



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; providing for a scholarship to  
10          remain in force for a specified period under certain  
11          circumstances; requiring a school district to notify  
12          an eligible student's parent of the program and  
13          specified opportunities; requiring a school district  
14          to provide certain information relating to the  
15          statewide assessment program; providing requirements  
16          and obligations for eligible private schools;  
17          providing Department of Education obligations relating  
18          to participating students and private schools and  
19          program requirements; providing parent and student  
20          responsibilities for initial and continued  
21          participation in the program; providing nonprofit  
22          scholarship-funding organization obligations;  
23          providing for the calculation of the scholarship  
24          amount; providing the scholarship amount for students  
25          transferred to certain public schools; requiring



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



51 and use tax revenue to be transferred to a nonprofit  
52 scholarship-funding organizations for the Hope  
53 Scholarship Program; providing requirements for motor  
54 vehicle dealers; requiring the Department of Revenue  
55 to disregard certain tax credits for specified  
56 purposes; amending s. 213.053, F.S.; requiring the  
57 Department of Revenue to share specified information  
58 with eligible nonprofit scholarship-funding  
59 organizations; providing that certain requirements  
60 apply to such organizations; amending s. 1002.421,  
61 F.S.; providing private school requirements for  
62 participation in educational scholarship programs;  
63 providing background screening requirements and  
64 procedures for owners of private schools; providing  
65 that a private school is ineligible to participate in  
66 an educational scholarship program under certain  
67 circumstances; providing department obligations  
68 relating to educational scholarship programs;  
69 providing commissioner authority and responsibilities  
70 for educational scholarship programs; authorizing the  
71 commissioner to deny, suspend, or revoke a private  
72 school's participation in an educational scholarship  
73 program; amending s. 1002.385, F.S.; revising eligible  
74 expenditures for the Gardiner Scholarship Program;  
75 conforming provisions to changes made by the act;



76 amending s. 1002.39, F.S.; conforming provisions to  
77 changes made by the act; amending s. 1002.395, F.S.;  
78 revising the requirements for an annual report of  
79 certain student data for the Florida Tax Credit  
80 Scholarship Program; conforming provisions to changes  
81 made by the act; providing a contingent appropriation;  
82 authorizing the Department of Revenue to adopt  
83 emergency rules for specified purposes; providing a  
84 contingent appropriation; providing effective dates.  
85

86 Be It Enacted by the Legislature of the State of Florida:  
87

88 Section 1. Effective upon this act becoming a law, section  
89 1002.40, Florida Statutes, is created to read:

90 1002.40 The Hope Scholarship Program.—

91 (1) PURPOSE.—The Hope Scholarship Program is established  
92 to provide the parent of a public school student who was  
93 subjected to an incident listed in subsection (3) an opportunity  
94 to transfer the student to another public school or to request a  
95 scholarship for the student to enroll in and attend an eligible  
96 private school.

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

98 (a) "Dealer" has the same meaning as provided in s.  
99 212.06.

100 (b) "Department" means the Department of Education.



101 (c) "Designated agent" has the same meaning as provided in  
102 s. 212.06(10).

103 (d) "Eligible contribution" or "contribution" means a  
104 monetary contribution from a person purchasing a motor vehicle,  
105 subject to the restrictions provided in this section, to an  
106 eligible nonprofit scholarship-funding organization. The person  
107 making the contribution may not designate a specific student as  
108 the beneficiary of the contribution.

109 (e) "Eligible nonprofit scholarship-funding organization"  
110 or "organization" has the same meaning as provided in s.  
111 1002.395(2) (f).

112 (f) "Eligible private school" has the same meaning as  
113 provided in s. 1002.395(2) (g).

114 (g) "Motor vehicle" has the same meaning as provided in s.  
115 320.01(1) (a), but does not include a heavy truck, truck tractor,  
116 trailer, or motorcycle.

117 (h) "Parent" means a resident of this state who is a  
118 parent, as defined in s. 1000.21, and whose student was  
119 subjected to an incident listed in subsection (3).

120 (i) "Program" means the Hope Scholarship Program.

121 (j) "School" means any educational program or activity  
122 conducted by a public K-12 educational institution, any school-  
123 related or school-sponsored program or activity, and riding on a  
124 school bus, as defined in s. 1006.25(1), including waiting at a  
125 school bus stop.



126        (k) "Unweighted FTE funding amount" means the statewide  
127 average total funds per unweighted full-time equivalent funding  
128 amount that is incorporated by reference in the General  
129 Appropriations Act, or by a subsequent special appropriations  
130 act, for the applicable state fiscal year.

131        (3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019  
132 school year, contingent upon available funds, and on a first-  
133 come, first-served basis, a student enrolled in a Florida public  
134 school in kindergarten through grade 12 is eligible for a  
135 scholarship under this program if the student has been subjected  
136 to an incident of battery; harassment; hazing; bullying;  
137 kidnapping; physical attack; robbery; sexual offenses,  
138 harassment, assault, or battery; threat or intimidation; or  
139 fighting at school.

140        (4) PROGRAM PROHIBITIONS.—Payment of a scholarship to a  
141 student enrolled in a private school may not be made if a  
142 student is:

143        (a) Enrolled in a public school, including, but not  
144 limited to, the Florida School for the Deaf and the Blind; the  
145 College-Preparatory Boarding Academy; a developmental research  
146 school authorized under s. 1002.32; or a charter school  
147 authorized under s. 1002.33, s. 1002.331, or s. 1002.332;

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



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

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

157 (5) TERM OF HOPE SCHOLARSHIP.-For purposes of continuity  
158 of educational choice, a Hope scholarship shall remain in force  
159 until the student returns to public school or graduates from  
160 high school, whichever occurs first. A scholarship student who  
161 enrolls in a public school or public school program is  
162 considered to have returned to a public school for the purpose  
163 of determining the end of the scholarship's term.

164 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

165 (a) Upon receipt of a report of an incident listed in  
166 subsection (3), the school principal or his or her designee  
167 shall provide a copy of the report to the parent and investigate  
168 the incident to determine if the incident must be reported as  
169 required by s. 1006.09(6). Upon conclusion of the investigation  
170 or within 15 days after the incident was reported, whichever  
171 occurs first, the school district shall notify the parent of the  
172 program and the opportunities for the parent to:

173 1. Allow his or her student to remain enrolled in the  
174 student's current public school. The public school may provide a  
175 behavioral specialist or intervention counselor to assist both



176 the student who was subjected to an incident and the alleged  
177 offender;

178 2. Enroll his or her student in another public school that  
179 has capacity in the district in which the student resides;

180 3. Enroll his or her student in another public school  
181 outside the district in which the student resides and receive a  
182 transportation scholarship as provided in paragraph (11) (b); or

183 4. Apply for a Hope Scholarship and enroll his or her  
184 student in an eligible private school.

185 (b) For each student participating in the program in an  
186 eligible private school who chooses to participate in the  
187 statewide assessments under s. 1008.22 or the Florida Alternate  
188 Assessment, the school district in which the student resides  
189 must notify the student and his or her parent about the  
190 locations and times to take all statewide assessments.

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

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

197 (b)1. Annually administer or make provision for students  
198 participating in the program in grades 3 through 10 to take one  
199 of the nationally norm-referenced tests identified by the  
200 department or the statewide assessments pursuant to s. 1008.22.





201 Students with disabilities for whom standardized testing is not  
202 appropriate are exempt from this requirement. A participating  
203 private school shall report a student's scores to his or her  
204 parent.

205 2. Administer the statewide assessments pursuant to s.  
206 1008.22 if a private school chooses to offer the statewide  
207 assessments. A participating private school may choose to offer  
208 and administer the statewide assessments to all students who  
209 attend the private school in grades 3 through 10 and must submit  
210 a request in writing to the department by March 1 of each year  
211 in order to administer the statewide assessments in the  
212 subsequent school year.

213  
214 If a private school fails to meet the requirements of this  
215 subsection or s. 1002.421, the Commissioner of Education may  
216 determine that the private school is ineligible to participate  
217 in the program.

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

220 (a) Cross-check the list of participating scholarship  
221 students with the public school enrollment lists to avoid  
222 duplication.

223 (b) Maintain a list of nationally norm-referenced tests  
224 identified for purposes of satisfying the testing requirement in  
225 paragraph (9) (f). The tests must meet industry standards of



226 quality in accordance with State Board of Education rule.

227 (c) Require quarterly reports by an eligible nonprofit  
228 scholarship-funding organization regarding the number of  
229 students participating in the program, the private schools in  
230 which the students are enrolled, and other information deemed  
231 necessary by the department.

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

234 1. Reviewing the school climate and code of student  
235 conduct of each public school from which 10 or more students  
236 transferred to another public school or private school using the  
237 Hope scholarship to determine areas in the school or school  
238 district procedures involving reporting, investigating, and  
239 communicating a parent's and student's rights that are in need  
240 of improvement. At a minimum, the review must include:

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

243 b. An assessment of the effectiveness of communication  
244 procedures with the students involved in an incident, the  
245 students' parents, and the school and school district personnel.

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

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

249 2. Reviewing the school climate and code of student  
250 conduct of each public school to which a student transferred if



251 the student was from a school identified in subparagraph 1. in  
252 order to identify best practices and make recommendations to a  
253 public school at which the incidents occurred.

