

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Jones offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

1002.40 The Bullying Prevention Fund.-

(1) PURPOSE.-The Bullying Prevention Fund is established to provide resources for Florida public schools to provide bullying prevention and education programs.

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

(a) "Bullying" includes cyberbullying and means systematically and chronologically inflicting physical hurt or

390773

Approved For Filing: 2/28/2018 2:39:31 PM

Amendment No.

14 psychological distress on one or more students or employees. It  
15 is further defined as unwanted and repeated written, verbal, or  
16 physical behavior, including any threatening, insulting, or  
17 dehumanizing gesture, by a student or adult, that is severe or  
18 pervasive enough to create an intimidating, hostile, or  
19 offensive education environment; cause discomfort or  
20 humiliation; or unreasonably interfere with the individual's  
21 school performance or participation; and may involve, but is not  
22 limited to:

23 1. Teasing;

24 2. Social exclusion;

25 3. Threat;

26 4. Intimidation;

27 5. Stalking;

28 6. Physical violence;

29 7. Theft;

30 8. Sexual, religious, or racial harassment;

31 9. Public or private humiliation; or

32 10. Destruction of property.

33 (b) "Cyberbullying" has the same meaning as provided in s.  
34 1006.147(3) (b) .

35 (c) "Department" means the Department of Education.

36 (d) "Eligible contribution" or "contribution" means a  
37 monetary contribution from a person required to pay sales and  
38 use tax on the purchase or acquisition of a motor vehicle,

390773

Approved For Filing: 2/28/2018 2:39:31 PM

Amendment No.

39 subject to the restrictions provided in this section, to the  
40 Florida Department of Education. The taxpayer making the  
41 contribution may not designate a specific school or school  
42 district as the beneficiary of the contribution.

43 (e) "Harassment" has the same meaning as provided in s.  
44 1006.147 (3) (c).

45 (f) "Motor vehicle" has the same meaning as provided in s.  
46 320.01(1) (a), but does not include heavy trucks, truck tractors,  
47 trailers, and motorcycles.

48 (g) "Parent" means a resident of this state who is a  
49 parent or guardian, as defined in s. 1000.21 and whose student  
50 was the victim of an incident in subsection (4).

51 (h) "School" includes any educational program or activity  
52 conducted by a public K-12 educational institution, any school-  
53 related or school-sponsored program or activity, and riding on a  
54 school bus, as defined in s. 1006.25(1), including waiting at a  
55 school bus stop.

56 (3) BULLYING PREVENTION FUND.—Beginning with the 2018-2019  
57 school year, the Department shall allocate resources collected  
58 through the Bullying Prevention Fund for Bullying Prevention to  
59 Florida's 67 counties for the purposes of providing programs and  
60 resources to prevent bullying, cyberbullying and harassment. If  
61 additional resources are available, funds may be spent on  
62 counseling services.

390773

Approved For Filing: 2/28/2018 2:39:31 PM

Amendment No.

63 (a) A tax credit is available for a person that makes an  
64 eligible contribution to the Bullying Prevention Fund. Each  
65 eligible contribution is limited to a single payment of \$105 at  
66 the time of purchase of a motor vehicle or a single payment of  
67 \$105 at the time of registration of a motor vehicle that was not  
68 purchased from a dealer. An eligible contribution shall be  
69 accompanied by an election to contribute to the fund and shall  
70 be made by the purchaser at the time of purchase or at the time  
71 of registration on a form provided by the Department of Revenue.  
72 Payments of contributions shall be made to a dealer, as defined  
73 in chapter 212, at the time of purchase of a motor vehicle or to  
74 an agent of the Department of Revenue, as designated by s.  
75 212.06(10), at the time of registration of a motor vehicle that  
76 was not purchased from a dealer.

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

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

85 2. Collect eligible contributions.

86 3. Using a form provided by the Department of Revenue,  
87 which shall include the dealer's or agent's federal employer

390773

Approved For Filing: 2/28/2018 2:39:31 PM

Amendment No.

88 identification number, remit to the Department on or before the  
89 20th day of each month the total amount of contributions made to  
90 the Department and collected during the preceding calendar  
91 month.

92 4. Report on each return filed with the Department of  
93 Revenue the total amount of credits allowed during the preceding  
94 calendar month.

95 (c) The Department shall report to the Department of  
96 Revenue, on or before the 20th day of each month, the total  
97 amount of contributions received pursuant to paragraph (b) in  
98 the preceding calendar month on a form provided by the  
99 Department of Revenue. Such report shall include the federal  
100 employer identification number of each tax collector, authorized  
101 agent of the Department of Revenue, or dealer who remitted  
102 contributions to the organization during that reporting period.

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

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

390773

Approved For Filing: 2/28/2018 2:39:31 PM

Amendment No.

113 the third degree, punishable as provided in s. 775.082, s. 573  
114 775.083, or s. 775.084.

