A bill to be entitled
An act relating to the Hope Scholarship Program;
creating s. 1002.40, F.S.; establishing the Hope
Scholarship Program; providing the purpose of the
program; defining terms; providing eligibility
requirements; prohibiting the payment of a scholarship
under certain circumstances; requiring a principal to
provide copies of a report of physical violence or
emotional abuse to certain individuals within a
specified timeframe; requiring the principal to
investigate such incidents; requiring a school
district to notify an eligible student’s parent of the
program under certain circumstances; requiring a
school district to provide certain information
relating to the statewide assessment program;
providing requirements and obligations for eligible
private schools; providing Department of Education
obligations relating to participating students and
private schools and program requirements; providing
Commissioner of Education obligations; requiring the
commissioner to deny, suspend, or revoke a private
school’s participation in the program or the payment
of scholarship funds under certain circumstances;
defining the term “owner or operator”; providing a
process for review of a decision from the commissioner
under certain circumstances; providing for the release
of personally identifiable student information under
certain circumstances; providing parent and student
responsibilities for initial and continued

CODING: Words stricken are deletions; words underlined are additions.
participation in the program; providing nonprofit scholarship-funding organization obligations; providing for the calculation of the scholarship amount; providing the scholarship amount for students transferred to certain public schools; requiring verification of specified information before a scholarship may be disbursed; providing requirements for the scholarship payments; providing funds for administrative expenses for certain nonprofit scholarship-funding organizations; providing requirements for administrative expenses; prohibiting a nonprofit scholarship-funding organization from charging an application fee; providing Auditor General obligations; providing requirements for taxpayer elections to contribute to the program; requiring the Department of Revenue to adopt forms to administer the program; providing requirements for certain agents of the Department of Revenue and motor vehicle dealers; providing reporting requirements for nonprofit scholarship-funding organizations relating to taxpayer contributions; providing penalties; providing for the restitution of specified funds under certain circumstances; providing the state is not liable for the award or use of program funds; prohibiting additional regulations for private schools participating in the program beyond those necessary to enforce program requirements; requiring the State Board of Education to adopt rules to administer the program; creating s. 212.1832, F.S.; authorizing

CODING: Words stricken are deletions; words underlined are additions.
certain persons to elect to direct certain state sales and use tax revenue to be transferred to a nonprofit scholarship-funding organization for the Hope Scholarship Program; amending s. 1002.01, F.S.; revising and defining terms; amending s. 1002.20; updating educational options and terminology; amending s. 1003.01, F.S.; redefining the term “regular school attendance”; amending ss. 1002.385, 1002.39, 1002.395, and 1003.26, F.S.; conforming cross-references and provisions to changes made by the act; updating terminology; repealing ch. 623, F.S., relating to private school corporations, on a specified date; amending s. 212.08, F.S.; conforming a cross-reference; repealing s. 1002.43, F.S., relating to private tutoring programs; authorizing the Department of Revenue to adopt emergency rules for specified purposes; providing effective dates.

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

Section 1. Section 1002.40, Florida Statutes, is created 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 the victim of a substantiated incident of violence or abuse, as listed in subsection (3), an opportunity to transfer the student to another public school or to request and receive from the state a scholarship for the student to enroll in and attend an eligible
private school.  

(2) DEFINITIONS.—As used in this section, the term:
(a) “Department” means the Department of Education.
(b) “Eligible contribution” or “contribution” means a monetary contribution from a person required to pay sales and use tax on the purchase or acquisition of a motor vehicle, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific student as the beneficiary of the contribution.
(c) “Eligible nonprofit scholarship-funding organization” or “organization” has the same meaning as provided in s. 1002.395(2)(f), as determined by the department.
(d) “Eligible private school” has the same meaning as provided in s. 1002.395(2)(g), as determined by the department.
(e) “Motor vehicle” has the same meaning as provided in s. 320.01(1)(a), but does not include heavy trucks, truck tractors, trailers, and motorcycles.
(f) “Parent” means a resident of this state who is a parent, as defined in s. 1000.21, and whose public school student was the victim of a reported incident, as listed in subsection (3).
(g) “Program” means the Hope Scholarship Program.
(h) “School” includes 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.
(i) “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 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 full time in a
Florida public school in kindergarten through grade 12 is
eligible for a scholarship under this program if all of the
following conditions are met:

(a) The student is the victim of a substantiated incident
of battery; harassment; hazing; bullying; kidnapping; physical
attack; robbery; sexual offenses, harassment, assault, or
battery; threat or intimidation; or fighting at school.