254 3. Reviewing the performance of participating students  
255 enrolled in a private school in which at least 51 percent of the  
256 total enrolled students in the prior school year participated in  
257 the program and in which there are at least 10 participating  
258 students who have scores for tests administered.

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

263 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
264 PARTICIPATION.—A parent who applies for a Hope scholarship is  
265 exercising his or her parental option to place his or her  
266 student in an eligible private school.

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

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

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

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



276 private school to comply with such school's published policies.

277 (e) Upon reasonable notice to the department and the  
278 school district, the parent may remove the student from the  
279 private school and place the student in a public school in  
280 accordance with this section.

281 (f) The parent must ensure that the student participating  
282 in the program takes the norm-referenced assessment offered by  
283 the private school. The parent may also choose to have the  
284 student participate in the statewide assessments pursuant to s.  
285 1008.22. If the parent requests that the student take the  
286 statewide assessments pursuant to s. 1008.22 and the private  
287 school has not chosen to offer and administer the statewide  
288 assessments, the parent is responsible for transporting the  
289 student to the assessment site designated by the school  
290 district.

291 (g) Upon receipt of a scholarship warrant, the parent to  
292 whom the warrant is made must restrictively endorse the warrant  
293 to the private school for deposit into the account of such  
294 school. If payment is made by funds transfer in accordance with  
295 paragraph (11)(d), the parent must approve each payment before  
296 the scholarship funds may be deposited. The parent may not  
297 designate any entity or individual associated with the  
298 participating private school as the parent's attorney in fact to  
299 endorse a scholarship warrant or approve a funds transfer. A  
300 parent who fails to comply with this paragraph forfeits the



301 scholarship.

302 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
303 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
304 organization may establish scholarships for eligible students  
305 by:

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

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

310 (c) Establishing a date by which the parent of a  
311 participating student must confirm continuing participation in  
312 the program.

313 (d) Awarding scholarship funds to eligible students,  
314 giving priority to renewing students from the previous year.

315 (e) Preparing and submitting quarterly reports to the  
316 department pursuant to paragraph (8)(c). In addition, an  
317 eligible nonprofit scholarship-funding organization must submit  
318 in a timely manner any information requested by the department  
319 relating to the program.

320 (f) Notifying the department of any violation of this  
321 section.

322 (11) FUNDING AND PAYMENT.—

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



326 thereafter as follows:

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

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

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

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

336 (c) When a student enters the program, the eligible  
337 nonprofit scholarship-funding organization must receive all  
338 documentation required for the student's participation,  
339 including a copy of the report of the incident received pursuant  
340 to subsection (6) and the private school's and the student's fee  
341 schedules. The initial payment shall be made after verification  
342 of admission acceptance, and subsequent payments shall be made  
343 upon verification of continued enrollment and attendance at the  
344 private school.

345 (d) Payment of the scholarship by the eligible nonprofit  
346 scholarship-funding organization may be by individual warrant  
347 made payable to the student's parent or by funds transfer,  
348 including, but not limited to, debit cards, electronic payment  
349 cards, or any other means of payment that the department deems  
350 to be commercially viable or cost-effective. If payments are



351 made by warrant, the warrant must be delivered by the eligible  
352 nonprofit scholarship-funding organization to the private school  
353 of the parent's choice, and the parent shall restrictively  
354 endorse the warrant to the private school. If payment is made by  
355 funds transfer, the parent must approve each payment before the  
356 scholarship funds may be deposited. The parent may not designate  
357 any entity or individual associated with the participating  
358 private school as the parent's attorney in fact to endorse a  
359 scholarship warrant or approve a funds transfer.

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

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

367 (g) An eligible nonprofit scholarship-funding organization  
368 may use up to 3 percent of eligible contributions received  
369 during the state fiscal year in which such contributions are  
370 collected for administrative expenses if the organization has  
371 operated as an eligible nonprofit scholarship-funding  
372 organization for at least the preceding 3 fiscal years and did  
373 not have any findings of material weakness or material  
374 noncompliance in its most recent audit under s. 1002.395(6)(m).  
375 Such administrative expenses must be reasonable and necessary



376 for the organization's management and distribution of eligible  
377 contributions under this section. Funds authorized under this  
378 paragraph may not be used for lobbying or political activity or  
379 expenses related to lobbying or political activity. Up to one-  
380 third of the funds authorized for administrative expenses under  
381 this paragraph may be used for expenses related to the  
382 recruitment of contributions. An eligible nonprofit scholarship-  
383 funding organization may not charge an application fee.

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

387 (12) OBLIGATIONS OF THE AUDITOR GENERAL.-

388 (a) The Auditor General shall conduct an annual  
389 operational audit of accounts and records of each organization  
390 that participates in the program. As part of this audit, the  
391 Auditor General shall verify, at a minimum, the total number of  
392 students served and transmit that information to the department.  
393 The Auditor General shall provide the commissioner with a copy  
394 of each annual operational audit performed pursuant to this  
395 paragraph within 10 days after the audit is finalized.

396 (b) The Auditor General shall notify the department of any  
397 organization that fails to comply with a request for  
398 information.

399 (13) SCHOLARSHIP FUNDING TAX CREDITS-

400 (a) A tax credit is available under s. 212.1832(1) for use





401 by a person that makes an eligible contribution. Each eligible  
402 contribution is limited to a single payment of \$105 per motor  
403 vehicle purchased at the time of purchase of a motor vehicle or  
404 a single payment of \$105 per motor vehicle purchased at the time  
405 of registration of a motor vehicle that was not purchased from a  
406 dealer, except that a contribution may not exceed the state tax  
407 imposed under chapter 212 that would otherwise be collected from  
408 the purchaser by a dealer, designated agent, or private tag  
409 agent. Payments of contributions shall be made to a dealer at  
410 the time of purchase of a motor vehicle or to a designated agent  
411 or private tag agent at the time of registration of a motor  
412 vehicle that was not purchased from a dealer. An eligible  
413 contribution shall be accompanied by a contribution election  
414 form provided by the Department of Revenue. The form shall  
415 include, at a minimum, the following brief description of the  
416 Hope Scholarship Program: "THE HOPE SCHOLARSHIP PROGRAM PROVIDES  
417 A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN INCIDENT OF  
418 VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO APPLY FOR A  
419 SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL RATHER THAN  
420 REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT." The form shall also  
421 include, at a minimum, a section allowing the consumer to  
422 designate, from all participating scholarship funding  
423 organizations, which organization will receive his or her  
424 donation. For purposes of this subsection, the term "purchase"  
425 does not include the lease or rental of a motor vehicle.



426 (b) A dealer, designated agent, or private tag agent  
427 shall:

428 1. Provide the purchaser the contribution election form,  
429 as provided by the Department of Revenue, at the time of  
430 purchase of a motor vehicle or at the time of registration of a  
431 motor vehicle that was not purchased from a dealer.

432 2. Collect eligible contributions.

433 3. Using a form provided by the Department of Revenue,  
434 which shall include the dealer's or agent's federal employer  
435 identification number, remit to an organization no later than  
436 the date the return filed pursuant to s. 212.11 is due the total  
437 amount of contributions made to that organization and collected  
438 during the preceding reporting period. Using the same form, the  
439 dealer or agent shall also report this information to the  
440 Department of Revenue no later than the date the return filed  
441 pursuant to s. 212.11 is due.

442 4. Report to the Department of Revenue on each return  
443 filed pursuant to s. 212.11 the total amount of credits granted  
444 under s. 212.1832 for the preceding reporting period.

445 (c) An organization shall report to the Department of  
446 Revenue, on or before the 20th day of each month, the total  
447 amount of contributions received pursuant to paragraph (b) in  
448 the preceding calendar month on a form provided by the  
449 Department of Revenue. Such report shall include:

450 1. The federal employer identification number of each



451 designated agent, private tag agent, or dealer who remitted  
452 contributions to the organization during that reporting period.

453 2. The amount of contributions received from each  
454 designated agent, private tag agent, or dealer during that  
455 reporting period.

456 (d) A person who, with the intent to unlawfully deprive or  
457 defraud the program of its moneys or the use or benefit thereof,  
458 fails to remit a contribution collected under this section is  
459 guilty of theft, punishable as follows:

460 1. If the total amount stolen is less than \$300, the  
461 offense is a misdemeanor of the second degree, punishable as  
462 provided in s. 775.082 or s. 775.083. Upon a second conviction,  
463 the offender is guilty of a misdemeanor of the first degree,  
464 punishable as provided in s. 775.082 or s. 775.083. Upon a third  
465 or subsequent conviction, the offender is guilty of a felony of  
466 the third degree, punishable as provided in s. 775.082, s.  
467 775.083, or s. 775.084.

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

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

474 4. If the total amount stolen is \$100,000 or more, the  
475 offense is a felony of the first degree, punishable as provided



476 | in s. 775.082, s. 775.083, or s. 775.084.

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

480 | (f) Upon a finding that a dealer failed to remit a  
481 | contribution under subparagraph (b)3. for which the dealer  
482 | claimed a credit pursuant to s. 212.1832(2), the Department of  
483 | Revenue shall notify the affected organizations of the dealer's  
484 | name, address, federal employer identification number, and  
485 | information related to differences between credits taken by the  
486 | dealer pursuant to s. 212.1832(2) and amounts remitted to the  
487 | eligible nonprofit scholarship-funding organization under  
488 | subparagraph (b)3.

