

By the Committee on Education; and Senator Galvano

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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; defining terms; providing eligibility  
6       requirements; prohibiting the payment of a scholarship  
7       under certain circumstances; requiring a principal to  
8       provide copies of a report of physical violence or  
9       emotional abuse to certain individuals within a  
10      specified timeframe; requiring the principal to  
11      investigate such incidents; requiring a school  
12      district to notify an eligible student's parent of the  
13      program under certain circumstances; requiring a  
14      school district to provide certain information  
15      relating to the statewide assessment program;  
16      providing requirements and obligations for eligible  
17      private schools; providing Department of Education  
18      obligations relating to participating students and  
19      private schools and program requirements; providing  
20      Commissioner of Education obligations; requiring the  
21      commissioner to deny, suspend, or revoke a private  
22      school's participation in the program or the payment  
23      of scholarship funds under certain circumstances;  
24      defining the term "owner or operator"; providing a  
25      process for review of a decision from the commissioner  
26      under certain circumstances; providing for the release  
27      of personally identifiable student information under  
28      certain circumstances; providing parent and student  
29      responsibilities for initial and continued

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30 participation in the program; providing nonprofit  
31 scholarship-funding organization obligations;  
32 providing for the calculation of the scholarship  
33 amount; providing the scholarship amount for students  
34 transferred to certain public schools; requiring  
35 verification of specified information before a  
36 scholarship may be disbursed; providing requirements  
37 for the scholarship payments; providing funds for  
38 administrative expenses for certain nonprofit  
39 scholarship-funding organizations; providing  
40 requirements for administrative expenses; prohibiting  
41 a nonprofit scholarship-funding organization from  
42 charging an application fee; providing Auditor General  
43 obligations; providing requirements for taxpayer  
44 elections to contribute to the program; requiring the  
45 Department of Revenue to adopt forms to administer the  
46 program; providing requirements for certain agents of  
47 the Department of Revenue and motor vehicle dealers;  
48 providing reporting requirements for nonprofit  
49 scholarship-funding organizations relating to taxpayer  
50 contributions; providing penalties; providing for the  
51 restitution of specified funds under certain  
52 circumstances; providing the state is not liable for  
53 the award or use of program funds; prohibiting  
54 additional regulations for private schools  
55 participating in the program beyond those necessary to  
56 enforce program requirements; requiring the State  
57 Board of Education to adopt rules to administer the  
58 program; creating s. 212.1832, F.S.; authorizing

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59 certain persons to elect to direct certain state sales  
60 and use tax revenue to be transferred to a nonprofit  
61 scholarship-funding organization for the Hope  
62 Scholarship Program; amending s. 1002.01, F.S.;  
63 revising and defining terms; amending s. 1002.20;  
64 updating educational options and terminology; amending  
65 s. 1003.01, F.S.; redefining the term "regular school  
66 attendance"; amending ss. 1002.385, 1002.39, 1002.395,  
67 and 1003.26, F.S.; conforming cross-references and  
68 provisions to changes made by the act; updating  
69 terminology; repealing ch. 623, F.S., relating to  
70 private school corporations, on a specified date;  
71 amending s. 212.08, F.S.; conforming a cross-  
72 reference; repealing s. 1002.43, F.S., relating to  
73 private tutoring programs; authorizing the Department  
74 of Revenue to adopt emergency rules for specified  
75 purposes; providing effective dates.

76

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

78

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

81 1002.40 The Hope Scholarship Program.—

82 (1) PURPOSE.—The Hope Scholarship Program is established to  
83 provide the parent of a public school student who was the victim  
84 of a substantiated incident of violence or abuse, as listed in  
85 subsection (3), an opportunity to transfer the student to  
86 another public school or to request and receive from the state a  
87 scholarship for the student to enroll in and attend an eligible

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88 private school.

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

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

91 (b) "Eligible contribution" or "contribution" means a  
92 monetary contribution from a person required to pay sales and  
93 use tax on the purchase or acquisition of a motor vehicle,  
94 subject to the restrictions provided in this section, to an  
95 eligible nonprofit scholarship-funding organization. The  
96 taxpayer making the contribution may not designate a specific  
97 student as the beneficiary of the contribution.

98 (c) "Eligible nonprofit scholarship-funding organization"  
99 or "organization" has the same meaning as provided in s.  
100 1002.395(2) (f), as determined by the department.