(b) The incident is formally reported by the victim or the
victim’s parent to the principal.

(c) Through an investigation, the principal finds that the
incident is substantiated.

(d) The principal’s investigation remains open or the
district’s resolution of issues related to the incident remain
unresolved after timely notification, deliberative evaluation,
and 30 days of responsible and appropriate action taken in
accordance with paragraph (5)(a).

(4) PROGRAM PROHIBITIONS.—Payment of a scholarship 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; the Florida Virtual School; a
developmental research school authorized under s. 1002.32; or a
charter school authorized under s. 1002.33, s. 1002.331, s.
1002.332, or s. 1002.333;
   (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;
   (d) Receiving any other educational scholarship pursuant to this chapter; or
   (e) Participating in a home education program, as defined in s. 1002.01.

(5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—
   (a)1. Within 24 hours after receipt of a formal report of an incident listed in subsection (3)(a), the principal shall provide a copy of the report to the victim’s parent and the alleged offender’s parent. The report must include a statement of the expected investigative actions and the timeline for reporting the outcome of the investigation. Within 24 hours after receipt of the formal report, the principal must also provide the superintendent with a copy of the report and verification that the parents of the victim and the alleged offender have been provided a copy of the incident report and other required information.
   2. In accordance with s. 1006.09, the principal must investigate the incident to determine if the incident is substantiated or unsubstantiated, and if the incident must be reported. The principal may, at his or her discretion, determine the extent to which each student was engaged in instigating,
initiating, or reacting to a physical altercation, and may consider such information when evaluating and determining appropriate disciplinary actions and investigation outcomes.

3. During the investigation period, the principal and the superintendent shall take all necessary actions to continue the educational services of students involved in the reported incident while taking every reasonable precaution to keep the alleged offender separated from the victim or any sibling of the victim while on school grounds or on school transportation, pursuant to ss. 1006.09, 1006.13, and 1006.147, as appropriate.

4. Upon the principal’s determination that an alleged incident is unsubstantiated or the resolution of issues related to a substantiated incident or within 15 days after the incident was reported, whichever occurs first, the principal must report to the victim’s parent and the alleged offender’s parent the findings, outcome, or status of the investigation. The principal shall continue to provide such reports to the parents at least every 15 days until the investigation concludes and issues associated with the incident are resolved.

5. If the principal’s investigation into the incident remains open more than 30 days after the date a substantiated incident was reported or issues associated with the incident remain unresolved the school district, in accordance with the school district’s code of student conduct, shall notify the victim’s parent of the availability of the program and offer that parent an opportunity to enroll his or her student in another public school or to request and receive a scholarship to attend an eligible private school, subject to available funding.

6. To facilitate timely, appropriate, and fiscally
accountable scholarship payments, school districts must report
and verify student enrollment information during and outside of
regular FTE student enrollment survey periods, as requested by
the department pursuant to paragraph (7)(d).

(b)1. A parent who, pursuant to s. 1002.31, chooses to
enroll his or her student in a Florida public school located
outside the district in which the student resides shall be
eligible for a scholarship under paragraph (11)(b) to transport
the student.

2. For each student participating in the program in a
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.

(6) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
private school may be sectarian or nonsectarian and shall:

(a) Meet the definition of a private school in s. 1002.01
and comply with all requirements for private schools
participating in state school choice scholarship programs
pursuant to this section and s. 1002.421.

(b) Provide to the organization and the department, upon
request, all documentation required for the student’s
participation, including, but not limited to, the private
school’s and the student’s fee schedules.

(c) Be academically accountable to the parent for meeting
the educational needs of the student by:

1. At a minimum, annually providing to the parent a written
explanation of the student’s progress.
2. Annually administering or making 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.

3. Cooperating with the student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.
   a. 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.
   b. A participating private school shall 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.
   (d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school’s physical location.
   (e) Maintain in this state a physical location where a scholarship student regularly attends classes.
   (f) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this section.
581-02334-18

20181172c1

in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school’s scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the program, as determined by the department.