489 | (g) Any dealer, designated agent, private tag agent, or  
490 | organization that fails to timely submit reports to the  
491 | Department of Revenue as required in paragraphs (b) and (c) is  
492 | subject to a penalty of \$1,000 for every month, or part thereof,  
493 | the report is not provided, up to a maximum amount of \$10,000.  
494 | Such penalty shall be collected by the Department of Revenue and  
495 | shall be transferred into the General Revenue Fund. Such penalty  
496 | must be settled or compromised if it is determined by the  
497 | Department of Revenue that the noncompliance is due to  
498 | reasonable cause and not due to willful negligence, willful  
499 | neglect, or fraud.

500 | (14) LIABILITY.—The state is not liable for the award or



501 any use of awarded funds under this section.

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

507 (16) RULES.—The State Board of Education shall adopt rules  
508 to administer this section, except the Department of Revenue  
509 shall adopt rules to administer subsection (13).

510 Section 2. Effective upon this act becoming law, section  
511 212.1832, Florida Statutes, is created to read:

512 212.1832 Credit for contributions to the Hope Scholarship  
513 Program.—

514 (1) The purchaser of a motor vehicle shall be granted a  
515 credit of 100 percent of an eligible contribution made to an  
516 eligible nonprofit scholarship-funding organization under s.  
517 1002.40 against any tax imposed by the state under this chapter  
518 and collected from the purchaser by a dealer, designated agent,  
519 or private tag agent as a result of the purchase or acquisition  
520 of a motor vehicle on or after October 1, 2018, except that a  
521 credit may not exceed the tax that would otherwise be collected  
522 from the purchaser by a dealer, designated agent, or private tag  
523 agent. For purposes of this subsection, the term "purchase" does  
524 not include the lease or rental of a motor vehicle.

525 (2) A dealer shall take a credit against any tax imposed



526 by the state under this chapter on the purchase of a motor  
527 vehicle in an amount equal to the credit granted to the  
528 purchaser under subsection (1).

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

536 Section 3. Subsection (21) is added to section 213.053,  
537 Florida Statutes, to read:

538 213.053 Confidentiality and information sharing.—

539 (21) (a) The department may provide to an eligible  
540 nonprofit scholarship-funding organization, as defined in s.  
541 1004.20, a dealer's name, address, federal employer  
542 identification number, and information related to differences  
543 between credits taken by the dealer pursuant to s. 212.1832(2)  
544 and amounts remitted to the eligible nonprofit scholarship-  
545 funding organization under s. 1002.40(13)(b)3. The scholarship-  
546 funding organization may use the information for purposes of  
547 recovering eligible contributions designated for that  
548 organization which were collected by the dealer but never  
549 remitted to the organization.

550 (b) Nothing in this subsection authorizes the disclosure



551 of information if such disclosure is prohibited by federal law.  
552 The eligible nonprofit scholarship-funding organization is bound  
553 by the same requirements of confidentiality and the same  
554 penalties for a violation of the requirements as the department.

555 Section 4. Section 1002.421, Florida Statutes, is amended  
556 to read:

557 1002.421 ~~Accountability of private schools participating~~  
558 ~~in~~ State school choice scholarship program accountability and  
559 oversight programs.-

560 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.-A Florida  
561 private school participating in ~~the Florida Tax Credit~~  
562 ~~Scholarship Program established pursuant to s. 1002.395 or an~~  
563 educational scholarship program established pursuant to this  
564 chapter must be a Florida private school as defined in s.  
565 1002.01(2), be registered, and be in compliance ~~comply~~ with all  
566 requirements of this section in addition to private school  
567 requirements outlined in s. 1002.42, specific requirements  
568 identified within respective scholarship program laws, and other  
569 provisions of Florida law that apply to private schools, and  
570 must:-

571 ~~(2) A private school participating in a scholarship~~  
572 ~~program must be a Florida private school as defined in s.~~  
573 ~~1002.01(2), must be registered in accordance with s. 1002.42,~~  
574 ~~and must:-~~

575 (a) Comply with the antidiscrimination provisions of 42



576 U.S.C. s. 2000d.

577 (b) Notify the department of its intent to participate in  
578 a scholarship program.

579 (c) Notify the department of any change in the school's  
580 name, school director, mailing address, or physical location  
581 within 15 days after the change.

582 (d) Provide to the department or scholarship-funding  
583 organization all documentation required for a student's  
584 participation, including the private school's and student's  
585 individual fee schedule, and ~~Complete student enrollment and~~  
586 ~~attendance verification requirements, including use of an online~~  
587 attendance verification as required by the department or  
588 scholarship-funding organization form, prior to scholarship  
589 payment.

590 (e) Annually complete and submit to the department a  
591 notarized scholarship compliance statement certifying that all  
592 school employees and contracted personnel with direct student  
593 contact have undergone background screening pursuant to s.  
594 943.0542 and have met the screening standards of s. 435.04.

595 (f) Demonstrate fiscal soundness and accountability by:

596 1. Being in operation for at least 3 school years or  
597 obtaining a surety bond or letter of credit for the amount equal  
598 to the scholarship funds for any quarter and filing the surety  
599 bond or letter of credit with the department.

600 2. Requiring the parent of each scholarship student to





601 personally restrictively endorse the scholarship warrant to the  
602 school or approve a funds transfer before any funds are  
603 deposited for a student. The school may not act as attorney in  
604 fact for the parent of a scholarship student under the authority  
605 of a power of attorney executed by such parent, or under any  
606 other authority, to endorse a scholarship warrant or approve a  
607 funds transfer warrants on behalf of such parent.

608 (g) Meet applicable state and local health, safety, and  
609 welfare laws, codes, and rules, including:

- 610 1. Firesafety.
- 611 2. Building safety.

612 (h) Employ or contract with teachers who hold  
613 baccalaureate or higher degrees, have at least 3 years of  
614 teaching experience in public or private schools, or have  
615 special skills, knowledge, or expertise that qualifies them to  
616 provide instruction in subjects taught.

617 (i) Maintain a physical location in the state at which  
618 each student has regular and direct contact with teachers.

619 (j) Publish on the school's website, or in a written  
620 format, information for parents regarding the school, including,  
621 but not limited to, programs, services, and the qualifications  
622 of classroom teachers.

623 (k) At a minimum, provide the parent of each scholarship  
624 student with a written explanation of the student's progress on  
625 a quarterly basis.



626           (1) Cooperate with a student whose parent chooses to  
627 participate in the statewide assessments pursuant to s. 1008.22.

628           (m)-(i) Require each employee and contracted personnel with  
629 direct student contact, upon employment or engagement to provide  
630 services, to undergo a state and national background screening,  
631 pursuant to s. 943.0542, by electronically filing with the  
632 Department of Law Enforcement a complete set of fingerprints  
633 taken by an authorized law enforcement agency or an employee of  
634 the private school, a school district, or a private company who  
635 is trained to take fingerprints and deny employment to or  
636 terminate an employee if he or she fails to meet the screening  
637 standards under s. 435.04. Results of the screening shall be  
638 provided to the participating private school. For purposes of  
639 this paragraph:

640           1. An "employee or contracted personnel with direct  
641 student contact" means any employee or contracted personnel who  
642 has unsupervised access to a scholarship student for whom the  
643 private school is responsible.

644           2. The costs of fingerprinting and the background check  
645 shall not be borne by the state.

646           3. Continued employment of an employee or contracted  
647 personnel after notification that he or she has failed the  
648 background screening under this paragraph shall cause a private  
649 school to be ineligible for participation in a scholarship  
650 program.



651           4. An employee or contracted personnel holding a valid  
652 Florida teaching certificate who has been fingerprinted pursuant  
653 to s. 1012.32 is not required to comply with the provisions of  
654 this paragraph.

655           5.~~(3)~~ ~~(a)~~ All fingerprints submitted to the Department of  
656 Law Enforcement as required by this section shall be retained by  
657 the Department of Law Enforcement in a manner provided by rule  
658 and entered in the statewide automated biometric identification  
659 system authorized by s. 943.05(2)(b). Such fingerprints shall  
660 thereafter be available for all purposes and uses authorized for  
661 arrest fingerprints entered in the statewide automated biometric  
662 identification system pursuant to s. 943.051.

663           6.~~(b)~~ The Department of Law Enforcement shall search all  
664 arrest fingerprints received under s. 943.051 against the  
665 fingerprints retained in the statewide automated biometric  
666 identification system under subparagraph 5 ~~paragraph (a)~~. Any  
667 arrest record that is identified with the retained fingerprints  
668 of a person subject to the background screening under this  
669 section shall be reported to the employing school with which the  
670 person is affiliated. Each private school participating in a  
671 scholarship program is required to participate in this search  
672 process by informing the Department of Law Enforcement of any  
673 change in the employment or contractual status of its personnel  
674 whose fingerprints are retained under subparagraph 5 ~~paragraph~~  
675 ~~(a)~~. The Department of Law Enforcement shall adopt a rule



676 setting the amount of the annual fee to be imposed upon each  
677 private school for performing these searches and establishing  
678 the procedures for the retention of private school employee and  
679 contracted personnel fingerprints and the dissemination of  
680 search results. The fee may be borne by the private school or  
681 the person fingerprinted.

