



PreK-12 Innovation Subcommittee

November 8, 2017

4:00 PM

Mashburn Hall (306 HOB)

Meeting Packet

**Richard Corcoran
Speaker**

**Chris Latvala
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

PreK-12 Innovation Subcommittee

Start Date and Time: Wednesday, November 08, 2017 04:00 pm

End Date and Time: Wednesday, November 08, 2017 06:00 pm

Location: Mashburn Hall (306 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 1 The Hope Scholarship Program by Donalds

NOTICE FINALIZED on 11/01/2017 4:17PM by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1 The Hope Scholarship Program

SPONSOR(S): Donalds

TIED BILLS: None **IDEN./SIM. BILLS:** None

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|--------|---------|--|
| 1) PreK-12 Innovation Subcommittee | | Dehmer | Healy |
| 2) PreK-12 Appropriations Subcommittee | | | |
| 3) Education Committee | | | |

SUMMARY ANALYSIS

School boards must adopt rules, policies, and procedures for addressing disciplinary issues and providing for a safe and orderly school environment. Each school board must adopt a code of student conduct that is based upon its rules governing student conduct and discipline. In addition to the code of student conduct, each school board must adopt policies prohibiting bullying and harassment, hazing, and dating violence and abuse and for emergency preparedness and response.

Bullying and violence in schools causes students to experience trauma, which lowers a student's attention, cognition, memory, grade point average and student reading ability. It also increases a student's anger, frustration, anxiety, suspensions, expulsions, absenteeism and dropout rate.

The bill establishes the Hope Scholarship Program, which provides the parent of a public school student who was subject to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, harassment, assault, battery, threat, intimidation or fighting at school with the opportunity to transfer the student to another public school or to receive a scholarship for the student to attend a private school. If the student enrolls in a public school outside the district, the student is eligible for a transportation scholarship limited to \$750.

The bill establishes the duties and responsibilities of the Department of Education, the Commissioner of Education, scholarship funding organizations, parents, students and the Auditor General.

The bill establishes guidelines for funding and payment of the Hope Scholarship Program.

The bill allows taxpayers to receive tax credits for eligible contributions to fund the Hope Scholarship Program

See fiscal impact on state government.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School Safety and Student Discipline

Florida law requires each district school board to provide for the proper accounting for all students; for the attendance and control of students at school; and for proper attention to health, safety, and other matters relating to the welfare of students. School boards must adopt rules, policies, and procedures for addressing disciplinary issues and providing for a safe and orderly school environment.¹ Each school board must adopt a code of student conduct that is based upon its rules governing student conduct and discipline.² The code of student conduct must include, but is not limited to:

- consistent policies and specific grounds for disciplinary action;
- penalties and procedures for acts requiring discipline, including in-school suspension, out-of-school suspension, expulsion, and corporal punishment;
- an explanation of the rights and responsibilities of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities;
- a dress code policy and penalties and procedures for addressing dress code violations;
- notice that student possession of alcohol, drugs, weapons, or firearms; violence against school district personnel; disruptive behavior on a school bus; sexual harassment; and threats or false reports made against school property, personnel, or transportation are grounds for disciplinary action and may result in the imposition of criminal penalties;
- policies for the assignment of violent or disruptive students to alternative educational programs;³
- student eligibility standards and related student disciplinary actions regarding student participation in extracurricular activities which must provide that:
 - a student not suspended or expelled is eligible to participate in extracurricular activities;
 - a student's eligibility to participate may not be affected by recruiting allegations until a final determination has been reached;
 - a student may not participate in a sport if the student participated in that same sport at another school during the same school year unless the student:
 - is a dependent child of active duty military personnel whose move resulted from military orders;
 - has been relocated due to a foster care placement in a different school zone;
 - has moved due to a court-ordered change in custody due to separation or divorce or the serious illness or death of a custodial parent; or
 - is authorized for good cause in district or charter school policy.

At the beginning of each school year, the code of student conduct must be:

- distributed to all teachers, school personnel, students, and parents;
- made available in the school district's student handbook or similar publication; and

¹ Section 1006.07(1)(a), F.S.

² Section 1006.07(2), F.S.

³ *Id.*

- discussed in student classes, school advisory council meetings, and parent and teacher association or organization meetings at the beginning of the school year.⁴

The law provides an extensive description of the roles, duties, and authority of each personnel classification charged with maintaining a safe and orderly school environment and enforcing disciplinary violations.⁵ Each district school superintendent must, among other things, recommend to the district school board plans for promoting the welfare of students, including attendance, discipline, health and safety, and other matters. Each superintendent must fully support the disciplinary authority of school principals, classroom teachers, and school bus drivers.⁶

In addition to the code of student conduct, each school board must adopt policies prohibiting bullying and harassment, hazing, and dating violence and abuse and for emergency preparedness and response.⁷ Current law prohibits bullying or harassment:

- of any public K-12 student or employee during a public K-12 education program or activity;
- during a school-related or school-sponsored activity;
- on a public K-12 school bus;
- using a computer system or network that is within the scope of the K-12 educational institution;⁸ or
- using technology or electronic devices that are not owned or otherwise controlled by a school if the bullying substantially interferes with the victim's ability to participate in or benefit from the activities offered by a school.⁹

Each school district's bullying and harassment policy must:

- prohibit, define and describe the behaviors that constitute bullying and harassment;
- establish procedures for reporting and investigating acts of bullying and harassment;
- establish procedures for making referrals to law enforcement;
- provide instruction to students, parents, teachers and others on recognizing behavior that leads to bullying and harassment and taking preventative action;
- establish procedures for including incidents of bullying or harassment in the school's required report of data concerning school safety and discipline;¹⁰ and
- establish procedures for referring victims and perpetrators to counseling.¹¹

Each school principal must ensure that standardized forms prescribed by the rule of the State Board of Education are used to report data concerning school safety and discipline to the department. The school principal must develop a plan to verify the accuracy of reported incidents.¹²

DOE uses The School Environmental Safety Incident Reporting (SESIR) System to compile data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school

⁴ *Id.*

⁵ See ss. 1003.32 (classroom teachers and school principals), 1006.08 (superintendents), 1006.09 (school principals), and 1006.10, F.S. (school bus drivers).

