligible nonprofit scholarship-funding organization the department for a Family Empowerment Scholarship. The form of such notice shall be provided by the department, and the school district shall include the provided form in any normal correspondence with eligible households. Such notice is limited to once a year.
(7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

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

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

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

(c)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 to take 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. By August 15 of each year, a participating private school must report the scores of all participating students to a state university as described in s. 1002.395(9)(f).

2. Administer the statewide assessments pursuant to s.
1008.22 if the 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 scholarship program.

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

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

(11) SCHOLARSHIP FUNDING AND PAYMENT.—

(a) The scholarship is established for up to 18,000 students annually on a first-come, first-served basis beginning
in with 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 may annually increase by 1.0 0.25 percent of the state's total public school student enrollment.

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

1002.395 Florida Tax Credit Scholarship Program.—
(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—
(a) The Florida Tax Credit Scholarship Program is established.

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

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

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

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

For purposes of continuity of educational choice, a student who
initially receives a scholarship under this section based on eligibility under subparagraph (b)2. remains eligible to participate until the student enrolls in a Florida public school, graduates from high school, or attains the age of 21 years, whichever occurs first. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a Florida public school, regardless of the student's household income level. A student who initially received a scholarship based on income eligibility before the 2019-2020 school year remains eligible to participate until he or she graduates from high school, attains the age of 21 years, or the student's household income level exceeds 260 percent of the federal poverty level, whichever occurs first. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

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

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

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

1. All owners and operators as defined in subparagraph
(2)(i)1. are, before employment or engagement to provide
services, subject to level 2 background screening as provided
under chapter 435. The fingerprints for the background screening
must be electronically submitted to the Department of Law
Enforcement and can be taken by an authorized law enforcement
agency or by an employee of the eligible nonprofit scholarship-
funding organization or a private company who is trained to take
fingerprints. However, the complete set of fingerprints of an
owner or operator may not be taken by the owner or operator. The
results of the state and national criminal history check shall
be provided to the Department of Education for screening under
chapter 435. The cost of the background screening may be borne
by the eligible nonprofit scholarship-funding organization or
the owner or operator.

2. Every 5 years following employment or engagement to
provide services or association with an eligible nonprofit
scholarship-funding organization, each owner or operator must
meet level 2 screening standards as described in s. 435.04, at
which time the nonprofit scholarship-funding organization shall
request the Department of Law Enforcement to forward the
fingerprints to the Federal Bureau of Investigation for level 2
screening. If the fingerprints of an owner or operator are not
retained by the Department of Law Enforcement under subparagraph
3., the owner or operator must electronically file a complete
set of fingerprints with the Department of Law Enforcement. Upon
submission of fingerprints for this purpose, the eligible
nonprofit scholarship-funding organization shall request that
the Department of Law Enforcement forward the fingerprints to
the Federal Bureau of Investigation for level 2 screening, and
the fingerprints shall be retained by the Department of Law
Enforcement under subparagraph 3.

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

4. The Department of Law Enforcement shall search all
arrest fingerprints received under s. 943.051 against the
fingerprints retained in the statewide automated biometric
identification system under subparagraph 3. Any arrest record
that is identified with an owner's or operator's fingerprints
must be reported to the Department of Education. The Department
of Education shall participate in this search process by paying
an annual fee to the Department of Law Enforcement and by
informing the Department of Law Enforcement of any change in the
employment, engagement, or association status of the owners or
operators whose fingerprints are retained under subparagraph 3.
The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon the Department of Education for performing these services and establishing the procedures for the retention of owner and operator fingerprints and the dissemination of search results. The fee may be borne by the owner or operator of the nonprofit scholarship-funding organization.