101 (d) "Eligible private school" has the same meaning as  
102 provided in s. 1002.395(2) (g), as determined by the department.

103 (e) "Motor vehicle" has the same meaning as provided in s.  
104 320.01(1) (a), but does not include heavy trucks, truck tractors,  
105 trailers, and motorcycles.

106 (f) "Parent" means a resident of this state who is a  
107 parent, as defined in s. 1000.21, and whose public school  
108 student was the victim of a reported incident, as listed in  
109 subsection (3).

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

111 (h) "School" includes any educational program or activity  
112 conducted by a public K-12 educational institution, any school-  
113 related or school-sponsored program or activity, and riding on a  
114 school bus, as defined in s. 1006.25(1), including waiting at a  
115 school bus stop.

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

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117 average total funds per unweighted full-time equivalent funding  
118 amount that is incorporated by reference in the General  
119 Appropriations Act for the applicable state fiscal year.

120 (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019  
121 school year, contingent upon available funds, and on a first-  
122 come, first-served basis, a student enrolled full time in a  
123 Florida public school in kindergarten through grade 12 is  
124 eligible for a scholarship under this program if all of the  
125 following conditions are met:

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

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

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

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

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

141 (a) Enrolled in a public school, including, but not limited  
142 to, the Florida School for the Deaf and the Blind; the College-  
143 Preparatory Boarding Academy; the Florida Virtual School; a  
144 developmental research school authorized under s. 1002.32; or a  
145 charter school authorized under s. 1002.33, s. 1002.331, s.

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146 1002.332, or s. 1002.333;

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

150 (c) Participating in a virtual school, correspondence  
151 school, or distance learning program that receives state funding  
152 pursuant to the student's participation unless the participation  
153 is limited to no more than two courses per school year;

154 (d) Receiving any other educational scholarship pursuant to  
155 this chapter; or

156 (e) Participating in a home education program, as defined  
157 in s. 1002.01.

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

159 (a)1. Within 24 hours after receipt of a formal report of  
160 an incident listed in subsection (3)(a), the principal shall  
161 provide a copy of the report to the victim's parent and the  
162 alleged offender's parent. The report must include a statement  
163 of the expected investigative actions and the timeline for  
164 reporting the outcome of the investigation. Within 24 hours  
165 after receipt of the formal report, the principal must also  
166 provide the superintendent with a copy of the report and  
167 verification that the parents of the victim and the alleged  
168 offender have been provided a copy of the incident report and  
169 other required information.

170 2. In accordance with s. 1006.09, the principal must  
171 investigate the incident to determine if the incident is  
172 substantiated or unsubstantiated, and if the incident must be  
173 reported. The principal may, at his or her discretion, determine  
174 the extent to which each student was engaged in instigating,

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175 initiating, or reacting to a physical altercation, and may  
176 consider such information when evaluating and determining  
177 appropriate disciplinary actions and investigation outcomes.

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

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

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

203 6. To facilitate timely, appropriate, and fiscally

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204 accountable scholarship payments, school districts must report  
205 and verify student enrollment information during and outside of  
206 regular FTE student enrollment survey periods, as requested by  
207 the department pursuant to paragraph (7) (d).

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

213 2. For each student participating in the program in a  
214 private school who chooses to participate in the statewide  
215 assessments under s. 1008.22 or the Florida Alternate  
216 Assessment, the school district in which the student resides  
217 must notify the student and his or her parent about the  
218 locations and times to take all statewide assessments.

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

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

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

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

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



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233       2. Annually administering or making provision for students  
234 participating in the program in grades 3 through 10 to take one  
235 of the nationally norm-referenced tests identified by the  
236 department or the statewide assessments pursuant to s. 1008.22.  
237 Students with disabilities for whom standardized testing is not  
238 appropriate are exempt from this requirement. A participating  
239 private school shall report a student's scores to his or her  
240 parent.

241       3. Cooperating with the student whose parent chooses to  
242 have the student participate in the statewide assessments  
243 pursuant to s. 1008.22 or, if a private school chooses to offer  
244 the statewide assessments, administering the assessments at the  
245 school.

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

249       b. A participating private school shall submit a request in  
250 writing to the department by March 1 of each year in order to  
251 administer the statewide assessments in the subsequent school  
252 year.