⁶ Section 1006.08(1), F.S.

⁷ See ss. 1006.07(4) and (6), 1006.135, 1006.14, 1006.147, and 1006.148, F.S.

⁸ "Within the scope of a public K-12 educational institution" means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity. Section 1006.147(3)(d), F.S.

⁹ Section 1006.147(2), F.S.

¹⁰ Section 1006.147(4)(f), (h), (k), and (l), F.S. The School Environmental Safety Incident Reporting (SESIR) System is used by the DOE to compile data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, <http://www.fldoe.org/safeschools/sesir.asp>. (last visited October 27, 2017).

¹¹ Section 1006.147(4)(j), F.S.

¹² Section 1006.09(6), F.S.

transportation, and at off-campus, school-sponsored events. In the 2015-16 school year, over 47,000 Florida public school students reported incidents that include battery, bullying, harassment, hazing, physical attacks, and sexual assault, battery and harassment:¹³

| | |
|---------------------|--------|
| BATTERY | 2,516 |
| BULLYING | 2,867 |
| FIGHTING | 21,957 |
| HARASSMENT | 1,832 |
| HAZING | 6 |
| PHYSICAL ATTACK | 10,342 |
| SEXUAL ASSAULT | 25 |
| SEXUAL BATTERY | 28 |
| SEXUAL HARASSMENT | 1,805 |
| SEX OFFENSES | 1,581 |
| THREAT/INTIMIDATION | 4,314 |

However, there is evidence to suggest that the number of reported incidents through SESIR is much lower than actual incidents. The Department of Health, in collaboration with the DOE, administers the Youth Risk Behavior Survey (YRBS) that is a statewide, school-based confidential survey of Florida's public high school students. The purpose of the YRBS is to monitor priority health-risk behaviors that contribute substantially to the leading causes of death, disability, and social problems among youth, which contribute to patterns in adulthood. In 2015, 123,500 high school students reported being bullied on school property during the past 12 months.¹⁴ In addition, 8.1 percent of high school students did not go to school because they felt unsafe at school or on their way to or from school.¹⁵

Florida Tax Credit Scholarship Program

The Florida Tax Credit Scholarship Program (FTC Program)¹⁶ was established to encourage taxpayers to make private, voluntary contributions to non-profit scholarship-funding organizations (SFOs), expand educational opportunities for families that have limited financial resources, and enable Florida's children to achieve a greater level of excellence in their education.¹⁷ The FTC Program is funded with contributions to private nonprofit scholarship-funding organizations (SFOs) from taxpayers who receive a tax credit for use against their liability for corporate income tax; insurance premium tax; severance taxes on oil and gas production; self-accrued sales tax liabilities of direct pay permit holders; or alcoholic beverage taxes on beer, wine, and spirits.¹⁸ The tax credit is equal to 100 percent of the eligible contributions made.¹⁹

SFOs use these contributions to award scholarships to eligible low-income students for private school tuition and fees or transportation expenses to a Florida public school located outside of the school district in which the student resides.²⁰

¹³ Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, <http://www.fl DOE.org/safeschools/sesir.asp> (last visited October 27, 2017).

¹⁴ Presentation by Department of Health to the PreK-12 Innovation Subcommittee, Oct. 25, 2017, available at <https://www.myfloridahouse.gov/Sections/Documents/loadDoc.aspx?PublicationType=Committees&CommitteeId=2908&Session=2018&DocumentType=Meeting%20Packets&FileName=PKI%2010-25-17.pdf>

¹⁵ Department of Health, Youth Risk Behavior Survey, available at, http://www.floridahealth.gov/statistics-and-data/survey-data/florida-youth-survey/youth-risk-behavior-survey/_documents/2015-yrbs-summary-tables.pdf

¹⁶ Section 1002.395, F.S.

¹⁷ Section 1002.395(1)(b), F.S.

¹⁸ Section 1002.395(1) and (5), F.S.

¹⁹ Sections 220.1875 and 1002.395(5), F.S.

²⁰ Section 1002.3953 (6)(d), F.S. An eligible contribution is a monetary contribution from a taxpayer to an eligible nonprofit SFO. The taxpayer may not designate a specific child as the beneficiary of the contribution. Section 1002.395(2)(e), F.S.