682 7.~~(e)~~ Employees and contracted personnel whose  
683 fingerprints are not retained by the Department of Law  
684 Enforcement under subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~  
685 are required to be refingerprinted and must meet state and  
686 national background screening requirements upon reemployment or  
687 reengagement to provide services in order to comply with the  
688 requirements of this section.

689 8.~~(d)~~ Every 5 years following employment or engagement to  
690 provide services with a private school, employees or contracted  
691 personnel required to be screened under this section must meet  
692 screening standards under s. 435.04, at which time the private  
693 school shall request the Department of Law Enforcement to  
694 forward the fingerprints to the Federal Bureau of Investigation  
695 for national processing. If the fingerprints of employees or  
696 contracted personnel are not retained by the Department of Law  
697 Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and  
698 contracted personnel must electronically file a complete set of  
699 fingerprints with the Department of Law Enforcement. Upon  
700 submission of fingerprints for this purpose, the private school



701 shall request that the Department of Law Enforcement forward the  
702 fingerprints to the Federal Bureau of Investigation for national  
703 processing, and the fingerprints shall be retained by the  
704 Department of Law Enforcement under subparagraph 5 ~~paragraph~~  
705 ~~(a)~~.

706 ~~(4) A private school that accepts scholarship students~~  
707 ~~under s. 1002.39 or s. 1002.395 must:~~

708 ~~(a) Disqualify instructional personnel and school~~  
709 ~~administrators, as defined in s. 1012.01, from employment in any~~  
710 ~~position that requires direct contact with students if the~~  
711 ~~personnel or administrators are ineligible for such employment~~  
712 ~~under s. 1012.315.~~

713 (n) ~~(b)~~ Adopt policies establishing standards of ethical  
714 conduct for instructional personnel and school administrators.  
715 The policies must require all instructional personnel and school  
716 administrators, as defined in s. 1012.01, to complete training  
717 on the standards; establish the duty of instructional personnel  
718 and school administrators to report, and procedures for  
719 reporting, alleged misconduct by other instructional personnel  
720 and school administrators which affects the health, safety, or  
721 welfare of a student; and include an explanation of the  
722 liability protections provided under ss. 39.203 and 768.095. A  
723 private school, or any of its employees, may not enter into a  
724 confidentiality agreement regarding terminated or dismissed  
725 instructional personnel or school administrators, or personnel



726 or administrators who resign in lieu of termination, based in  
727 whole or in part on misconduct that affects the health, safety,  
728 or welfare of a student, and may not provide the instructional  
729 personnel or school administrators with employment references or  
730 discuss the personnel's or administrators' performance with  
731 prospective employers in another educational setting, without  
732 disclosing the personnel's or administrators' misconduct. Any  
733 part of an agreement or contract that has the purpose or effect  
734 of concealing misconduct by instructional personnel or school  
735 administrators which affects the health, safety, or welfare of a  
736 student is void, is contrary to public policy, and may not be  
737 enforced.

738 (o)~~(e)~~ Before employing instructional personnel or school  
739 administrators in any position that requires direct contact with  
740 students, conduct employment history checks of each of the  
741 personnel's or administrators' previous employers, screen the  
742 personnel or administrators through use of the educator  
743 screening tools described in s. 1001.10(5), and document the  
744 findings. If unable to contact a previous employer, the private  
745 school must document efforts to contact the employer.

746 (p) Require each owner or operator of the private school,  
747 prior to employment or engagement to provide services, to  
748 undergo level 2 background screening as provided under chapter  
749 435. For purposes of this paragraph, the term "owner or  
750 operator" means an owner, operator, superintendent, or principal



751 of, or a person with equivalent decisionmaking authority over, a  
752 private school participating in a scholarship program  
753 established pursuant to this chapter. The fingerprints for the  
754 background screening must be electronically submitted to the  
755 Department of Law Enforcement and may be taken by an authorized  
756 law enforcement agency or a private company who is trained to  
757 take fingerprints. However, the complete set of fingerprints of  
758 an owner or operator may not be taken by the owner or operator.  
759 The owner or operator shall provide a copy of the results of the  
760 state and national criminal history check to the Department of  
761 Education. The cost of the background screening may be borne by  
762 the owner or operator.

763 1. Every 5 years following employment or engagement to  
764 provide services, each owner or operator must meet level 2  
765 screening standards as described in s. 435.04, at which time the  
766 owner or operator shall request the Department of Law  
767 Enforcement to forward the fingerprints to the Federal Bureau of  
768 Investigation for level 2 screening. If the fingerprints of an  
769 owner or operator are not retained by the Department of Law  
770 Enforcement under subparagraph 2., the owner or operator must  
771 electronically file a complete set of fingerprints with the  
772 Department of Law Enforcement. Upon submission of fingerprints  
773 for this purpose, the owner or operator shall request that the  
774 Department of Law Enforcement forward the fingerprints to the  
775 Federal Bureau of Investigation for level 2 screening, and the



776 fingerprints shall be retained by the Department of Law  
777 Enforcement under subparagraph 2.

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

786 3. The Department of Law Enforcement shall search all  
787 arrest fingerprints received under s. 943.051 against the  
788 fingerprints retained in the statewide automated biometric  
789 identification system under subparagraph 2. Any arrest record  
790 that is identified with an owner's or operator's fingerprints  
791 must be reported to the owner or operator, who must report to  
792 the Department of Education. Any costs associated with the  
793 search shall be borne by the owner or operator.

794 4. An owner or operator who fails the level 2 background  
795 screening is not eligible to participate in a scholarship  
796 program under this chapter.

797 5. In addition to the offenses listed in s. 435.04, a  
798 person required to undergo background screening pursuant to this  
799 part or authorizing statutes must not have an arrest awaiting  
800 final disposition for, must not have been found guilty of, or





801 entered a plea of nolo contendere to, regardless of  
802 adjudication, and must not have been adjudicated delinquent for,  
803 and the record must not have been sealed or expunged for, any of  
804 the following offenses or any similar offense of another  
805 jurisdiction:

- 806 a. Any authorizing statutes, if the offense was a felony.
- 807 b. This chapter, if the offense was a felony.
- 808 c. Section 409.920, relating to Medicaid provider fraud.
- 809 d. Section 409.9201, relating to Medicaid fraud.
- 810 e. Section 741.28, relating to domestic violence.
- 811 f. Section 817.034, relating to fraudulent acts through  
812 mail, wire, radio, electromagnetic, photoelectronic, or  
813 photooptical systems.
- 814 g. Section 817.234, relating to false and fraudulent  
815 insurance claims.
- 816 h. Section 817.505, relating to patient brokering.
- 817 i. Section 817.568, relating to criminal use of personal  
818 identification information.
- 819 j. Section 817.60, relating to obtaining a credit card  
820 through fraudulent means.
- 821 k. Section 817.61, relating to fraudulent use of credit  
822 cards, if the offense was a felony.
- 823 l. Section 831.01, relating to forgery.
- 824 m. Section 831.02, relating to uttering forged  
825 instruments.



826 n. Section 831.07, relating to forging bank bills, checks,  
827 drafts, or promissory notes.

828 o. Section 831.09, relating to uttering forged bank bills,  
829 checks, drafts, or promissory notes.

830 p. Section 831.30, relating to fraud in obtaining  
831 medicinal drugs.

832 q. Section 831.31, relating to the sale, manufacture,  
833 delivery, or possession with the intent to sell, manufacture, or  
834 deliver any counterfeit controlled substance, if the offense was  
835 a felony.

836 6. At least 30 calendar days before a transfer of  
837 ownership of a private school, the owner or operator shall  
838 notify the parent of each scholarship student.

839 7. The owner or operator of a private school that has been  
840 deemed ineligible to participate in a scholarship program  
841 pursuant to this chapter may not transfer ownership or  
842 management authority of the school to a relative in order to  
843 participate in a scholarship program as the same school or a new  
844 school. For purposes of this subparagraph, the term "relative"  
845 means father, mother, son, daughter, grandfather, grandmother,  
846 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
847 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
848 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
849 stepdaughter, stepbrother, stepsister, half-brother, or half-  
850 sister.



851        (q) Provide a report from an independent certified public  
852 accountant who performs the agreed-upon procedures developed  
853 pursuant to s. 1002.395(6) (o) if the private school receives  
854 more than \$250,000 in funds from scholarships awarded under this  
855 chapter in a state fiscal year. A private school subject to this  
856 subsection must annually submit the report by September 15 to  
857 the scholarship-funding organization that awarded the majority  
858 of the school's scholarship funds. However, a school that  
859 receives more than \$250,000 in scholarship funds only through  
860 the John M. McKay Scholarship for Students with Disabilities  
861 Program pursuant to s. 1002.39 must submit the report by  
862 September 15 to the department. The agreed-upon procedures must  
863 be conducted in accordance with attestation standards  
864 established by the American Institute of Certified Public  
865 Accountants.

866  
867 The department shall suspend the payment of funds ~~under ss.~~  
868 ~~1002.39 and 1002.395~~ to a private school that knowingly fails to  
869 comply with this subsection, and shall prohibit the school from  
870 enrolling new scholarship students, for 1 fiscal year and until  
871 the school complies.

872        ~~(5)~~ If The inability of a private school fails to meet the  
873 requirements of this subsection or has consecutive years of  
874 material exceptions listed in the report required under  
875 paragraph (q), the commissioner may determine that the private



876 school is ineligible ~~section shall constitute a basis for the~~  
877 ~~ineligibility of the private school to participate in a~~  
878 ~~scholarship program as determined by the department.~~

879 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

880 (a) The Department of Education shall:

881 1. Annually verify the eligibility of private schools that  
882 meet the requirements of this section, specific requirements  
883 identified within respective scholarship program laws, and other  
884 provisions of state law that apply to private schools.