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

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

258       (f) Provide a report from an independent certified public  
259 accountant who performs the agreed-upon procedures developed  
260 under s. 1002.395(6)(o) if the private school receives more than  
261 \$250,000 in funds from scholarships awarded under this section

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

268  
269 The failure of a private school to meet the requirements of this  
270 subsection constitutes a basis for the ineligibility of the  
271 private school to participate in the program, as determined by  
272 the department.

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

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

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

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

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

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

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291 (f) Require quarterly reports by an eligible nonprofit  
292 scholarship-funding organization regarding the number of  
293 students participating in the scholarship program, the private  
294 schools in which the students are enrolled, and other  
295 information deemed necessary by the department.

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

298 1. Reviewing the school climate and code of student conduct  
299 of each public school that reported the occurrence of a monthly  
300 average of 10 or more substantiated incidents to determine areas  
301 in the school or school district procedures involving reporting,  
302 investigating, and communicating a parent's and student's rights  
303 which are in need of improvement. At a minimum, the review must  
304 include:

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

307 b. An assessment of the effectiveness of communication  
308 procedures with the students involved in an incident, the  
309 students' parents, and the school and school district personnel;

310 c. An analysis of school incident and discipline data; and

311 d. The challenges and obstacles relating to implementing  
312 recommendations from this review.

313 2. Reviewing the school climate and code of student conduct  
314 of each public school a student transferred to if the student  
315 was from a school identified in subparagraph 1. in order to  
316 identify best practices and make recommendations to a public  
317 school at which the incidents occurred.

318 3. Reviewing the performance of participating students  
319 enrolled in a private school in which the majority of the

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320 school's total enrolled students in the prior school year  
321 participated in one or more scholarship programs, as defined in  
322 s. 1002.01, in which there are at least 10 participating  
323 students who have scores for tests administered; and reviewing  
324 the school climate and code of student conduct of the private  
325 school if one or more scholarship participants were involved in  
326 a reported incident at the school during the prior school year.

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

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

346 (i) Establish a process by which individuals may notify the  
347 department of any violation by a parent, private school, or  
348 school district of state laws relating to program participation.

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349 The department shall conduct an inquiry or make a referral to  
350 the appropriate agency for an investigation of any written  
351 complaint of a violation of this section if the complaint is  
352 signed by the complainant and is legally sufficient. A complaint  
353 is legally sufficient if such complaint contains ultimate facts  
354 that show that a violation of this section or any rule adopted  
355 by the State Board of Education pursuant to this section has  
356 occurred. In order to determine legal sufficiency, the  
357 department may require supporting information or documentation  
358 from the complainant. A department inquiry is not subject to the  
359 requirements of chapter 120.

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

374 2. Annually, by December 15, report to the Governor, the  
375 President of the Senate, and the Speaker of the House of  
376 Representatives the department's actions with respect to  
377 implementing accountability in the program under this section

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378 and s. 1002.421, any substantiated allegations or violations of  
379 law or rule by an eligible private school under this program and  
380 the corrective action taken by the department.

381 (8) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

382 (a) The Commissioner of Education:

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

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

399 a. In making such a determination, the commissioner may  
400 consider factors that include, but are not limited to, acts or  
401 omissions by an owner or operator which led to a previous denial  
402 or revocation of participation in an education scholarship  
403 program; an owner's or operator's failure to reimburse the  
404 department for scholarship funds improperly received or retained  
405 by a school; imposition of a prior criminal sanction related to  
406 an owner's or operator's management or operation of an

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407 educational institution; imposition of a civil fine or  
408 administrative fine, license revocation or suspension, or  
409 program eligibility suspension, termination, or revocation  
410 related to an owner's or operator's management or operation of  
411 an educational institution; or other types of criminal  
412 proceedings in which an owner or operator was found guilty of,  
413 regardless of adjudication, or entered a plea of nolo contendere  
414 or guilty to, any offense involving fraud, deceit, dishonesty,  
415 or moral turpitude.

416 b. For purposes of this subparagraph, the term "owner or  
417 operator" includes an owner, operator, superintendent, or  
418 principal of, or a person who has equivalent decisionmaking  
419 authority over, a private school participating in the  
420 scholarship program.