To participate, a charitable organization must submit an initial application for approval or renewal to the Office of Independent Education and Parental Choice by September 1st of each year before the school year for which the SFO intends to offer scholarships. Among other things, the application for initial approval must include:

- a copy of the organization's incorporation documents and registration with the Division of Corporations of the Department of State and IRS determination letter as a not-for-profit corporation;
- a description of the organization's financial plan and the geographic region it will serve.
- a description of the criteria and methodology it will use to evaluate scholarship eligibility and application process including deadlines and fees; and
- a copy of a surety bond or letter of credit in an amount equal to 25 percent of the scholarship funds anticipated for each school year or \$100,000, whichever is greater.²¹

An application for renewal must include all items listed above for initial approval as well as:

- A surety bond or letter of credit equal to the amount of undisbursed donations held by the organization, which must be at least \$100,000, not to exceed \$25 million.
- The organization's completed IRS Form 990.
- A copy of its audit reports.²²
- An annual report documenting the number of applications received, applications approved, funds received, scholarships funded, and expenditures of administrative funds.²³

Within 30 days of receipt of the finalized application the Commissioner of Education must recommend approval or disapproval of the application to the State Board of Education. The state board must then consider the application and recommendation at the next scheduled meeting.²⁴

State universities and independent colleges and universities are exempt from the SFO application process, including its surety bond requirements. Instead, they must register with DOE.²⁵

SFOs must:

- Comply with federal law²⁶ prohibiting discrimination based on race, color, or national origin by any program receiving federal financial assistance.
- Require owners and operators to undergo Level 2 background screening²⁷ upon employment or engagement of services and every five years thereafter. Owners and operators must also be screened against an additional list of financial crimes. Owners or operators that fail the Level 2 background screening are ineligible to provide scholarships.
- Not own or operate a private school that is participating in the FTC Program.
- Provide scholarships from eligible contributions to eligible students on a first-come, first-served basis unless the student qualifies for priority.
- Allow a student in foster or out-of-home care to apply for a scholarship at any time.
- Not restrict or reserve scholarships for use at a particular private school or provide a scholarship to the child of an owner or operator.
- Allow an eligible student to attend any eligible private school and allow a parent to transfer a scholarship during the academic year to another eligible private school.

²¹ Section 1002.395(16)(a), F.S.

²² Section 1002.395(6)(m), F.S.

²³ Section 1002.395(16)(b), F.S.

²⁴ Section 1002.395(16)(d), F.S.

²⁵ Section 1002.395(16)(i), F.S. .

²⁶ See 42 U.S.C. s. 2000d.

²⁷ Level 2 background screening requires individuals to be screened against a statutorily prescribed list of 53 offenses. See s. 435.04, F.S.

- Maintain separate accounts for scholarship and operating funds.
- 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. Remaining net eligible contributions in excess of 25 percent shall be transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students.
- Allow for the transfer of funds to another eligible SFO, limited to the greater of \$500,000 or 20 percent of the total contributions received by the SFO making the transfer, if additional funds are required to meet scholarship demands. Such a transfer must be approved by DOE beforehand.
- Maintain a surety bond or letter of credit equal to the amount of undispersed donations, which may be adjusted quarterly to equal the actual amount of undisbursed funds. This requirement is 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. This requirement is also waived for a state university. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit SFO.
- Provide the Auditor General and DOE with an annual financial audit of its accounts and records conducted by an independent certified public accountant.
- Submit to an annual operational audit of its accounts and records by the Auditor General, including any contracts for services with related entities, to determine compliance with program requirements.
- Prepare and submit quarterly reports to DOE.²⁸

A SFO may use up to three percent of eligible contributions received during the state fiscal year for administrative expenses if the SFO has operated as an eligible nonprofit scholarship-funding organization for at least the preceding three years and did not have any findings of material weakness or material noncompliance in its most recent audit. Administrative funds may not be used for lobbying or political activity.²⁹

Motor Vehicle Taxes

Florida sales and use tax, plus any applicable discretionary sales surtax, is due on all new or used motor vehicles sold, leased, delivered into, imported into, or used in Florida, unless a specific exemption applies. Florida sales and use tax is due on the sales price of the motor vehicle, including any separately itemized charge or fee for items, such as:

- any accessory sold with the vehicle;
- preparation, settlement, or closing fees;
- freight, handling, or delivery of the motor vehicle to the dealer;
- commission; and
- any other expense or cost of the dealer that the dealer requires the purchaser to pay.

Any separately itemized fee or charge mandated by a state law for titling, licensing, or registering the motor vehicle, or for recording a lien on the motor vehicle, is not subject to tax.³⁰

Florida collects a 6 percent state sales tax rate on the purchase of all vehicles.³¹

²⁸ Section 1002.395(6)(a)-(c), (f), (h)-(q), F.S.; s. 11.45(2)(k), F.S. (operational audit).

²⁹ Section 1002.395(6)(j)1., F.S.

³⁰ Florida Department of Revenue, Sales and Use Tax on Motor Vehicles, *available at* http://floridarevenue.com/Forms_library/current/gt800030.pdf

³¹ Florida: Sales Tax Handbook *at* <https://www.salestaxhandbook.com/florida/sales-tax-vehicles>

Effect of Proposed Changes

The bill establishes the Hope Scholarship Program (HSP), which provides the parent of a public school student subjected to an incident at school the opportunity to transfer the student to a public school within the school district, receive a scholarship to transport the student to a public school in another school district, or receive a scholarship for the student to attend a private school. For purposes of the program an incident includes battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, harassment, assault, battery, threat, intimidation or fighting at school. School means any educational program or activity conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), including waiting at a school bus stop.

Beginning with the 2018-2019 school year, contingent on funds, scholarships are awarded on a first-come, first-served basis.

A student is ineligible for the HSP if the student is:

- enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, a developmental research school or a charter school;
- enrolled in a Department of Juvenile Justice commitment program;
- enrolled 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 two courses per school year; or
- receiving any other state sponsored K-12 educational scholarship.