885 2. Establish a toll-free hotline that provides parents and  
886 private schools with information on participation in the  
887 scholarship programs.

888 3. Establish a process by which individuals may notify the  
889 department of any violation by a parent, private school, or  
890 school district of state laws relating to program participation.  
891 If the department has reasonable cause to believe that a  
892 violation of this section or any rule adopted by the State Board  
893 of Education has occurred, it shall conduct an inquiry or make a  
894 referral to the appropriate agency for an investigation. A  
895 department inquiry is not subject to the requirements of chapter  
896 120.

897 4. Require an annual, notarized, sworn compliance  
898 statement from participating private schools certifying  
899 compliance with state laws, and retain such records.

900 5. Coordinate with the entities conducting the health



901 inspection for a private school to obtain copies of the  
902 inspection reports.

903 6. Conduct site visits to private schools entering a  
904 scholarship program for the first time. Beginning with the 2019-  
905 2020 school year, a private school is not eligible to receive  
906 scholarship payments until a satisfactory site visit has been  
907 conducted and the school is in compliance with all other  
908 requirements of this section.

909 7. Coordinate with the State Fire Marshal to obtain access  
910 to fire inspection reports for private schools. The authority  
911 conducting the fire safety inspection shall certify to the State  
912 Fire Marshal that the annual inspection has been completed and  
913 that the school is in full compliance. The certification shall  
914 be made electronically or by such other means as directed by the  
915 State Fire Marshal.

916 8. Upon the request of a participating private school  
917 authorized to administer statewide assessments, provide at no  
918 cost to the school the statewide assessments administered under  
919 s. 1008.22 and any related materials for administering the  
920 assessments. Students at a private school may be assessed using  
921 the statewide assessments if the addition of those students and  
922 the school does not cause the state to exceed its contractual  
923 caps for the number of students tested and the number of testing  
924 sites. The state shall provide the same materials and support to  
925 a private school that it provides to a public school. A private



926 school that chooses to administer statewide assessments under s.  
927 1008.22 shall follow the requirements set forth in ss. 1008.22  
928 and 1008.24, rules adopted by the State Board of Education to  
929 implement those sections, and district-level testing policies  
930 established by the district school board.

931 (b) The department may conduct site visits to any private  
932 school participating in a scholarship program pursuant to this  
933 chapter which has received a complaint about a violation of  
934 state law or state board rule pursuant to subparagraph (a)3. or  
935 has received a notice of noncompliance or a notice of proposed  
936 action within the previous 2 years.

937 (c) Annually, by December 15, the department shall report  
938 to the Governor, the President of the Senate, and the Speaker of  
939 the House of Representatives its actions in implementing  
940 accountability in the scholarship programs under this section,  
941 any substantiated allegations or violations of law or rule by an  
942 eligible private school under this section, and the corrective  
943 action taken.

944 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—  
945 The Commissioner of Education:

946 (a) Shall deny, suspend, or revoke a private school's  
947 participation in a scholarship program if it is determined that  
948 the private school has failed to comply with this section or  
949 exhibits a previous pattern of failure to comply. However, if  
950 the noncompliance is correctable within a reasonable amount of



951 time, not to exceed 45 days, and if the health, safety, or  
952 welfare of the students is not threatened, the commissioner may  
953 issue a notice of noncompliance which provides the private  
954 school with a timeframe within which to provide evidence of  
955 compliance before taking action to suspend or revoke the private  
956 school's participation in the scholarship program.

957 (b) May deny, suspend, or revoke a private school's  
958 participation in a scholarship program if the commissioner  
959 determines that an owner or operator of the private school is  
960 operating or has operated an educational institution in this  
961 state or in another state or jurisdiction in a manner contrary  
962 to the health, safety, or welfare of the public or if the owner  
963 or operator has exhibited a previous pattern of failure to  
964 comply with this section or specific requirements identified  
965 within respective scholarship program laws. For purposes of this  
966 subsection, the term "owner or operator" has the same meaning as  
967 provided in paragraph (1) (p).

968 (c)1. In making such a determination, may consider factors  
969 that include, but are not limited to, acts or omissions by an  
970 owner or operator which led to a previous denial, suspension, or  
971 revocation of participation in a state or federal education  
972 scholarship program; an owner's or operator's failure to  
973 reimburse the department or scholarship-funding organization for  
974 scholarship funds improperly received or retained by a school;  
975 the imposition of a prior criminal sanction related to an



976 owner's or operator's management or operation of an educational  
977 institution; the imposition of a civil fine or administrative  
978 fine, license revocation or suspension, or program eligibility  
979 suspension, termination, or revocation related to an owner's or  
980 operator's management or operation of an educational  
981 institution; or other types of criminal proceedings in which an  
982 owner or operator was found guilty of, regardless of  
983 adjudication, or entered a plea of nolo contendere or guilty to,  
984 any offense involving fraud, deceit, dishonesty, or moral  
985 turpitude.

986 2. The commissioner's determination is subject to the  
987 following:

988 a. If the commissioner intends to deny, suspend, or revoke  
989 a private school's participation in the scholarship program, the  
990 department shall notify the private school of such proposed  
991 action in writing by certified mail and regular mail to the  
992 private school's address of record with the department. The  
993 notification shall include the reasons for the proposed action  
994 and notice of the timelines and procedures set forth in this  
995 paragraph.

996 b. The private school that is adversely affected by the  
997 proposed action shall have 15 days after receipt of the notice  
998 of proposed action to file with the department's agency clerk a  
999 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
1000 the private school is entitled to a hearing under s. 120.57(1),





1001 the department shall forward the request to the Division of  
1002 Administrative Hearings.

1003 c. Upon receipt of a request referred pursuant to this  
1004 subparagraph, the director of the Division of Administrative  
1005 Hearings shall expedite the hearing and assign an administrative  
1006 law judge who shall commence a hearing within 30 days after the  
1007 receipt of the formal written request by the division and enter  
1008 a recommended order within 30 days after the hearing or within  
1009 30 days after receipt of the hearing transcript, whichever is  
1010 later. Each party shall be allowed 10 days in which to submit  
1011 written exceptions to the recommended order. A final order shall  
1012 be entered by the agency within 30 days after the entry of a  
1013 recommended order. The provisions of this sub-subparagraph may  
1014 be waived upon stipulation by all parties.

1015 (d) May immediately suspend payment of scholarship funds  
1016 if it is determined that there is probable cause to believe that  
1017 there is:

1018 1. An imminent threat to the health, safety, or welfare of  
1019 the students;

1020 2. A previous pattern of failure to comply with this  
1021 section; or

1022 3. Fraudulent activity on the part of the private school.  
1023 Notwithstanding s. 1002.22, in incidents of alleged fraudulent  
1024 activity pursuant to this section, the department's Office of  
1025 Inspector General is authorized to release personally



1026 identifiable records or reports of students to the following  
1027 persons or organizations:

1028 a. A court of competent jurisdiction in compliance with an  
1029 order of that court or the attorney of record in accordance with  
1030 a lawfully issued subpoena, consistent with the Family  
1031 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

1032 b. A person or entity authorized by a court of competent  
1033 jurisdiction in compliance with an order of that court or the  
1034 attorney of record pursuant to a lawfully issued subpoena,  
1035 consistent with the Family Educational Rights and Privacy Act,  
1036 20 U.S.C. s. 1232g.

1037 c. Any person, entity, or authority issuing a subpoena for  
1038 law enforcement purposes when the court or other issuing agency  
1039 has ordered that the existence or the contents of the subpoena  
1040 or the information furnished in response to the subpoena not be  
1041 disclosed, consistent with the Family Educational Rights and  
1042 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

1043  
1044 The commissioner's order suspending payment pursuant to this  
1045 paragraph may be appealed pursuant to the same procedures and  
1046 timelines as the notice of proposed action set forth in  
1047 subparagraph (c)2.

1048 (4) ~~(6)~~ The inclusion of eligible private schools within  
1049 options available to Florida public school students does not  
1050 expand the regulatory authority of the state, its officers, or



1051 any school district to impose any additional regulation of  
1052 private schools beyond those reasonably necessary to enforce  
1053 requirements expressly set forth in this section.

1054 ~~(5)-(7)~~ The State Board of Education shall adopt rules  
1055 pursuant to ss. 120.536(1) and 120.54 to administer this  
1056 section, including rules to establish a deadline for private  
1057 school applications for participation and timelines for the  
1058 department to conduct site visits.

1059 Section 5. Paragraph (e) of subsection (2), subsection  
1060 (8), paragraph (c) of subsection (9), paragraph (a) of  
1061 subsection (10), and paragraph (a) of subsection (11) of section  
1062 1002.385, Florida Statutes, are amended to read:

1063 1002.385 The Gardiner Scholarship.—

1064 (2) DEFINITIONS.—As used in this section, the term:

1065 (e) "Eligible nonprofit scholarship-funding organization"  
1066 or "organization" means a nonprofit scholarship-funding  
1067 organization that is approved pursuant to s. 1002.395(15) ~~s.~~  
1068 ~~1002.395(16)~~.