421 (b) The commissioner's determination is subject to the  
422 following:

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

430 2. The private school that is adversely affected by the  
431 proposed action shall have 15 days after receipt of the notice  
432 of proposed action to file with the department's agency clerk a  
433 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
434 the private school is entitled to a hearing under s. 120.57(1),  
435 the department shall refer the request to the Division of

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436 Administrative Hearings.

437 3. Upon receipt of a request referred pursuant to this  
438 paragraph, the director of the Division of Administrative  
439 Hearings shall expedite the hearing and assign an administrative  
440 law judge who shall commence a hearing within 30 days after the  
441 receipt of the formal written request by the division and enter  
442 a recommended order within 30 days after the hearing or within  
443 30 days after receipt of the hearing transcript, whichever is  
444 later. Each party shall be allowed 10 days in which to submit  
445 written exceptions to the recommended order. A final order shall  
446 be entered by the agency within 30 days after the entry of a  
447 recommended order. The provisions of this subparagraph may be  
448 waived upon stipulation by all parties.

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

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

454 2. Fraudulent activity on the part of the private school.  
455 Notwithstanding s. 1002.22, in incidents of alleged fraudulent  
456 activity pursuant to this section, the department's Office of  
457 Inspector General is authorized to release personally  
458 identifiable records or reports of students to the following  
459 persons or organizations:

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

464 b. A person or entity authorized by a court of competent



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465 jurisdiction in compliance with an order of that court or the  
466 attorney of record pursuant to a lawfully issued subpoena,  
467 consistent with the Family Educational Rights and Privacy Act,  
468 20 U.S.C. s. 1232g.

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

475  
476 The commissioner's suspension of payment pursuant to this  
477 paragraph may be appealed pursuant to the same procedures and  
478 timelines as the notice of proposed action set forth in  
479 paragraph (b).

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

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

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

489 (c) Any student participating in the program must comply  
490 with the regular attendance requirements of s. 1003.01(13) and  
491 remain in attendance throughout the school year unless excused  
492 by the school for illness or other good cause.

493 (d) Each parent and each student has an obligation to the

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494 private school to comply with the private school's published  
495 policies.

496 (e) Upon reasonable notice to the department and the school  
497 district, the parent may remove the student from the private  
498 school and place the student in a public school in accordance  
499 with this section.

500 (f) The parent must ensure that the student participating  
501 in the program takes the norm-referenced assessment offered by  
502 the private school. The parent may also choose to have the  
503 student participate in the statewide assessments pursuant to s.  
504 1008.22. If the parent requests that the student participating  
505 in the program take the statewide assessments pursuant to s.  
506 1008.22 and the private school has not chosen to offer and  
507 administer the statewide assessments, the parent is responsible  
508 for transporting the student to the assessment site designated  
509 by the school district.

510 (g) Upon receipt of a scholarship warrant, the parent to  
511 whom the warrant is made must restrictively endorse the warrant  
512 to the private school for deposit into the account of the  
513 private school. The parent may not designate any entity or  
514 individual associated with the participating private school as  
515 the parent's attorney in fact to endorse a scholarship warrant.  
516 A parent who fails to comply with this paragraph forfeits the  
517 scholarship.

518 (10) OBLIGATIONS OF NONPROFIT SCHOLARSHIP-FUNDING  
519 ORGANIZATIONS.—An organization may establish scholarships for  
520 eligible students by:

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

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

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

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

533 (11) FUNDING AND PAYMENT.—

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

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

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

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

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

547 (c) When a student enters the program, the organization  
548 must receive all documentation required for the student's  
549 participation, including a copy of the report of the  
550 substantiated incident received pursuant to subsection (5) and  
551 the private school's and the student's fee schedules. The

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552 initial payment shall be made after verification of admission  
553 acceptance, and subsequent payments shall be made upon  
554 verification of continued enrollment and attendance at the  
555 private school.

556 (d) Payment of the scholarship by the eligible nonprofit  
557 scholarship-funding organization shall be by individual warrant  
558 made payable to the student's parent. If the parent chooses that  
559 his or her student attend an eligible private school, the  
560 warrant must be delivered by the eligible nonprofit scholarship-  
561 funding organization to the private school of the parent's  
562 choice, and the parent shall restrictively endorse the warrant  
563 to the private school.