Once an incident is reported to the school principal, the school principal must provide a copy of the incident report to the parent and investigate the incident to determine if the incident must be reported to the DOE. Upon conclusion of the investigation or within 15 days after receipt of the report of the incident, whichever occurs first, the school district must notify the parent of the HSP and offer that parent an opportunity to enroll their student in another public school or to receive a Hope Scholarship to attend an eligible private school. If the student enrolls in a public school outside the district, the student is eligible for a transportation scholarship limited to \$750.

The Department of Education must contract with an independent entity to conduct an annual evaluation of the program. The entity must review the school climate and code of student conduct at each public school at which 10 or more reported incidents occurred to determine areas for improvement. The review must include an assessment of the investigation of incidents; analysis of school incident and discipline data; the effectiveness of communication with students, parents, and personnel; and challenges and obstacles to implementing recommendations. The entity must also identify best practices from the schools to which students transferred.

The entity will also review the performance of participating students enrolled in private schools at which at least 51 percent of total enrolled students are program participants. Parents of participating students will be surveyed to determine academic, safety, and school climate satisfaction and to identify any challenges or obstacles in addressing the incident or use of the scholarship.

The bill requires school districts to notify scholarship students in private schools who wish to participate in the statewide student assessment program or the Florida Alternate Assessment of the locations and times to take all statewide assessments.

Private schools that participate in the HSP must meet the same requirements for participation established by Florida Tax Credit Scholarship Program.

Likewise, the commissioner has the same duties and responsibilities over private schools established in the Florida Tax Credit Program.

A participating SFO will be governed by the same statutory requirements as outlined in the Florida Tax Credit Scholarship Program.

The bill specifically requires the SFO to:

- receive applications and determine student eligibility;
- notify parents of their receipt of a scholarship on a first-come, first-served basis, based upon the funds provided; and
- notify the DOE of any violations regarding the program.

The bill requires the Auditor General (AG) to conduct an annual operational audit of accounts of each participating SFO, which must include a verification of students served and transmission of that information to the DOE. The AG also must notify the DOE of any SFO that fails to comply with a request for information.

The scholarship amount is calculated as a percentage of the unweighted FTE as follows:

- Eighty-eight percent for students in grades K-5.
- Ninety-two percent for students in grades 6-8.
- Ninety-six percent for students enrolled in grades 9-12.

The HSP is funded by taxpayers who make an eligible contribution to a scholarship funding organization may receive a tax credit. The eligible contribution provides the taxpayer with a credit against any tax due as a result of the purchase or acquisition of a motor vehicle. The credit may not exceed the amount taxes owed. Each eligible contribution is limited to a single payment of \$20 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. The purchaser elects whether or not to contribute at the time of the purchase or registration of the vehicle. Contributions must be made to a dealer at the time of purchase or to an agent of the Department of Revenue (DOR) at the time of registration, if the vehicle was not purchased from a dealer.

The bill provides that 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 DOR or who is a dealer must:

- provide the purchaser a contribution election form, as prescribed by the DOR, at the time of purchase or at the time of registration if the vehicle is not purchased from a dealer;
- collect eligible contributions;
- remit to the SFO on or before the 20th day of each month the total amount of contributions made to the SFO and collected during the preceding calendar month; and
- report on each return filed with the DOR the total amount of credits allowed under during the preceding calendar month.

The SFO must report to the DOR, on or before the 20th day of each month, the total amount of contributions received in the preceding calendar month. The report must include the federal employer identification number of each tax collector, authorized agent of the DOR or dealer who remitted contributions to the SFO during that reporting period.

A person who, with intent to unlawfully deprive or defraud the program of money, fails to remit HSP contributions is guilty of theft of charitable funds and is punishable as follows:

- If the amount stolen is less than \$300, the offense is a second-degree misdemeanor. Upon a second conviction, the offender is guilty of a first-degree misdemeanor. Upon a third or subsequent conviction, the offender is guilty of a third degree felony.
- If the amount stolen is \$300 or more, but less than \$20,000, the offense is a third-degree felony.
- If the amount stolen is \$20,000 or more, but less than \$100,000, then offense is a second-degree felony.
- If the amount stolen is \$100,000 or more, the offense is a first-degree felony.

The sentencing judge must order an offender to make restitution to the SFO in the amount stolen.

B. SECTION DIRECTORY:

Section 1. Creates s. 1002.40, F.S., establishing the Hope Scholarship Program.

Section 2. Creates s. 212.1832, F.S., establishing the tax credits for contributions to the Hope Scholarship Program.

Section 3. Allows the Department of Revenue to adopt emergency rules to administer this act.

Section 4. Provides that this act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Section 1 of the bill delineates the Department of Education's obligations for the administration of the Hope Scholarship Program to include contracting with an independent entity to provide an annual evaluation of the program. At this time, the fiscal impact to the department is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Revenue Estimating Conference has not yet evaluated the bill for revenue impacts. However, the tax credits in the bill will have a negative annual impact on General Revenue collections in an amount that is unknown at this time.