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

(a) Establish a toll-free hotline that provides parents and private schools with information on participation in the program.

(b) Annually verify the eligibility of private schools that meet the requirements of subsection (6).

(c) Require an annual notarized and sworn compliance statement by participating private schools certifying compliance with state laws and retain such records.

(d) Cross-check the list of participating students with the public school enrollment lists and participation lists in other scholarship programs established under this chapter before each scholarship payment to avoid duplication.

(e) Maintain a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in paragraph (9)(f). The tests must meet industry standards of quality in accordance with State Board of Education rule.
(f) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program, the private schools in which the students are enrolled, and other information deemed necessary by the department.

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

1. Reviewing the school climate and code of student conduct of each public school that reported the occurrence of a monthly average of 10 or more substantiated incidents to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent’s and student’s rights which 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; and
   d. The challenges and obstacles relating to implementing recommendations from this review.

2. Reviewing the school climate and code of student conduct of each public school a student transferred to 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 the majority of the
school’s total enrolled students in the prior school year
participated in one or more scholarship programs, as defined in
s. 1002.01, in which there are at least 10 participating
students who have scores for tests administered; and reviewing
the school climate and code of student conduct of the private
school if one or more scholarship participants were involved in
a reported incident at the school during the prior school year.

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

(h) Upon the request of a participating private school,
provide at no cost to the school the statewide assessments
administered under s. 1008.22 and any related materials for
administering the assessments. Students at a private school may
be assessed using the statewide assessments if the addition of
those students and the school does not cause the state to exceed
its contractual caps for the number of students tested and the
number of testing sites. The state shall provide the same
materials and support to a private school that it provides to a
public school. A private school that chooses to administer
statewide assessments under s. 1008.22 shall follow the
requirements set forth in ss. 1008.22 and 1008.24, rules adopted
by the State Board of Education to implement those sections, and
district-level testing policies established by the district
school board.

(i) Establish a process by which individuals may notify the
department of any violation by a parent, private school, or
school district of state laws relating to program participation.
The department shall conduct an inquiry or make a referral to
the appropriate agency for an investigation of any written
complaint of a violation of this section if the complaint is
signed by the complainant and is legally sufficient. A complaint
is legally sufficient if such complaint contains ultimate facts
that show that a violation of this section or any rule adopted
by the State Board of Education pursuant to this section has
occurred. In order to determine legal sufficiency, the
department may require supporting information or documentation
from the complainant. A department inquiry is not subject to the
requirements of chapter 120.

(j)1. Conduct site visits to participating private schools.
The purpose of the site visits is solely to verify the
information reported by the schools concerning the enrollment
and attendance of students, the credentials of teachers,
background screening of teachers, teachers’ fingerprinting
results, and other conditions required pursuant to s. 1002.421
and this section. The department may not make more than seven
site visits each year; however, the department may make
additional site visits at any time to a school that is the
subject of a violation complaint submitted pursuant to paragraph
(i), is identified by an organization for a known or suspected
violation, or has received a notice of noncompliance or a notice
of proposed action within the current year or the previous 2
years.

2. Annually, by December 15, report to the Governor, the
President of the Senate, and the Speaker of the House of
Representatives the department’s actions with respect to
implementing accountability in the program under this section
and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program and the corrective action taken by the department.

(8) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. Shall deny, suspend, or revoke a private school’s participation in the program if it is determined that the private school has failed to comply with the provisions of this section. However, if the noncompliance is correctable within a reasonable amount of time and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school’s participation in the program.

2. May deny, suspend, or revoke a private school’s participation in the program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.

a. In making such a determination, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial or revocation of participation in an education scholarship program; an owner’s or operator’s failure to reimburse the department for scholarship funds improperly received or retained by a school; imposition of a prior criminal sanction related to an owner’s or operator’s management or operation of an
educational institution; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner’s or operator’s management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was 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.

b. For purposes of this subparagraph, the term “owner or operator” includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.

(b) The commissioner’s determination is subject to the following:

1. If the commissioner intends to deny, suspend, or revoke a private school’s participation in the program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school’s address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice of proposed action to file with the department’s agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall refer the request to the Division of
3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expeditiously expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.

(c) The commissioner may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of the students; or

2. Fraudulent activity on the part of the private school.

Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department’s Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent
jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner’s suspension of payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).