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

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

571 (g) An organization may use up to 3 percent of eligible  
572 contributions received during the state fiscal year in which  
573 such contributions are collected for administrative expenses if  
574 the organization has operated as an eligible nonprofit  
575 scholarship-funding organization for at least the preceding 3  
576 fiscal years and did not have any findings of material weakness  
577 or material noncompliance in its most recent audit under s.  
578 1002.395(6)(m). Such administrative expenses must be reasonable  
579 and necessary for the organization's management and distribution  
580 of eligible contributions under this section. Funds authorized

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581 under this paragraph may not be used for lobbying or political  
582 activity or expenses related to lobbying or political activity.  
583 Up to one-third of the funds authorized for administrative  
584 expenses under this paragraph may be used for expenses related  
585 to the recruitment of contributions from taxpayers. An eligible  
586 nonprofit scholarship-funding organization may not charge an  
587 application fee.

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

591 (12) OBLIGATIONS OF THE AUDITOR GENERAL.—

592 (a) The Auditor General shall conduct an annual operational  
593 audit of accounts and records of each organization that  
594 participates in the program. As part of this audit, the Auditor  
595 General shall verify, at a minimum, the total number of students  
596 served and transmit that information to the department. The  
597 Auditor General shall provide the commissioner with a copy of  
598 each annual operational audit performed pursuant to this  
599 subsection within 10 days after the audit is finalized.

600 (b) The Auditor General shall notify the department of any  
601 organization that fails to comply with a request for  
602 information.

603 (13) SCHOLARSHIP FUNDING TAX CREDITS.—

604 (a) A tax credit is available under s. 212.1832 for use by  
605 a taxpayer that makes an eligible contribution to the program.  
606 Each eligible contribution is limited to a single payment of \$20  
607 at the time of purchase of a motor vehicle or a single payment  
608 of \$20 at the time of registration of a motor vehicle that was  
609 not purchased from a dealer. An eligible contribution shall be

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610 accompanied by an election to contribute to the program and  
611 shall be made by the purchaser at the time of purchase or at the  
612 time of registration on a form provided by the Department of  
613 Revenue. Payments of contributions shall be made to a dealer, as  
614 defined in chapter 212, at the time of purchase of a motor  
615 vehicle or to an agent of the Department of Revenue, as  
616 designated by s. 212.06(10), at the time of registration of a  
617 motor vehicle that was not purchased from a dealer.

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

622 1. Provide the purchaser the contribution election form, as  
623 prescribed by the Department of Revenue, at the time of purchase  
624 of a motor vehicle or at the time of registration of a motor  
625 vehicle that was not purchased from a dealer.

626 2. Collect eligible contributions.

627 3. Using a form provided by the Department of Revenue,  
628 which shall include the dealer's or agent's federal employer  
629 identification number, remit to an organization on or before the  
630 20th day of each month the total amount of contributions made to  
631 that organization and collected during the preceding calendar  
632 month.

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

636 (c) An organization shall report to the Department of  
637 Revenue, on or before the 20th day of each month, the total  
638 amount of contributions received pursuant to paragraph (b) in

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639 the preceding calendar month on a form provided by the  
640 Department of Revenue. Such report shall include the federal  
641 employer identification number of each tax collector, authorized  
642 agent of the Department of Revenue, or dealer who remitted  
643 contributions to the organization during that reporting period.

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

648 1. If the total amount stolen is less than \$300, the  
649 offense is a misdemeanor of the second degree, punishable as  
650 provided in s. 775.082 or s. 775.083. Upon a second conviction,  
651 the offender is guilty of a misdemeanor of the first degree,  
652 punishable as provided in s. 775.082 or s. 775.083. Upon a third  
653 or subsequent conviction, the offender is guilty of a felony of  
654 the third degree, punishable as provided in s. 775.082, s.  
655 775.083, or s. 775.084.

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

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

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

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

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

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

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

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

679 212.1832 Credit for contributions to the Hope Scholarship  
680 Program.—

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

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

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

696 1002.01 Definitions.—



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697 (1) A "home education program" means the sequentially  
698 progressive instruction of a student directed by his or her  
699 parent in order to satisfy the attendance requirements of ss.  
700 1002.41, 1003.01(13), and 1003.21(1).

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

720 (3) For purposes of this chapter, a "scholarship program"  
721 means any one of the following:

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

724 (b) The Gardiner Scholarship Program established pursuant  
725 to s. 1002.385.