Also, see the FISCAL COMMENTS section.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Staff estimates that in Fiscal Year 2016-17 there were between 3.4 million and 4 million purchases of new and used cars and light trucks in Florida. If half of those purchases resulted in contributions to the Hope Scholarship Program, the impact on General Revenue would have been between -\$34 million and -\$40 million in that year.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to the Hope Scholarship Program;
3 creating s. 1002.40, F.S.; establishing the Hope
4 Scholarship Program; providing the purpose of the
5 program; providing definitions; providing eligibility
6 requirements; prohibiting the payment of a scholarship
7 under certain circumstances; requiring a school
8 principal to investigate a report of physical violence
9 or emotional abuse; requiring a school district to
10 notify an eligible student's parent of the program;
11 requiring a school district to provide certain
12 information relating to the statewide assessment
13 program; providing requirements and obligations for
14 eligible private schools; providing Department of
15 Education obligations relating to participating
16 students and private schools and program requirements;
17 providing Commissioner of Education obligations;
18 requiring the commissioner to deny, suspend, or revoke
19 a private school's participation in the program or the
20 payment of scholarship funds under certain
21 circumstances; providing a process for review of a
22 decision from the commissioner under certain
23 circumstances; providing for the release of personally
24 identifiable student information under certain
25 circumstances; providing parent and student

26 responsibilities for initial and continued
 27 participation in the program; providing nonprofit
 28 scholarship-funding organization obligations;
 29 providing for the calculation of the scholarship
 30 amount; providing the scholarship amount for students
 31 transferred to certain public schools; requiring
 32 verification of specified information before a
 33 scholarship may be disbursed; providing requirements
 34 for the scholarship payments; providing funds for
 35 administrative expenses for certain nonprofit
 36 scholarship-funding organizations; providing
 37 requirements for administrative expenses; prohibiting
 38 a nonprofit scholarship-funding organization from
 39 charging an application fee; providing Auditor General
 40 obligations; providing requirements for taxpayer
 41 elections to contribute to the program; requiring the
 42 Department of Revenue to adopt forms to administer the
 43 program; providing reporting requirements for
 44 nonprofit scholarship-funding organizations relating
 45 to taxpayer contributions; providing requirements for
 46 certain agents of the Department of Revenue and motor
 47 vehicle dealers; providing penalties; providing for
 48 the restitution of specified funds under certain
 49 circumstances; providing the state is not liable for
 50 the award or use of program funds; prohibiting

51 additional regulations for private schools
 52 participating in the program beyond those necessary to
 53 enforce program requirements; requiring the State
 54 Board of Education to adopt rules to administer the
 55 program; creating s. 212.1832, F.S.; authorizing
 56 certain persons to elect to direct certain state sales
 57 and use tax revenue to be transferred to a nonprofit
 58 scholarship-funding organizations for the Hope
 59 Scholarship Program; authorizing the Department of
 60 Revenue to adopt emergency rules for specified
 61 purposes; providing an effective date.

62

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

64

65 Section 1. Section 1002.40, Florida Statutes, is created
 66 to read:

67 1002.40 The Hope Scholarship Program.-

68 (1) PURPOSE.-The Hope Scholarship Program is established
 69 to provide the parent of a public school student who was
 70 subjected to an incident listed in subsection (3) an opportunity
 71 to transfer the student to another public school or to request
 72 and receive from the state a scholarship for the student to
 73 enroll in and attend an eligible private school.

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

75 (a) "Department" means the Department of Education.

76 (b) "Eligible contribution" or "contribution" means a
 77 monetary contribution from a person required to pay sales and
 78 use tax on the purchase or acquisition of a motor vehicle,
 79 subject to the restrictions provided in this section, to an
 80 eligible nonprofit scholarship-funding organization. The
 81 taxpayer making the contribution may not designate a specific
 82 student as the beneficiary of the contribution.

83 (c) "Eligible nonprofit scholarship-funding organization"
 84 or "organization" has the same meaning as provided in s.
 85 1002.395(2)(f).

86 (d) "Eligible private school" has the same meaning as
 87 provided in s. 1002.395(2)(g).

88 (e) "Motor vehicle" has the same meaning as provided in s.
 89 320.01(1)(a), but does not include heavy trucks, truck tractors,
 90 trailers, and motorcycles.

91 (f) "Parent" means a resident of this state who is a
 92 parent, as defined in s. 1000.21, and whose student was
 93 subjected to an incident listed in subsection (3).

94 (g) "Program" means the Hope Scholarship Program.

95 (h) "School" includes any educational program or activity
 96 conducted by a public K-12 educational institution, any school-
 97 related or school-sponsored program or activity, and riding on a
 98 school bus, as defined in s. 1006.25(1), including waiting at a
 99 school bus stop.

100 (i) "Unweighted FTE funding amount" means the statewide

101 average total funds per unweighted full-time equivalent funding
102 amount that is incorporated by reference in the General
103 Appropriations Act, or by a subsequent special appropriations
104 act, for the applicable state fiscal year.

105 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019
106 school year, contingent upon available funds, and on a first-
107 come, first-served basis, a student enrolled in a Florida public
108 school in kindergarten through grade 12 is eligible for a
109 scholarship under this program if the student has been subjected
110 to an incident of battery; harassment; hazing; bullying;
111 kidnapping; physical attack; robbery; sexual offenses,
112 harassment, assault, or battery; threat or intimidation; or
113 fighting at school.

114 (4) PROGRAM PROHIBITIONS.—Payment of a scholarship may not
115 be made if a student is:

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

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

124 (c) Participating in a virtual school, correspondence
125 school, or distance learning program that receives state funding

126 pursuant to the student's participation unless the participation
 127 is limited to no more than two courses per school year; or

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

130 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

131 (a) Upon receipt of a report of an incident listed in
 132 subsection (3), the school principal shall provide a copy of the
 133 report to the parent and investigate the incident to determine
 134 if the incident must be reported as required by s. 1006.09(6).