1069 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
1070 eligible private school may be sectarian or nonsectarian and  
1071 shall:

1072 (a) Comply with all requirements for private schools  
1073 participating in state school choice scholarship programs  
1074 pursuant to s. 1002.421.

1075 ~~(b) Provide to the organization, upon request, all~~



1076 ~~documentation required for the student's participation,~~  
1077 ~~including the private school's and student's fee schedules.~~

1078 ~~(c) Be academically accountable to the parent for meeting~~  
1079 ~~the educational needs of the student by:~~

1080 ~~1. At a minimum, annually providing to the parent a~~  
1081 ~~written explanation of the student's progress.~~

1082 ~~(b)1.2.~~ Annually administer or make administering or  
1083 ~~making~~ provision for students participating in the program in  
1084 grades 3 through 10 to take one of the nationally norm-  
1085 referenced tests identified by the Department of Education or  
1086 the statewide assessments pursuant to s. 1008.22. Students with  
1087 disabilities for whom standardized testing is not appropriate  
1088 are exempt from this requirement. A participating private school  
1089 shall report a student's scores to the parent.

1090 ~~2.3.~~ Administer ~~Cooperating with the scholarship student~~  
1091 ~~whose parent chooses to have the student participate in the~~  
1092 statewide assessments pursuant to s. 1008.22 ~~or,~~ if a private  
1093 school chooses to offer the statewide assessments, ~~administering~~  
1094 ~~the assessments at the school.~~

1095 ~~a.~~ A participating private school may choose to offer and  
1096 administer the statewide assessments to all students who attend  
1097 the private school in grades 3 through 10 and must.

1098 ~~b.~~ ~~A participating private school shall~~ submit a request  
1099 in writing to the Department of Education by March 1 of each  
1100 year in order to administer the statewide assessments in the



1101 subsequent school year.

1102 ~~(d) Employ or contract with teachers who have regular and~~  
1103 ~~direct contact with each student receiving a scholarship under~~  
1104 ~~this section at the school's physical location.~~

1105 ~~(e) Provide a report from an independent certified public~~  
1106 ~~accountant who performs the agreed-upon procedures developed~~  
1107 ~~under s. 1002.395(6)(e) if the private school receives more than~~  
1108 ~~\$250,000 in funds from scholarships awarded under this section~~  
1109 ~~in a state fiscal year. A private school subject to this~~  
1110 ~~paragraph must annually submit the report by September 15 to the~~  
1111 ~~organization that awarded the majority of the school's~~  
1112 ~~scholarship funds. The agreed-upon procedures must be conducted~~  
1113 ~~in accordance with attestation standards established by the~~  
1114 ~~American Institute of Certified Public Accountants.~~

1115  
1116 If a private school fails ~~is unable~~ to meet the requirements of  
1117 this subsection or s. 1002.421 ~~or has consecutive years of~~  
1118 ~~material exceptions listed in the report required under~~  
1119 ~~paragraph (e)~~, the commissioner may determine that the private  
1120 school is ineligible to participate in the scholarship program.

1121 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
1122 shall:

1123 (c) Investigate any written complaint of a violation of  
1124 this section by a parent, a student, a private school, a public  
1125 school or a school district, an organization, a provider, or



1126 another appropriate party in accordance with the process  
1127 established by s. 1002.421 ~~s. 1002.395(9)(f)~~.

1128 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

1129 (a) The Commissioner of Education:

1130 1. May suspend or revoke program participation or use of  
1131 program funds by the student or participation or eligibility of  
1132 an organization, ~~eligible private school~~, eligible postsecondary  
1133 educational institution, approved provider, or other party for a  
1134 violation of this section.

1135 2. May determine the length of, and conditions for  
1136 lifting, a suspension or revocation specified in this  
1137 subsection.

1138 3. May recover unexpended program funds or withhold  
1139 payment of an equal amount of program funds to recover program  
1140 funds that were not authorized for use.

1141 4. Shall deny or terminate program participation upon a  
1142 parent's forfeiture of a Gardiner Scholarship pursuant to  
1143 subsection (11).

1144 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
1145 PARTICIPATION.—A parent who applies for program participation  
1146 under this section is exercising his or her parental option to  
1147 determine the appropriate placement or the services that best  
1148 meet the needs of his or her child. The scholarship award for a  
1149 student is based on a matrix that assigns the student to support  
1150 Level III services. If a parent receives an IEP and a matrix of



1151 services from the school district pursuant to subsection (7),  
1152 the amount of the payment shall be adjusted as needed, when the  
1153 school district completes the matrix.

1154 (a) To satisfy or maintain program eligibility, including  
1155 eligibility to receive and spend program payments, the parent  
1156 must sign an agreement with the organization and annually submit  
1157 a notarized, sworn compliance statement to the organization to:

1158 1. Affirm that the student is enrolled in a program that  
1159 meets regular school attendance requirements as provided in s.  
1160 1003.01(13)(b)-(d).

1161 2. Affirm that the program funds are used only for  
1162 authorized purposes serving the student's educational needs, as  
1163 described in subsection (5).

1164 3. Affirm that the parent is responsible for the education  
1165 of his or her student by, as applicable:

1166 a. Requiring the student to take an assessment in  
1167 accordance with paragraph (8)(b) ~~paragraph (8)(c)~~;

1168 b. Providing an annual evaluation in accordance with s.  
1169 1002.41(1)(c); or

1170 c. Requiring the child to take any preassessments and  
1171 postassessments selected by the provider if the child is 4 years  
1172 of age and is enrolled in a program provided by an eligible  
1173 Voluntary Prekindergarten Education Program provider. A student  
1174 with disabilities for whom a preassessment and postassessment is  
1175 not appropriate is exempt from this requirement. A participating



1176 provider shall report a student's scores to the parent.

1177 4. Affirm that the student remains in good standing with  
1178 the provider or school if those options are selected by the  
1179 parent.

1180

1181 A parent who fails to comply with this subsection forfeits the  
1182 Gardiner Scholarship.

1183 Section 6. Subsections (8) through (14) of section  
1184 1002.39, Florida Statutes, are renumbered as subsections (7)  
1185 through (13), respectively, and paragraph (b) of subsection (2),  
1186 paragraph (h) of subsection (3), and present subsections (6),  
1187 (7), and (8) of that section are amended to read:

1188 1002.39 The John M. McKay Scholarships for Students with  
1189 Disabilities Program.—There is established a program that is  
1190 separate and distinct from the Opportunity Scholarship Program  
1191 and is named the John M. McKay Scholarships for Students with  
1192 Disabilities Program.

1193 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a  
1194 student with a disability may request and receive from the state  
1195 a John M. McKay Scholarship for the child to enroll in and  
1196 attend a private school in accordance with this section if:

1197 (b) The parent has obtained acceptance for admission of  
1198 the student to a private school that is eligible for the program  
1199 under subsection (7) ~~subsection (8)~~ and has requested from the  
1200 department a scholarship at least 60 days before the date of the





1201 first scholarship payment. The request must be communicated  
1202 directly to the department in a manner that creates a written or  
1203 electronic record of the request and the date of receipt of the  
1204 request. The department must notify the district of the parent's  
1205 intent upon receipt of the parent's request.

1206 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is  
1207 not eligible for a John M. McKay Scholarship:

1208 (h) While he or she is not having regular and direct  
1209 contact with his or her private school teachers at the school's  
1210 physical location unless he or she is enrolled in the private  
1211 school's transition-to-work program pursuant to subsection (9)  
1212 ~~subsection (10)~~; or

1213 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
1214 shall:

1215 ~~(a) Establish a toll-free hotline that provides parents~~  
1216 ~~and private schools with information on participation in the~~  
1217 ~~John M. McKay Scholarships for Students with Disabilities~~  
1218 ~~Program.~~

1219 ~~(b) Annually verify the eligibility of private schools~~  
1220 ~~that meet the requirements of subsection (8).~~

1221 ~~(c) Establish a process by which individuals may notify~~  
1222 ~~the department of any violation by a parent, private school, or~~  
1223 ~~school district of state laws relating to program participation.~~  
1224 ~~The department shall conduct an inquiry of any written complaint~~  
1225 ~~of a violation of this section, or make a referral to the~~



1226 ~~appropriate agency for an investigation, if the complaint is~~  
1227 ~~signed by the complainant and is legally sufficient. A complaint~~  
1228 ~~is legally sufficient if it contains ultimate facts that show~~  
1229 ~~that a violation of this section or any rule adopted by the~~  
1230 ~~State Board of Education has occurred. In order to determine~~  
1231 ~~legal sufficiency, the department may require supporting~~  
1232 ~~information or documentation from the complainant. A department~~  
1233 ~~inquiry is not subject to the requirements of chapter 120.~~

1234 ~~(d) Require an annual, notarized, sworn compliance~~  
1235 ~~statement by participating private schools certifying compliance~~  
1236 ~~with state laws and shall retain such records.~~

1237 ~~(e) cross-check the list of participating scholarship~~  
1238 ~~students with the public school enrollment lists prior to each~~  
1239 ~~scholarship payment to avoid duplication.~~