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726 (c) The John M. McKay Scholarships for Students with  
727 Disabilities Program established pursuant to s. 1002.39.

728 (d) The Florida Tax Credit Scholarship Program established  
729 pursuant to s. 1002.395.

730 (e) The Hope Scholarship Program established pursuant to s.  
731 1002.40.

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

734 1002.20 K-12 student and parent rights.—Parents of public  
735 school students must receive accurate and timely information  
736 regarding their child's academic progress and must be informed  
737 of ways they can help their child to succeed in school. K-12  
738 students and their parents are afforded numerous statutory  
739 rights including, but not limited to, the following:

740 (2) ATTENDANCE.—

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

750 (6) EDUCATIONAL CHOICE.—

751 (a) *Public educational school choices.*—Parents of public  
752 school students may seek any public educational school choice  
753 options that are applicable and available to students throughout  
754 the state. These options may include controlled open enrollment,

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755 single-gender programs, lab schools, virtual instruction  
756 programs, charter schools, charter technical career centers,  
757 magnet schools, alternative schools, special programs, auditory-  
758 oral education programs, advanced placement, dual enrollment,  
759 International Baccalaureate, International General Certificate  
760 of Secondary Education (pre-AICE), CAPE digital tools, CAPE  
761 industry certifications, collegiate high school programs,  
762 Advanced International Certificate of Education, early  
763 admissions, credit by examination or demonstration of  
764 competency, the New World School of the Arts, the Florida School  
765 for the Deaf and the Blind, and the Florida Virtual School.  
766 These options may also include the public educational choice  
767 options of the Opportunity Scholarship Program and the McKay  
768 Scholarships for Students with Disabilities Program.

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

773 1. Under the McKay Scholarships for Students with  
774 Disabilities Program, the parent of a public school student with  
775 a disability may request and receive a McKay Scholarship for the  
776 student to attend a private school in accordance with s.  
777 1002.39.

778 2. Under the Florida Tax Credit Scholarship Program, the  
779 parent of a student who qualifies for free or reduced-price  
780 school lunch or who is currently placed, or during the previous  
781 state fiscal year was placed, in foster care as defined in s.  
782 39.01 may seek a scholarship from an eligible nonprofit  
783 scholarship-funding organization in accordance with s. 1002.395.

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784           3. Under the Gardiner Scholarship Program ~~Florida Personal~~  
785 ~~Learning Scholarship Accounts Program~~, the parent of a student  
786 with a qualifying disability may apply for a Gardiner  
787 Scholarship ~~personal learning scholarship~~ to be used for  
788 individual educational needs in accordance with s. 1002.385.

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

794           (c) *Home education.*—The parent of a student may choose to  
795 place the student in a home education program, as defined in s.  
796 1002.01(1), in accordance with ~~the provisions of~~ s. 1002.41.

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

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

802           1003.01 Definitions.—As used in this chapter, the term:

803           (13) "Regular school attendance" means the actual  
804 attendance of a student during the school day as defined by law  
805 and rules of the State Board of Education. Regular attendance  
806 within the intent of s. 1003.21 may be achieved by a student's  
807 full-time attendance in one of the following options:

808           (a) A public school supported by public funds, including,  
809 but not limited to, the Florida School for the Deaf and the  
810 Blind, the Florida Virtual School, a developmental research  
811 school, and a charter school established pursuant to chapter  
812 1002.†

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

821 (c)(d) A home education program, as defined in s.  
822 1002.01(1), which ~~that~~ meets the requirements of chapter 1002.†  
823 ~~or~~

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

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

829 1002.385 The Gardiner Scholarship.—

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

833 (d) Enrollment in, or tuition or fees associated with  
834 enrollment in, a home education program, an eligible private  
835 school, an eligible postsecondary educational institution or a  
836 program offered by the institution, ~~a private tutoring program~~  
837 ~~authorized under s. 1002.43,~~ a virtual program offered by a  
838 department-approved private online provider that meets the  
839 provider qualifications specified in s. 1002.45(2)(a), the  
840 Florida Virtual School as a private paying student, or an  
841 approved online course offered pursuant to s. 1003.499 or s.

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842 1004.0961.