135 Upon conclusion of the investigation or within 15 days after the
 136 incident was reported, whichever occurs first, the school
 137 district shall notify the parent of the program and offer that
 138 parent an opportunity to enroll his or her student in another
 139 public school or to request and receive a scholarship to attend
 140 an eligible private school, subject to available funding. A
 141 parent who chooses to enroll his or her student in a Florida
 142 public school located outside the district in which the student
 143 resides pursuant to s. 1002.31 shall be eligible for a
 144 scholarship to transport the student as provided in paragraph
 145 (11) (b).

146 (b) For each student participating in the program in a
 147 private school who chooses to participate in the statewide
 148 assessments under s. 1008.22 or the Florida Alternate
 149 Assessment, the school district in which the student resides
 150 must notify the student and his or her parent about the

151 locations and times to take all statewide assessments.

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

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

158 (b) Provide to the organization, upon request, all
 159 documentation required for the student's participation,
 160 including the private school's and the student's fee schedules.

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

163 1. At a minimum, annually providing to the parent a
 164 written explanation of the student's progress.

165 2. Annually administering or making provision for students
 166 participating in the program in grades 3 through 10 to take one
 167 of the nationally norm-referenced tests identified by the
 168 department or the statewide assessments pursuant to s. 1008.22.
 169 Students with disabilities for whom standardized testing is not
 170 appropriate are exempt from this requirement. A participating
 171 private school shall report a student's scores to his or her
 172 parent.

173 3. Cooperating with the student whose parent chooses to
 174 have the student participate in the statewide assessments
 175 pursuant to s. 1008.22 or, if a private school chooses to offer

176 the statewide assessments, administering the assessments at the
 177 school.

178 a. A participating private school may choose to offer and
 179 administer the statewide assessments to all students who attend
 180 the private school in grades 3 through 10.

181 b. A participating private school shall submit a request
 182 in writing to the department by March 1 of each year in order to
 183 administer the statewide assessments in the subsequent school
 184 year.

185 (d) Employ or contract with teachers who have regular and
 186 direct contact with each student receiving a scholarship under
 187 this section at the school's physical location.

188 (e) Maintain in this state a physical location where a
 189 scholarship student regularly attends classes.

190 (f) Provide a report from an independent certified public
 191 accountant who performs the agreed-upon procedures developed
 192 under s. 1002.395(6)(o) if the private school receives more than
 193 \$250,000 in funds from scholarships awarded under this section
 194 in a state fiscal year. A private school subject to this
 195 paragraph must annually submit the report by September 15 to the
 196 organization that awarded the majority of the school's
 197 scholarship funds. The agreed-upon procedures must be conducted
 198 in accordance with attestation standards established by the
 199 American Institute of Certified Public Accountants.

200

201 If a private school is unable to meet the requirements of this
 202 subsection, the commissioner may determine that the private
 203 school is ineligible to participate in the program.

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

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

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

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

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

218 (e) Maintain a list of nationally norm-referenced tests
 219 identified for purposes of satisfying the testing requirement in
 220 paragraph (9)(f). The tests must meet industry standards of
 221 quality in accordance with State Board of Education rule.

222 (f) Require quarterly reports by an eligible nonprofit
 223 scholarship-funding organization regarding the number of
 224 students participating in the scholarship program, the private
 225 schools in which the students are enrolled, and other

226 information deemed necessary by the department.
227 (g) Contract with an independent entity to provide an
228 annual evaluation of the program by:
229 1. Reviewing the school climate and code of student
230 conduct of each public school at which 10 or more reported
231 incidents occurred to determine areas in the school or school
232 district procedures involving reporting, investigating, and
233 communicating a parent's and student's rights that are in need
234 of improvement. At a minimum, the review must include:
235 a. An assessment of the investigation time and quality of
236 the response of the school and the school district.
237 b. An assessment of the effectiveness of communication
238 procedures with the students involved in an incident, the
239 students' parents, and the school and school district personnel;
240 c. An analysis of school incident and discipline data;
241 d. The challenges and obstacles relating to implementing
242 recommendations from this review.
243 2. Reviewing the school climate and code of student
244 conduct of each public school a student transferred to if the
245 student was from a school identified in subparagraph 1. in order
246 to identify best practices and make recommendations to a public
247 school at which the incidents occurred.
248 3. Reviewing the performance of participating students
249 enrolled in a private school in which at least 51 percent of the
250 total enrolled students in the prior school year participated in

251 the program and in which there are at least 10 participating
 252 students who have scores for tests administered.

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

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

272 (i) Establish a process by which individuals may notify
 273 the department of any violation by a parent, private school, or
 274 school district of state laws relating to program participation.
 275 The department shall conduct an inquiry or make a referral to

276 the appropriate agency for an investigation of any written
 277 complaint of a violation of this section if the complaint is
 278 signed by the complainant and is legally sufficient. A complaint
 279 is legally sufficient if such complaint contains ultimate facts
 280 that show that a violation of this section or any rule adopted
 281 by the State Board of Education pursuant to this section has
 282 occurred. In order to determine legal sufficiency, the
 283 department may require supporting information or documentation
 284 from the complainant. A department inquiry is not subject to the
 285 requirements of chapter 120.

286 (j)1. Conduct site visits to participating private
 287 schools. The purpose of the site visits is solely to verify the
 288 information reported by the schools concerning the enrollment
 289 and attendance of students, the credentials of teachers,
 290 background screening of teachers, and teachers' fingerprinting
 291 results. The department may not make more than seven site visits
 292 each year; however, the department may make additional site
 293 visits at any time to a school that has received a notice of
 294 noncompliance or a notice of proposed action within the previous
 295 2 years.