(9) 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.

(a) The parent must select an eligible private 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.

(c) Any student participating in the program must comply with the regular attendance requirements of s. 1003.01(13) and 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 the private 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 with this section.

(f) 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 participating in the program 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.

(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 the private school. 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. A parent who fails to comply with this paragraph forfeits the scholarship.

(10) OBLIGATIONS OF NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An 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) Preparing and submitting quarterly and annual reports to the department pursuant to paragraphs (7)(f) and (g). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the department relating to the scholarship program.

(d) Notifying the department of any known or suspected violation of this section by a private school, parent, or student.

(11) FUNDING AND PAYMENT.—

(a) The maximum amount awarded to a student enrolled in an eligible private school shall be determined as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

1. Eighty-eight percent for a student enrolled in kindergarten through grade 5.

2. Ninety-two percent for a student enrolled in grade 6 through grade 8.

3. Ninety-six percent for a student enrolled in grade 9 through grade 12.

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

(c) When a student enters the program, the organization must receive all documentation required for the student’s participation, including a copy of the report of the substantiated incident received pursuant to subsection (5) and the private school’s and the 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 shall be by individual warrant made payable to the student’s parent. If the parent chooses that his or her student attend an eligible private school, 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.

(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 organization may use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected 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 s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization’s management and distribution of eligible contributions under this section. Funds authorized
under this paragraph 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 paragraph 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.

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

(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 subsection 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.

(13) SCHOLARSHIP FUNDING TAX CREDITS.—

(a) A tax credit is available under s. 212.1832 for use by a taxpayer that makes an eligible contribution to the program. Each eligible contribution is limited to a single payment of $20 at the time of purchase of a motor vehicle or a single payment of $20 at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be
accompanied by an election to contribute to the program and shall be made by the purchaser at the time of purchase or at the time of registration on a form provided by the Department of Revenue. Payments of contributions shall be made to a dealer, as defined in chapter 212, at the time of purchase of a motor vehicle or to an agent of the Department of Revenue, as designated by s. 212.06(10), at the time of registration of a motor vehicle that was not purchased from a dealer.

(b) A tax collector or any person or firm authorized to sell or issue a motor vehicle license who is designated as an agent of the Department of Revenue pursuant to s. 212.06(10) or who is a dealer shall:

1. Provide the purchaser the contribution election form, as prescribed 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 on or before the 20th day of each month the total amount of contributions made to that organization and collected during the preceding calendar month.

4. Report on each return filed with the Department of Revenue the total amount of credits allowed under s. 212.1832 during the preceding calendar month.

(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 the federal
employer identification number of each tax collector, authorized
agent of the Department of Revenue, or dealer who remitted
collections to the organization during that reporting period.

(d) A person who, with 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 of charitable funds, 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.
(14) LIABILITY.—The state is not liable for the award or any use of awarded funds under this section.

(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.

(16) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 2. Section 212.1832, Florida Statutes, is created to read:

212.1832 Credit for contributions to the Hope Scholarship Program.—

(1) There is allowed a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.40 against any tax imposed by the state and due under this chapter as a result of the purchase or acquisition of a motor vehicle. The credit may not exceed the tax otherwise owed.

(2) For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. The provisions of s. 1002.40 apply to the credit authorized by this section.

Section 3. Section 1002.01, Florida Statutes, is amended to read:

1002.01 Definitions.—
(1) A “home education program” means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of ss. 1002.41, 1003.01(13), and 1003.21(1).

(2) A “private school” is a nonpublic school that is registered in accordance with s. 1002.42 and is defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school attended by a student in order to satisfy the attendance requirements of s. 1003.01(13). This definition does not include home education programs conducted in accordance with s. 1002.41.

(3) For purposes of this chapter, a “scholarship program” means any one of the following:

(a) The Opportunity Scholarship Program established pursuant to s. 1002.38.

(b) The Gardiner Scholarship Program established pursuant to s. 1002.385.
(c) The John M. McKay Scholarships for Students with Disabilities Program established pursuant to s. 1002.39.
(d) The Florida Tax Credit Scholarship Program established pursuant to s. 1002.395.
(e) The Hope Scholarship Program established pursuant to s. 1002.40.