1240 ~~(f)1. Conduct random site visits to private schools~~  
1241 ~~participating in the John M. McKay Scholarships for Students~~  
1242 ~~with Disabilities Program. The purpose of the site visits is~~  
1243 ~~solely to verify the information reported by the schools~~  
1244 ~~concerning the enrollment and attendance of students, the~~  
1245 ~~credentials of teachers, background screening of teachers, and~~  
1246 ~~teachers' fingerprinting results, which information is required~~  
1247 ~~by rules of the State Board of Education, subsection (8), and s.~~  
1248 ~~1002.421. The Department of Education may not make more than~~  
1249 ~~three random site visits each year and may not make more than~~  
1250 ~~one random site visit each year to the same private school.~~



1251 ~~2. Annually, by December 15, report to the Governor, the~~  
1252 ~~President of the Senate, and the Speaker of the House of~~  
1253 ~~Representatives the Department of Education's actions with~~  
1254 ~~respect to implementing accountability in the scholarship~~  
1255 ~~program under this section and s. 1002.421, any substantiated~~  
1256 ~~allegations or violations of law or rule by an eligible private~~  
1257 ~~school under this program concerning the enrollment and~~  
1258 ~~attendance of students, the credentials of teachers, background~~  
1259 ~~screening of teachers, and teachers' fingerprinting results and~~  
1260 ~~the corrective action taken by the Department of Education.~~

1261 ~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.~~

1262 ~~(a) The Commissioner of Education:~~

1263 ~~1. Shall deny, suspend, or revoke a private school's~~  
1264 ~~participation in the scholarship program if it is determined~~  
1265 ~~that the private school has failed to comply with the provisions~~  
1266 ~~of this section. However, if the noncompliance is correctable~~  
1267 ~~within a reasonable amount of time and if the health, safety, or~~  
1268 ~~welfare of the students is not threatened, the commissioner may~~  
1269 ~~issue a notice of noncompliance which provides the private~~  
1270 ~~school with a timeframe within which to provide evidence of~~  
1271 ~~compliance before taking action to suspend or revoke the private~~  
1272 ~~school's participation in the scholarship program.~~

1273 ~~2. May deny, suspend, or revoke a private school's~~  
1274 ~~participation in the scholarship program if the commissioner~~  
1275 ~~determines that an owner or operator of the private school is~~



1276 ~~operating or has operated an educational institution in this~~  
1277 ~~state or in another state or jurisdiction in a manner contrary~~  
1278 ~~to the health, safety, or welfare of the public.~~

1279 ~~a. In making such a determination, the commissioner may~~  
1280 ~~consider factors that include, but are not limited to, acts or~~  
1281 ~~omissions by an owner or operator which led to a previous denial~~  
1282 ~~or revocation of participation in an education scholarship~~  
1283 ~~program; an owner's or operator's failure to reimburse the~~  
1284 ~~Department of Education for scholarship funds improperly~~  
1285 ~~received or retained by a school; imposition of a prior criminal~~  
1286 ~~sanction related to an owner's or operator's management or~~  
1287 ~~operation of an educational institution; imposition of a civil~~  
1288 ~~fine or administrative fine, license revocation or suspension,~~  
1289 ~~or program eligibility suspension, termination, or revocation~~  
1290 ~~related to an owner's or operator's management or operation of~~  
1291 ~~an educational institution; or other types of criminal~~  
1292 ~~proceedings in which an owner or operator was found guilty of,~~  
1293 ~~regardless of adjudication, or entered a plea of nolo contendere~~  
1294 ~~or guilty to, any offense involving fraud, deceit, dishonesty,~~  
1295 ~~or moral turpitude.~~

1296 ~~b. For purposes of this subparagraph, the term "owner or~~  
1297 ~~operator" includes an owner, operator, superintendent, or~~  
1298 ~~principal of, or a person who has equivalent decisionmaking~~  
1299 ~~authority over, a private school participating in the~~  
1300 ~~scholarship program.~~



1301 ~~(b) The commissioner's determination is subject to the~~  
1302 ~~following:~~

1303 ~~1. If the commissioner intends to deny, suspend, or revoke~~  
1304 ~~a private school's participation in the scholarship program, the~~  
1305 ~~department shall notify the private school of such proposed~~  
1306 ~~action in writing by certified mail and regular mail to the~~  
1307 ~~private school's address of record with the department. The~~  
1308 ~~notification shall include the reasons for the proposed action~~  
1309 ~~and notice of the timelines and procedures set forth in this~~  
1310 ~~paragraph.~~

1311 ~~2. The private school that is adversely affected by the~~  
1312 ~~proposed action shall have 15 days from receipt of the notice of~~  
1313 ~~proposed action to file with the department's agency clerk a~~  
1314 ~~request for a proceeding pursuant to ss. 120.569 and 120.57. If~~  
1315 ~~the private school is entitled to a hearing under s. 120.57(1),~~  
1316 ~~the department shall forward the request to the Division of~~  
1317 ~~Administrative Hearings.~~

1318 ~~3. Upon receipt of a request referred pursuant to this~~  
1319 ~~paragraph, the director of the Division of Administrative~~  
1320 ~~Hearings shall expedite the hearing and assign an administrative~~  
1321 ~~law judge who shall commence a hearing within 30 days after the~~  
1322 ~~receipt of the formal written request by the division and enter~~  
1323 ~~a recommended order within 30 days after the hearing or within~~  
1324 ~~30 days after receipt of the hearing transcript, whichever is~~  
1325 ~~later. Each party shall be allowed 10 days in which to submit~~



1326 ~~written exceptions to the recommended order. A final order shall~~  
1327 ~~be entered by the agency within 30 days after the entry of a~~  
1328 ~~recommended order. The provisions of this subparagraph may be~~  
1329 ~~waived upon stipulation by all parties.~~

1330 ~~(c) The commissioner may immediately suspend payment of~~  
1331 ~~scholarship funds if it is determined that there is probable~~  
1332 ~~cause to believe that there is:~~

1333 ~~1. An imminent threat to the health, safety, or welfare of~~  
1334 ~~the students; or~~

1335 ~~2. Fraudulent activity on the part of the private school.~~  
1336 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~  
1337 ~~activity pursuant to this section, the Department of Education's~~  
1338 ~~Office of Inspector General is authorized to release personally~~  
1339 ~~identifiable records or reports of students to the following~~  
1340 ~~persons or organizations:~~

1341 ~~a. A court of competent jurisdiction in compliance with an~~  
1342 ~~order of that court or the attorney of record in accordance with~~  
1343 ~~a lawfully issued subpoena, consistent with the Family~~  
1344 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1345 ~~b. A person or entity authorized by a court of competent~~  
1346 ~~jurisdiction in compliance with an order of that court or the~~  
1347 ~~attorney of record pursuant to a lawfully issued subpoena,~~  
1348 ~~consistent with the Family Educational Rights and Privacy Act,~~  
1349 ~~20 U.S.C. s. 1232g.~~

1350 ~~c. Any person, entity, or authority issuing a subpoena for~~



1351 ~~law enforcement purposes when the court or other issuing agency~~  
1352 ~~has ordered that the existence or the contents of the subpoena~~  
1353 ~~or the information furnished in response to the subpoena not be~~  
1354 ~~disclosed, consistent with the Family Educational Rights and~~  
1355 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

1356

1357 ~~The commissioner's order suspending payment pursuant to this~~  
1358 ~~paragraph may be appealed pursuant to the same procedures and~~  
1359 ~~timelines as the notice of proposed action set forth in~~  
1360 ~~paragraph (b).~~

1361 (7)~~(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
1362 eligible to participate in the John M. McKay Scholarships for  
1363 Students with Disabilities Program, a private school may be  
1364 sectarian or nonsectarian and must:

1365 (a) Comply with all requirements for private schools  
1366 participating in state school choice scholarship programs  
1367 pursuant to s. 1002.421.

1368 (b) Provide to the department all documentation required  
1369 for a student's participation, including the private school's  
1370 and student's fee schedules, at least 30 days before any  
1371 quarterly scholarship payment is made for the student pursuant  
1372 to paragraph (10) (e) ~~paragraph (11) (e)~~. A student is not  
1373 eligible to receive a quarterly scholarship payment if the  
1374 private school fails to meet this deadline.

1375 ~~(c) Be academically accountable to the parent for meeting~~



1376 ~~the educational needs of the student by:~~

1377 ~~1. At a minimum, annually providing to the parent a~~  
1378 ~~written explanation of the student's progress.~~

1379 ~~2. Cooperating with the scholarship student whose parent~~  
1380 ~~chooses to participate in the statewide assessments pursuant to~~  
1381 ~~s. 1008.22.~~

1382 ~~(d) Maintain in this state a physical location where a~~  
1383 ~~scholarship student regularly attends classes.~~

1384

1385 If ~~The inability~~ of a private school fails to meet the  
1386 requirements of this subsection or s. 1002.421, the commissioner  
1387 may determine that the private school is ineligible ~~shall~~  
1388 ~~constitute a basis for the ineligibility of the private school~~  
1389 ~~to participate in the scholarship program as determined by the~~  
1390 ~~department.~~

1391 Section 7. Subsections (12) through (16) of section  
1392 1002.395, Florida Statutes, are renumbered as subsections (11)  
1393 through (15), respectively, and paragraph (f) of subsection (2),  
1394 paragraphs (n), (o), and (p) of subsection (6), and present  
1395 subsections (8), (9), and (11) of that section are amended to  
1396 read:

1397 1002.395 Florida Tax Credit Scholarship Program.—

1398 (2) DEFINITIONS.—As used in this section, the term:

1399 (f) "Eligible nonprofit scholarship-funding organization"  
1400 means a state university; or an independent college or





1401 university that is eligible to participate in the William L.  
 1402 Boyd, IV, Florida Resident Access Grant Program, located and  
 1403 chartered in this state, is not for profit, and is accredited by  
 1404 the Commission on Colleges of the Southern Association of  
 1405 Colleges and Schools; or is a charitable organization that:

- 1406 1. Is exempt from federal income tax pursuant to s.  
 1407 501(c)(3) of the Internal Revenue Code;
- 1408 2. Is a Florida entity formed under chapter 605, chapter  
 1409 607, or chapter 617 and whose principal office is located in the  
 1410 state; and
- 1411 3. Complies with subsections (6) and (15) ~~subsections (6)~~  
 1412 ~~and (16)~~.