296 2. Annually, by December 15, report to the Governor, the
 297 President of the Senate, and the Speaker of the House of
 298 Representatives the department's actions with respect to
 299 implementing accountability in the program under this section
 300 and s. 1002.421, any substantiated allegations or violations of

301 law or rule by an eligible private school under this program and
 302 the corrective action taken by the department.

303 (8) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

304 (a) The Commissioner of Education:

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

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

321 a. In making such a determination, the commissioner may
 322 consider factors that include, but are not limited to, acts or
 323 omissions by an owner or operator which led to a previous denial
 324 or revocation of participation in an education scholarship
 325 program; an owner's or operator's failure to reimburse the

326 department for scholarship funds improperly received or retained
 327 by a school; imposition of a prior criminal sanction related to
 328 an owner's or operator's management or operation of an
 329 educational institution; imposition of a civil fine or
 330 administrative fine, license revocation or suspension, or
 331 program eligibility suspension, termination, or revocation
 332 related to an owner's or operator's management or operation of
 333 an educational institution; or other types of criminal
 334 proceedings in which an owner or operator was found guilty of,
 335 regardless of adjudication, or entered a plea of nolo contendere
 336 or guilty to, any offense involving fraud, deceit, dishonesty,
 337 or moral turpitude.

338 b. For purposes of this subparagraph, the term "owner or
 339 operator" includes an owner, operator, superintendent, or
 340 principal of, or a person who has equivalent decisionmaking
 341 authority over, a private school participating in the
 342 scholarship program.

343 (b) The commissioner's determination is subject to the
 344 following:

345 1. If the commissioner intends to deny, suspend, or revoke
 346 a private school's participation in the program, the department
 347 shall notify the private school of such proposed action in
 348 writing by certified mail and regular mail to the private
 349 school's address of record with the department. The notification
 350 shall include the reasons for the proposed action and notice of

351 the timelines and procedures set forth in this paragraph.

352 2. The private school that is adversely affected by the
 353 proposed action shall have 15 days after receipt of the notice
 354 of proposed action to file with the department's agency clerk a
 355 request for a proceeding pursuant to ss. 120.569 and 120.57. If
 356 the private school is entitled to a hearing under s. 120.57(1),
 357 the department shall refer the request to the Division of
 358 Administrative Hearings.

359 3. Upon receipt of a request referred pursuant to this
 360 paragraph, the director of the Division of Administrative
 361 Hearings shall expedite the hearing and assign an administrative
 362 law judge who shall commence a hearing within 30 days after the
 363 receipt of the formal written request by the division and enter
 364 a recommended order within 30 days after the hearing or within
 365 30 days after receipt of the hearing transcript, whichever is
 366 later. Each party shall be allowed 10 days in which to submit
 367 written exceptions to the recommended order. A final order shall
 368 be entered by the agency within 30 days after the entry of a
 369 recommended order. The provisions of this subparagraph may be
 370 waived upon stipulation by all parties.

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

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

376 2. Fraudulent activity on the part of the private school.
 377 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
 378 activity pursuant to this section, the department's Office of
 379 Inspector General is authorized to release personally
 380 identifiable records or reports of students to the following
 381 persons or organizations:

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

386 b. A person or entity authorized by a court of competent
 387 jurisdiction in compliance with an order of that court or the
 388 attorney of record pursuant to a lawfully issued subpoena,
 389 consistent with the Family Educational Rights and Privacy Act,
 390 20 U.S.C. s. 1232g.

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

397
 398 The commissioner's suspension of payment pursuant to this
 399 paragraph may be appealed pursuant to the same procedures and
 400 timelines as the notice of proposed action set forth in

401 paragraph (b).

402 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 403 PARTICIPATION.—A parent who applies for a Hope Scholarship is
 404 exercising his or her parental option to place his or her
 405 student in an eligible private school.

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

408 (b) The parent must inform the student's school district
 409 when the parent withdraws his or her student to attend an
 410 eligible private school.

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

414 (d) Each parent and each student has an obligation to the
 415 private school to comply with the private school's published
 416 policies.

417 (e) Upon reasonable notice to the department and the
 418 school district, the parent may remove the student from the
 419 private school and place the student in a public school in
 420 accordance with this section.

421 (f) The parent must ensure that the student participating
 422 in the program takes the norm-referenced assessment offered by
 423 the private school. The parent may also choose to have the
 424 student participate in the statewide assessments pursuant to s.
 425 1008.22. If the parent requests that the student participating

426 in the program take the statewide assessments pursuant to s.
 427 1008.22 and the private school has not chosen to offer and
 428 administer the statewide assessments, the parent is responsible
 429 for transporting the student to the assessment site designated
 430 by the school district.

431 (g) Upon receipt of a scholarship warrant, the parent to
 432 whom the warrant is made must restrictively endorse the warrant
 433 to the private school for deposit into the account of the
 434 private school. The parent may not designate any entity or
 435 individual associated with the participating private school as
 436 the parent's attorney in fact to endorse a scholarship warrant.
 437 A parent who fails to comply with this paragraph forfeits the
 438 scholarship.