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

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

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

   a. Any authorizing statutes, if the offense was a felony.
b. This chapter, if the offense was a felony.
c. Section 409.920, relating to Medicaid provider fraud.
d. Section 409.9201, relating to Medicaid fraud.
e. Section 741.28, relating to domestic violence.
f. Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.
g. Section 817.234, relating to false and fraudulent insurance claims.
h. Section 817.505, relating to patient brokering.
i. Section 817.568, relating to criminal use of personal identification information.
j. Section 817.60, relating to obtaining a credit card through fraudulent means.
k. Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.
l. Section 831.01, relating to forgery.
m. Section 831.02, relating to uttering forged instruments.
n. Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.
o. Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.
p. Section 831.30, relating to fraud in obtaining medicinal drugs.
q. Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.

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

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

1. Tuition and fees for an eligible private school; or

2. Transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned or to a lab school as defined in s. 1002.32.

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

(f) Must provide a scholarship to an eligible student on a first-come, first-served basis unless the student qualifies for
priority pursuant to paragraph (e).

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

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

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

(j)1. May use eligible contributions received pursuant to this section and ss. 212.099, 212.1832, and 1002.40 during the state fiscal year in which such contributions are collected and the income earned from such contributions for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under paragraph (m). Administrative expenses from eligible contributions may not exceed 3 percent of the total amount of all scholarships awarded by an eligible nonprofit scholarship-funding organization under this chapter. Such administrative expenses must be reasonable and necessary for the organization's
management and distribution of scholarships awarded under this chapter. No Funds authorized under this subparagraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. An eligible nonprofit scholarship-funding organization may not charge an application fee.

2. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of the net eligible contributions remaining after administrative expenses during the state fiscal year in which such contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. No later than September 30 of each year, net eligible contributions remaining on June 30 of each year that are in excess of the 25 percent that may be carried forward...
shall be used to provide scholarships to eligible students or transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under paragraph (m).

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

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.

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

(l) With the prior approval of the Department of Education, may transfer funds to another eligible nonprofit scholarship-funding organization if additional funds are required to meet scholarship demand at the receiving nonprofit
scholarship-funding organization. A transfer is limited to the greater of $500,000 or 20 percent of the total contributions received by the nonprofit scholarship-funding organization making the transfer. All transferred funds must be deposited by the receiving nonprofit scholarship-funding organization into its scholarship accounts. All transferred amounts received by any nonprofit scholarship-funding organization must be separately disclosed in the annual financial and compliance audit required in this section.

(m) Must provide to the Auditor General and the Department of Education a report on the results of an annual financial audit of its accounts and records conducted by an independent certified public accountant in accordance with auditing standards generally accepted in the United States, government auditing standards, and rules promulgated by the Auditor General. The audit report must include a report on financial statements presented in accordance with generally accepted accounting principles. Audit reports must be provided to the Auditor General and the Department of Education within 180 days after completion of the eligible nonprofit scholarship-funding organization's fiscal year. The Auditor General shall review all audit reports submitted pursuant to this paragraph. The Auditor General shall request any significant items that were omitted in violation of a rule adopted by the Auditor General. The items must be provided within 45 days after the date of the request.
If the scholarship-funding organization does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee.

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

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

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a.,
by February of each biennium, if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15 of the year in which the revisions were completed. The revised agreed-upon procedures shall take effect the subsequent school year. For the 2018-2019 school year only, the joint review of the agreed-upon procedures must be completed and the revisions submitted to the commissioner no later than September 15, 2018. The revised procedures are applicable to the 2018-2019 school year.

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

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

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

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic
Schools and the Department of Education when jointly developing the agreed-upon procedures and guidelines under sub-subparagraph 1.a. and conducting a review of those procedures and guidelines under sub-subparagraph 1.b.

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

   (q) Must provide to the Auditor General any information or documentation requested in connection with an operational audit of a scholarship funding organization conducted pursuant to s. 11.45.
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. Paragraph (d) of subsection (8) of section 1002.40, Florida Statutes, is amended to read:

1002.40 The Hope Scholarship Program.—

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

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

1. 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 in a single academic year 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:

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

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

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

2. 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.

3. 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.

4. 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.

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