843 (h) Tuition and fees for part-time tutoring services  
844 provided by a person who holds a valid Florida educator's  
845 certificate pursuant to s. 1012.56; a person who holds an  
846 adjunct teaching certificate pursuant to s. 1012.57; or a person  
847 who has demonstrated a mastery of subject area knowledge  
848 pursuant to s. 1012.56(5). As used in this paragraph, the term  
849 "part-time tutoring services" does not qualify as regular school  
850 attendance as defined in s. 1003.01(13) ~~s. 1003.01(13)(e)~~.

851

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

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

869 (a) To satisfy or maintain program eligibility, including  
870 eligibility to receive and spend program payments, the parent

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871 must sign an agreement with the organization and annually submit  
872 a notarized, sworn compliance statement to the organization to:

873 1. Affirm that the student is enrolled in a program that  
874 meets regular school attendance requirements as provided in s.  
875 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b) - (d)~~.

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

879 3. Affirm that the parent is responsible for the education  
880 of his or her student by, as applicable:

881 a. Requiring the student to take an assessment in  
882 accordance with paragraph (8)(c);

883 b. Providing an annual evaluation in accordance with s.  
884 1002.41(1)(c); or

885 c. Requiring the child to take any preassessments and  
886 postassessments selected by the provider if the child is 4 years  
887 of age and is enrolled in a program provided by an eligible  
888 Voluntary Prekindergarten Education Program provider. A student  
889 with disabilities for whom a preassessment and postassessment is  
890 not appropriate is exempt from this requirement. A participating  
891 provider shall report a student's scores to the parent.

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

895

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

898 Section 7. Subsection (3) of section 1002.39, Florida  
899 Statutes, is amended to read:

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900           1002.39 The John M. McKay Scholarships for Students with  
901 Disabilities Program.—There is established a program that is  
902 separate and distinct from the Opportunity Scholarship Program  
903 and is named the John M. McKay Scholarships for Students with  
904 Disabilities Program.

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

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

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

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

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

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

918           (e) ~~(f)~~ While he or she is participating in a virtual  
919 school, correspondence school, or distance learning program that  
920 receives state funding pursuant to the student's participation  
921 unless the participation is limited to no more than two courses  
922 per school year;

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

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



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929 or

930 (h)~~(i)~~ If he or she has been issued a temporary 504  
931 accommodation plan under s. 504 of the Rehabilitation Act of  
932 1973 which is valid for 6 months or less.

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

935 1002.395 Florida Tax Credit Scholarship Program.—

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

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

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

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

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

947 ~~(e) Participating in a private tutoring program pursuant to~~  
948 ~~s. 1002.43;~~

949 (e)~~(f)~~ Participating in a virtual school, correspondence  
950 school, or distance learning program that receives state funding  
951 pursuant to the student's participation unless the participation  
952 is limited to no more than two courses per school year; or

953 (f)~~(g)~~ Enrolled in the Florida School for the Deaf and the  
954 Blind.

955 Section 9. Paragraph (f) of subsection (1) of section  
956 1003.26, Florida Statutes, is amended to read:

957 1003.26 Enforcement of school attendance.—The Legislature

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958 finds that poor academic performance is associated with  
959 nonattendance and that school districts must take an active role  
960 in promoting and enforcing attendance as a means of improving  
961 student performance. It is the policy of the state that each  
962 district school superintendent be responsible for enforcing  
963 school attendance of all students subject to the compulsory  
964 school age in the school district and supporting enforcement of  
965 school attendance by local law enforcement agencies. The  
966 responsibility includes recommending policies and procedures to  
967 the district school board that require public schools to respond  
968 in a timely manner to every unexcused absence, and every absence  
969 for which the reason is unknown, of students enrolled in the  
970 schools. District school board policies shall require the parent  
971 of a student to justify each absence of the student, and that  
972 justification will be evaluated based on adopted district school  
973 board policies that define excused and unexcused absences. The  
974 policies must provide that public schools track excused and  
975 unexcused absences and contact the home in the case of an  
976 unexcused absence from school, or an absence from school for  
977 which the reason is unknown, to prevent the development of  
978 patterns of nonattendance. The Legislature finds that early  
979 intervention in school attendance is the most effective way of  
980 producing good attendance habits that will lead to improved  
981 student learning and achievement. Each public school shall  
982 implement the following steps to promote and enforce regular  
983 school attendance:

984 (1) CONTACT, REFER, AND ENFORCE.—

985 (f)1. If the parent of a child who has been identified as  
986 exhibiting a pattern of nonattendance enrolls the child in a

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987 home education program pursuant to chapter 1002, the district  
988 school superintendent shall provide the parent a copy of s.  
989 1002.41 and the accountability requirements of this paragraph.  
990 The district school superintendent shall also refer the parent  
991 to a home education review committee composed of the district  
992 contact for home education programs and at least two home  
993 educators selected by the parent from a district list of all  
994 home educators who have conducted a home education program for  
995 at least 3 years and who have indicated a willingness to serve  
996 on the committee. The home education review committee shall  
997 review the portfolio of the student, as defined by s. 1002.41,  
998 every 30 days during the district's regular school terms until  
999 the committee is satisfied that the home education program is in  
1000 compliance with s. 1002.41(1)(b). The first portfolio review  
1001 must occur within the first 30 calendar days of the  
1002 establishment of the program. The provisions of subparagraph 2.  
1003 do not apply once the committee determines the home education  
1004 program is in compliance with s. 1002.41(1)(b).

1005 2. If the parent fails to provide a portfolio to the  
1006 committee, the committee shall notify the district school  
1007 superintendent. The district school superintendent shall then  
1008 terminate the home education program and require the parent to  
1009 enroll the child in an attendance option that meets the  
1010 definition of "regular school attendance" under s.  
1011 1003.01(13)(a) or (b) ~~s. 1003.01(13)(a), (b), (c), or (e),~~  
1012 within 3 days. Upon termination of a home education program  
1013 pursuant to this subparagraph, the parent shall not be eligible  
1014 to reenroll the child in a home education program for 180  
1015 calendar days. Failure of a parent to enroll the child in an

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1016 attendance option as required by this subparagraph after  
1017 termination of the home education program pursuant to this  
1018 subparagraph shall constitute noncompliance with the compulsory  
1019 attendance requirements of s. 1003.21 and may result in criminal  
1020 prosecution under s. 1003.27(2). Nothing contained herein shall  
1021 restrict the ability of the district school superintendent, or  
1022 the ability of his or her designee, to review the portfolio  
1023 pursuant to s. 1002.41(1)(b).

1024 Section 10. Effective July 1, 2019, chapter 623, Florida  
1025 Statutes, consisting of sections 623.01, 623.02, 623.03, 623.04,  
1026 623.05, 623.06, 623.07, 623.08, 623.09, 623.10, 623.11, 623.12,  
1027 623.13, and 623.14, is repealed.

1028 Section 11. Effective July 1, 2019, subsection (13) of  
1029 section 212.08, Florida Statutes, is amended to read:

1030 212.08 Sales, rental, use, consumption, distribution, and  
1031 storage tax; specified exemptions.—The sale at retail, the  
1032 rental, the use, the consumption, the distribution, and the  
1033 storage to be used or consumed in this state of the following  
1034 are hereby specifically exempt from the tax imposed by this  
1035 chapter.

1036 (13) No transactions shall be exempt from the tax imposed  
1037 by this chapter except those expressly exempted herein. All laws  
1038 granting tax exemptions, to the extent they may be inconsistent  
1039 or in conflict with this chapter, including, but not limited to,  
1040 the following designated laws, shall yield to and be superseded  
1041 by the provisions of this subsection: ss. 125.019, 153.76,  
1042 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395,  
1043 215.76, 243.33, 315.11, 348.65, 348.762, 349.13, 403.1834, and  
1044 ~~616.07, and 623.09~~, and the following Laws of Florida, acts of

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1045 the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter  
1046 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179,  
1047 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s.  
1048 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-  
1049 2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11,  
1050 chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446;  
1051 and s. 10, chapter 67-1681. This subsection does not supersede  
1052 the authority of a local government to adopt financial and local  
1053 government incentives pursuant to s. 163.2517.

1054 Section 12. Section 1002.43, Florida Statutes, is repealed.

1055 Section 13. The Department of Revenue may, and all  
1056 conditions are deemed met to, adopt emergency rules pursuant to  
1057 ss. 120.536(1) and 120.54, Florida Statutes, to administer ss.  
1058 1002.40 and 212.1832 which are created by this act.

1059 Section 14. Except as otherwise expressly provided in this  
1060 act, this act shall take effect July 1, 2018.