Section 4. Paragraph (b) of subsection (2) and subsection (6) of section 1002.20, Florida Statutes, are amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) ATTENDANCE.—

(b) Regular school attendance.—Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a private parochial, religious, or denominational school; a private school; or a home education program; or a private tutoring program, in accordance with the provisions of s. 1003.01(13).

(6) EDUCATIONAL CHOICE.—

(a) Public educational school choices.—Parents of public school students may seek any public educational school choice options that are applicable and available to students throughout the state. These options may include controlled open enrollment,
single-gender programs, lab schools, virtual instruction
programs, charter schools, charter technical career centers,
magnet schools, alternative schools, special programs, auditory-
oral education programs, advanced placement, dual enrollment,
International Baccalaureate, International General Certificate
of Secondary Education (pre-AICE), CAPE digital tools, CAPE
industry certifications, collegiate high school programs,
Advanced International Certificate of Education, early
admissions, credit by examination or demonstration of
competency, the New World School of the Arts, the Florida School
for the Deaf and the Blind, and the Florida Virtual School.
These options may also include the public educational choice
options of the Opportunity Scholarship Program and the McKay
Scholarships for Students with Disabilities Program.

(b) Private educational choices.—The parent of a student
may choose to enroll the student in a private school, as defined
in s. 1002.01(2). Parents of public school students may seek
private educational choice options under certain programs.

1. Under the McKay Scholarships for Students with
Disabilities Program, the parent of a public school student with
a disability may request and receive a McKay Scholarship for the
student to attend a private school in accordance with s.
1002.39.

2. Under the Florida Tax Credit Scholarship Program, the
parent of a student who qualifies for free or reduced-price
school lunch or who is currently placed, or during the previous
state fiscal year was placed, in foster care as defined in s.
39.01 may seek a scholarship from an eligible nonprofit
scholarship-funding organization in accordance with s. 1002.395.
3. Under the Gardiner Scholarship Program Florida Personal Learning Scholarship Accounts Program, the parent of a student with a qualifying disability may apply for a Gardiner Scholarship personal learning scholarship to be used for individual educational needs in accordance with s. 1002.385.

4. Under the Hope Scholarship Program, the parent of a student who was the victim of a substantiated incident of violence or abuse while attending a public school may seek a scholarship for the student to attend a private school in accordance with s. 1002.40.

(c) Home education.—The parent of a student may choose to place the student in a home education program, as defined in s. 1002.01(1), in accordance with the provisions of s. 1002.41.

(d) Private tutoring. The parent of a student may choose to place the student in a private tutoring program in accordance with the provisions of s. 1002.43(1).

Section 5. Subsection (13) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(13) “Regular school attendance” means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21 may be achieved by a student’s full-time attendance in one of the following options:

(a) A public school supported by public funds, including, but not limited to, the Florida School for the Deaf and the Blind, the Florida Virtual School, a developmental research school, and a charter school established pursuant to chapter 1002.
(b) A parochial, religious, or denominational school;

(b)(c) A private school, as defined in s. 1002.01(2) and in compliance with s. 1002.42, including, but not limited to, a private parochial, religious, or denominational school; and a private school supported in whole or in part by tuition charges or by endowments or gifts. This option includes an eligible private school in which a student attends as a participant in a scholarship program, as defined in s. 1002.01(3).†

(c)(d) A home education program, as defined in s. 1002.01(1), which meets the requirements of chapter 1002.† or

(e) A private tutoring program that meets the requirements of chapter 1002.

Section 6. Paragraphs (d) and (h) of subsection (5) and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(d) Enrollment in, or tuition or fees associated with enrollment in, a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the institution, a private tutoring program authorized under s. 1002.43, a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s.
(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator’s certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term “part-time tutoring services” does not qualify as regular school attendance as defined in s. 1003.01(13)(e).

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

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

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent...
must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b) or (c).

2. Affirm that the program funds are used only for authorized purposes serving the student’s educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:
   a. Requiring the student to take an assessment in accordance with paragraph (8)(c);
   b. Providing an annual evaluation in accordance with s. 1002.41(1)(c); or
   c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student’s scores to the parent.