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

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

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

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

127 (4) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

128 (a)1. Within 24 hours after receipt of a formal report of  
129 an incident of bullying; cyberbullying; hazing; harassment;  
130 sexual harassment; sexual battery; or sexual assault, the school  
131 principal, or principal's designee, shall provide a copy of the  
132 report to the parent or guardian of the alleged victim. The  
133 report must include a statement of the expected investigative  
134 actions and the timeline for reporting the outcome of the  
135 investigation. Within 24 hours after receipt of the formal  
136 report, the principal must also provide the superintendent with  
137 a copy of the report and verification that the parents of the

390773

Approved For Filing: 2/28/2018 2:39:31 PM

Amendment No.

138 victim and the alleged offender have been provided a copy of the  
139 incident report and other required information.

140 2. In accordance with s. 1006.09, the principal must  
141 investigate the incident to determine if the incident is  
142 substantiated or unsubstantiated, and if the incident must be  
143 reported. The principal may, at his or her discretion, determine  
144 the extent to which each student was engaged in instigating,  
145 initiating, or reacting to a physical altercation, and may  
146 consider such information when evaluating and determining  
147 appropriate disciplinary actions and investigative outcomes.

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

155 4. Upon the principal's determination that an alleged  
156 incident is unsubstantiated or the resolution of issues related  
157 to a substantiated incident or within 15 days after the incident  
158 was reported, whichever occurs first, the principal must report  
159 to the victim's parent and the alleged offender's parent the  
160 findings, outcome, or status of the investigation. The principal  
161 shall continue to provide such reports to the parents at least

390773

Approved For Filing: 2/28/2018 2:39:31 PM

Amendment No.

162 every 15 days until the investigation concludes and issues  
163 associated with the incident are resolved.

164 5. If the principal's investigation into the incident  
165 remains open more than 30 days after the date a substantiated  
166 incident was reported or issues associated with the incident  
167 remain unresolved, the school district, in accordance with the  
168 school district's code of conduct shall:

169 a. Notify the victim's parent of the following options:

170 (I) Parent may keep the student in the current school he  
171 or she attends.

172 (II) Parent may choose to move the student to another  
173 public school within the school district that has not reached  
174 capacity, subject to the maximum class size pursuant to s.  
175 1003.03 and s. 1, Art. IX of the State Constitution.

176 (III) Parent may choose to move the student to another  
177 public school located outside of the district in which the  
178 student resides that has not reached capacity, subject to the  
179 maximum class size pursuant to s. 1003.03 and s. 1, Art. IX of  
180 the State Constitution.

181 b. Provide the victim's parent with a written notification  
182 of the result of the principal's investigation of the alleged  
183 incident.

184 (b) Each district school board shall provide instruction  
185 in bullying prevention and education programs. The instruction  
186 shall be appropriate for the grade and age of the student and

390773

Approved For Filing: 2/28/2018 2:39:31 PM



Amendment No.

187 shall reflect current theory, knowledge, and practice regarding  
188 bullying, cyberbullying and prevention. Bullying prevention  
189 programs can be provided through the Bullying Prevention Fund or  
190 safe schools allocation.

191 (c) Any student whose parent makes written request to the  
192 school principal shall be exempted from the teaching of bullying  
193 prevention. A student so exempted may not be penalized by reason  
194 of that exemption.

195 (d) In addition to providing instruction in bullying  
196 prevention, each school district may elect to hire additional  
197 guidance counselors or mental health counselors to assist in the  
198 prevention of bullying and harassment or for counseling for  
199 victims and offenders of bullying; cyberbullying; hazing;  
200 harassment; sexual harassment; sexual battery; or sexual  
201 assault.

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

204 212.1832 Credit for contributions to the Bullying  
205 Prevention Fund.—

206 (1) Upon adoption of rules, the purchaser of a motor  
207 vehicle shall be granted a credit of 100 percent of an eligible  
208 contribution made to the Bullying Prevention Fund under s.  
209 1002.40 against any tax imposed by the state and collected from  
210 the purchaser by a dealer, designated agent, or private tag  
211 agent as a result of the purchase or acquisition of a motor

390773

Approved For Filing: 2/28/2018 2:39:31 PM

Amendment No.

212 vehicle. For purposes of this subsection, the term "purchase"  
213 does not include the lease or rental or a motor vehicle.

214 (2) A dealer shall take a credit against any tax imposed  
215 by the state under this chapter on the purchase of a motor  
216 vehicle in an amount equal to the credit granted to the  
217 purchaser under subsection (1).

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

225 Section 3. This act shall take effect upon becoming a law.

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228 **T I T L E A M E N D M E N T**

229 Remove everything before the enacting clause and insert:

230 A bill to be entitled

231 An act relating to the Bullying Prevention Fund;  
232 creating s. 1002.40, F.S.; creating the Bullying  
233 Prevention Fund; providing purpose and requirements  
234 for the fund; providing funding for the fund; creating  
235 s. 212.1832, F.S.; authorizing certain persons to  
236 elect to direct certain state sales and use tax

390773

Approved For Filing: 2/28/2018 2:39:31 PM

Amendment No.

237 | revenue to be transferred to Bullying Prevention Fund;  
238 | providing requirements for motor vehicle dealers;  
239 | requiring the Department of Revenue to disregard  
240 | certain tax credits for specified purposes; providing  
241 | effective date.

390773

Approved For Filing: 2/28/2018 2:39:31 PM