439 (10) OBLIGATIONS OF NONPROFIT SCHOLARSHIP-FUNDING
 440 ORGANIZATIONS.—An organization may establish scholarships for
 441 eligible students by:

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

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

446 (c) Preparing and submitting quarterly and annual reports
 447 to the department pursuant to paragraphs (7)(f) and (g). In
 448 addition, an eligible nonprofit scholarship-funding organization
 449 must submit in a timely manner any information requested by the
 450 department relating to the scholarship program.

451 (d) Notifying the department of any violation of this
 452 section.

453 (11) FUNDING AND PAYMENT.—

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

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

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

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

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

467 (c) When a student enters the program, the organization
 468 must receive all documentation required for the student's
 469 participation, including a copy of the report of the incident
 470 received pursuant to subsection (5) and the private school's and
 471 the student's fee schedules. The initial payment shall be made
 472 after verification of admission acceptance, and subsequent
 473 payments shall be made upon verification of continued enrollment
 474 and attendance at the private school.

475 (d) Payment of the scholarship by the eligible nonprofit

476 scholarship-funding organization shall be by individual warrant
 477 made payable to the student's parent. If the parent chooses that
 478 his or her student attend an eligible private school, the
 479 warrant must be delivered by the eligible nonprofit scholarship-
 480 funding organization to the private school of the parent's
 481 choice, and the parent shall restrictively endorse the warrant
 482 to the private school.

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

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

490 (g) An organization may use up to 3 percent of eligible
 491 contributions received during the state fiscal year in which
 492 such contributions are collected for administrative expenses if
 493 the organization has operated as an eligible nonprofit
 494 scholarship-funding organization for at least the preceding 3
 495 fiscal years and did not have any findings of material weakness
 496 or material noncompliance in its most recent audit under s.
 497 1002.395(6) (m). Such administrative expenses must be reasonable
 498 and necessary for the organization's management and distribution
 499 of eligible contributions under this section. No funds
 500 authorized under this paragraph shall be used for lobbying or

501 political activity or expenses related to lobbying or political
 502 activity. Up to one-third of the funds authorized for
 503 administrative expenses under this paragraph may be used for
 504 expenses related to the recruitment of contributions from
 505 taxpayers. An eligible nonprofit scholarship-funding
 506 organization may not charge an application fee.

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

510 (12) OBLIGATIONS OF THE AUDITOR GENERAL.-

511 (a) The Auditor General shall conduct an annual
 512 operational audit of accounts and records of each organization
 513 that participates in the program. As part of this audit, the
 514 Auditor General shall verify, at a minimum, the total number of
 515 students served and transmit that information to the department.
 516 The Auditor General shall provide the commissioner with a copy
 517 of each annual operational audit performed pursuant to this
 518 subsection within 10 days after the audit is finalized.

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

522 (13) SCHOLARSHIP FUNDING TAX CREDITS-

523 (a) A tax credit is available under s. 212.1832 for use by
 524 a taxpayer that makes an eligible contribution to the program.
 525 Each eligible contribution is limited to a single payment of \$20

526 at the time of purchase of a motor vehicle or a single payment
 527 of \$20 at the time of registration of a motor vehicle that was
 528 not purchased from a dealer. An eligible contribution shall be
 529 accompanied by an election to contribute to the program and
 530 shall be made by the purchaser at the time of purchase or at the
 531 time of registration on a form provided by the Department of
 532 Revenue. Payments of contributions shall be made to a dealer, as
 533 defined in chapter 212, at the time of purchase of a motor
 534 vehicle or to an agent of the Department of Revenue, as
 535 designated by s. 212.06(10), at the time of registration of a
 536 motor vehicle that was not purchased from a dealer.

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

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

545 2. Collect eligible contributions.

546 3. Using a form provided by the Department of Revenue,
 547 which shall include the dealer's or agent's federal employer
 548 identification number, remit to an organization on or before the
 549 20th day of each month the total amount of contributions made to
 550 that organization and collected during the preceding calendar

551 month.

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

555 (c) An organization shall report to the Department of
 556 Revenue, on or before the 20th day of each month, the total
 557 amount of contributions received pursuant to paragraph (b) in
 558 the preceding calendar month on a form provided by the
 559 Department of Revenue. Such report shall include the federal
 560 employer identification number of each tax collector, authorized
 561 agent of the Department of Revenue, or dealer who remitted
 562 contributions to the organization during that reporting period.

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

567 1. If the total amount stolen is less than \$300, the
 568 offense is a misdemeanor of the second degree, punishable as
 569 provided in s. 775.082 or s. 775.083. Upon a second conviction,
 570 the offender is guilty of a misdemeanor of the first degree,
 571 punishable as provided in s. 775.082 or s. 775.083. Upon a third
 572 or subsequent conviction, the offender is guilty of a felony of
 573 the third degree, punishable as provided in s. 775.082, s.
 574 775.083, or s. 775.084.

575 2. If the total amount stolen is \$300 or more, but less

576 than \$20,000, the offense is a felony of the third degree,
 577 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

598 212.1832 Credit for contributions to the Hope Scholarship
 599 Program.—

600 (1) There is allowed a credit of 100 percent of an

601 eligible contribution made to an eligible nonprofit scholarship-
 602 funding organization under s. 1002.40 against any tax imposed by
 603 the state and due under this chapter as a result of the purchase
 604 or acquisition of a motor vehicle. The credit may not exceed the
 605 tax otherwise owed.

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

613 Section 3. The Department of Revenue may, and all
 614 conditions are deemed met to, adopt emergency rules pursuant to
 615 ss. 120.536(1) and 120.54, Florida Statutes, to administer this
 616 act.

617 Section 4. This act shall take effect upon becoming a law.