4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

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

Section 7. Subsection (3) of section 1002.39, Florida Statutes, is amended to read:
1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a John M. McKay Scholarship:

(a) While he or she is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) While he or she is receiving a Florida tax credit scholarship under s. 1002.395;

(c) While he or she is receiving an educational scholarship pursuant to this chapter;

(d) While he or she is participating in a home education program as defined in s. 1002.01(1);

(e) While he or she is participating in a private tutoring program pursuant to s. 1002.43;

(f) While he or she is 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;

(g) While he or she is enrolled in the Florida School for the Deaf and the Blind;

(h) While he or she is not having regular and direct contact with his or her private school teachers at the school’s physical location unless he or she is enrolled in the private school’s transition-to-work program pursuant to subsection (10);
or

(h) (i) If he or she has been issued a temporary 504 accommodation plan under s. 504 of the Rehabilitation Act of 1973 which is valid for 6 months or less.

Section 8. Subsection (4) of section 1002.395, Florida Statutes, is amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a scholarship while he or she is:

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

(b) Receiving a scholarship from another eligible nonprofit scholarship-funding organization under this section;

(c) Receiving an educational scholarship pursuant to chapter 1002;

(d) Participating in a home education program as defined in s. 1002.01(1);

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

Section 9. Paragraph (f) of subsection (1) of section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature
finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—
(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a
home education program pursuant to chapter 1002, the district
school superintendent shall provide the parent a copy of s.
1002.41 and the accountability requirements of this paragraph.
The district school superintendent shall also refer the parent
to a home education review committee composed of the district
contact for home education programs and at least two home
educators selected by the parent from a district list of all
home educators who have conducted a home education program for
at least 3 years and who have indicated a willingness to serve
on the committee. The home education review committee shall
review the portfolio of the student, as defined by s. 1002.41,
every 30 days during the district’s regular school terms until
the committee is satisfied that the home education program is in
compliance with s. 1002.41(1)(b). The first portfolio review
must occur within the first 30 calendar days of the
establishment of the program. The provisions of subparagraph 2.
do not apply once the committee determines the home education
program is in compliance with s. 1002.41(1)(b).

2. If the parent fails to provide a portfolio to the
committee, the committee shall notify the district school
superintendent. The district school superintendent shall then
terminate the home education program and require the parent to
enroll the child in an attendance option that meets the
definition of “regular school attendance” under s.
1003.01(13)(a) or (b) s. 1003.01(13)(a), (b), (c), or (e),
within 3 days. Upon termination of a home education program
pursuant to this subparagraph, the parent shall not be eligible
to reenroll the child in a home education program for 180
calendar days. Failure of a parent to enroll the child in an
attendance option as required by this subparagraph after
termination of the home education program pursuant to this
subparagraph shall constitute noncompliance with the compulsory
attendance requirements of s. 1003.21 and may result in criminal
prosecution under s. 1003.27(2). Nothing contained herein shall
restrict the ability of the district school superintendent, or
the ability of his or her designee, to review the portfolio
pursuant to s. 1002.41(1)(b).

Section 10. Effective July 1, 2019, chapter 623, Florida
Statutes, consisting of sections 623.01, 623.02, 623.03, 623.04,
623.05, 623.06, 623.07, 623.08, 623.09, 623.10, 623.11, 623.12,
623.13, and 623.14, is repealed.

Section 11. Effective July 1, 2019, subsection (13) of
section 212.08, Florida Statutes, is amended to read:
212.08 Sales, rental, use, consumption, distribution, and
storage tax; specified exemptions.—The sale at retail, the
rental, the use, the consumption, the distribution, and the
storage to be used or consumed in this state of the following
are hereby specifically exempt from the tax imposed by this
chapter.

(13) No transactions shall be exempt from the tax imposed
by this chapter except those expressly exempted herein. All laws
granting tax exemptions, to the extent they may be inconsistent
or in conflict with this chapter, including, but not limited to,
the following designated laws, shall yield to and be superseded
by the provisions of this subsection: ss. 125.019, 153.76,
154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395,
215.76, 243.33, 315.11, 348.65, 348.762, 349.13, 403.1834, and
616.07, and 623.09, and the following Laws of Florida, acts of

CODING: Words stricken are deletions; words underlined are additions.
the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681. This subsection does not supersede the authority of a local government to adopt financial and local government incentives pursuant to s. 163.2517.

Section 12. Section 1002.43, Florida Statutes, is repealed.

Section 13. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer ss. 1002.40 and 212.1832 which are created by this act.

Section 14. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018.