1413 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
 1414 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
 1415 organization:

1416 (n) Must prepare and submit quarterly reports to the  
 1417 Department of Education pursuant to paragraph (9)(i) ~~paragraph~~  
 1418 ~~(9)(m)~~. In addition, an eligible nonprofit scholarship-funding  
 1419 organization must submit in a timely manner any information  
 1420 requested by the Department of Education relating to the  
 1421 scholarship program.

1422 (o)1.a. Must participate in the joint development of  
 1423 agreed-upon procedures ~~to be performed by an independent~~  
 1424 ~~certified public accountant as required under paragraph (8)(e)~~  
 1425 ~~if the scholarship-funding organization provided more than~~



1426 ~~\$250,000 in scholarship funds to an eligible private school~~  
1427 ~~under this section~~ during the 2009-2010 state fiscal year. The  
1428 agreed-upon procedures must uniformly apply to all private  
1429 schools and must determine, at a minimum, whether the private  
1430 school has been verified as eligible by the Department of  
1431 Education under s. 1002.421 ~~paragraph (9)(c)~~; has an adequate  
1432 accounting system, system of financial controls, and process for  
1433 deposit and classification of scholarship funds; and has  
1434 properly expended scholarship funds for education-related  
1435 expenses. During the development of the procedures, the  
1436 participating scholarship-funding organizations shall specify  
1437 guidelines governing the materiality of exceptions that may be  
1438 found during the accountant's performance of the procedures. The  
1439 procedures and guidelines shall be provided to private schools  
1440 and the Commissioner of Education by March 15, 2011.

1441 b. Must participate in a joint review of the agreed-upon  
1442 procedures and guidelines developed under sub-subparagraph a.,  
1443 by February of each biennium ~~2013 and biennially thereafter~~, if  
1444 the scholarship-funding organization provided more than \$250,000  
1445 in scholarship funds to an eligible private school under this  
1446 chapter section ~~section~~ during the state fiscal year preceding the  
1447 biennial review. If the procedures and guidelines are revised,  
1448 the revisions must be provided to private schools and the  
1449 Commissioner of Education by March 15 of the year in which the  
1450 revisions were completed. The revised agreed-upon procedures



1451 shall take effect the subsequent school year. For the 2018-2019  
1452 school year only, the joint review of the agreed-upon procedures  
1453 must be completed and the revisions submitted to the  
1454 commissioner no later than September 15, 2018. The revised  
1455 procedures are applicable to the 2018-2019 school year, 2013,  
1456 and biennially thereafter.

1457 c. Must monitor the compliance of a private school with  
1458 s. 1002.421(1)(q) paragraph (8)(e) if the scholarship-funding  
1459 organization provided the majority of the scholarship funding to  
1460 the school. For each private school subject to s. 1002.421(1)(q)  
1461 paragraph (8)(e), the appropriate scholarship-funding  
1462 organization shall annually notify the Commissioner of Education  
1463 by October 30, ~~2011, and annually thereafter~~ of:

1464 (I) A private school's failure to submit a report required  
1465 under s. 1002.421(1)(q) paragraph (8)(e); or

1466 (II) Any material exceptions set forth in the report  
1467 required under s. 1002.421(1)(q) paragraph (8)(e).

1468 2. Must seek input from the accrediting associations that  
1469 are members of the Florida Association of Academic Nonpublic  
1470 Schools and the Department of Education when jointly developing  
1471 the agreed-upon procedures and guidelines under sub-subparagraph  
1472 1.a. and conducting a review of those procedures and guidelines  
1473 under sub-subparagraph 1.b.

1474 (p) Must maintain the surety bond or letter of credit  
1475 required by subsection (15) ~~subsection (16)~~. The amount of the



1476 surety bond or letter of credit may be adjusted quarterly to  
1477 equal the actual amount of undisbursed funds based upon  
1478 submission by the organization of a statement from a certified  
1479 public accountant verifying the amount of undisbursed funds. The  
1480 requirements of this paragraph are waived if the cost of  
1481 acquiring a surety bond or letter of credit exceeds the average  
1482 10-year cost of acquiring a surety bond or letter of credit by  
1483 200 percent. The requirements of this paragraph are waived for a  
1484 state university; or an independent college or university which  
1485 is eligible to participate in the William L. Boyd, IV, Florida  
1486 Resident Access Grant Program, located and chartered in this  
1487 state, is not for profit, and is accredited by the Commission on  
1488 Colleges of the Southern Association of Colleges and Schools.

1489  
1490 Information and documentation provided to the Department of  
1491 Education and the Auditor General relating to the identity of a  
1492 taxpayer that provides an eligible contribution under this  
1493 section shall remain confidential at all times in accordance  
1494 with s. 213.053.

1495 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
1496 eligible private school may be sectarian or nonsectarian and  
1497 must:

1498 (a) Comply with all requirements for private schools  
1499 participating in state school choice scholarship programs  
1500 pursuant to s. 1002.421.



1501 ~~(b) Provide to the eligible nonprofit scholarship funding~~  
1502 ~~organization, upon request, all documentation required for the~~  
1503 ~~student's participation, including the private school's and~~  
1504 ~~student's fee schedules.~~

1505 ~~(c) Be academically accountable to the parent for meeting~~  
1506 ~~the educational needs of the student by:~~

1507 ~~1. At a minimum, annually providing to the parent a~~  
1508 ~~written explanation of the student's progress.~~

1509 ~~(b)1.2.~~ Annually administer or make ~~administering or~~  
1510 ~~making~~ provision for students participating in the scholarship  
1511 program in grades 3 through 10 to take one of the nationally  
1512 norm-referenced tests identified by the Department of Education  
1513 or the statewide assessments pursuant to s. 1008.22. Students  
1514 with disabilities for whom standardized testing is not  
1515 appropriate are exempt from this requirement. A participating  
1516 private school must report a student's scores to the parent. A  
1517 participating private school must annually report by August 15  
1518 the scores of all participating students to a state university  
1519 ~~the Learning System Institute~~ described in paragraph (9) (f)  
1520 ~~paragraph (9) (j).~~

1521 2. Administer ~~3. Cooperating with the scholarship student~~  
1522 ~~whose parent chooses to have the student participate in the~~  
1523 ~~statewide assessments pursuant to s. 1008.22 or, if a private~~  
1524 ~~school chooses to offer the statewide assessments, administering~~  
1525 ~~the assessments at the school.~~



1526           ~~a.~~ A participating private school may choose to offer and  
1527 administer the statewide assessments to all students who attend  
1528 the private school in grades 3 through 10 and.

1529           ~~b.~~ ~~A participating private school~~ must submit a request in  
1530 writing to the Department of Education by March 1 of each year  
1531 in order to administer the statewide assessments in the  
1532 subsequent school year.

1533           ~~(d)~~ ~~Employ or contract with teachers who have regular and~~  
1534 ~~direct contact with each student receiving a scholarship under~~  
1535 ~~this section at the school's physical location.~~

1536           ~~(e)~~ ~~Provide a report from an independent certified public~~  
1537 ~~accountant who performs the agreed-upon procedures developed~~  
1538 ~~under paragraph (6) (e) if the private school receives more than~~  
1539 ~~\$250,000 in funds from scholarships awarded under this section~~  
1540 ~~in a state fiscal year. A private school subject to this~~  
1541 ~~paragraph must annually submit the report by September 15 to the~~  
1542 ~~scholarship-funding organization that awarded the majority of~~  
1543 ~~the school's scholarship funds. The agreed-upon procedures must~~  
1544 ~~be conducted in accordance with attestation standards~~  
1545 ~~established by the American Institute of Certified Public~~  
1546 ~~Accountants.~~

1547  
1548 If a private school fails ~~is unable~~ to meet the requirements of  
1549 this subsection or s. 1002.421 ~~or has consecutive years of~~  
1550 ~~material exceptions listed in the report required under~~



1551 ~~paragraph (e),~~ the commissioner may determine that the private  
1552 school is ineligible to participate in the scholarship program  
1553 ~~as determined by the Department of Education.~~

1554 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
1555 Education shall:

1556 (a) Annually submit to the department and division, by  
1557 March 15, a list of eligible nonprofit scholarship-funding  
1558 organizations that meet the requirements of paragraph (2) (f).

1559 (b) Annually verify the eligibility of nonprofit  
1560 scholarship-funding organizations that meet the requirements of  
1561 paragraph (2) (f).

1562 ~~(c) Annually verify the eligibility of private schools~~  
1563 ~~that meet the requirements of subsection (8).~~

1564 ~~(c) (d)~~ Annually verify the eligibility of expenditures as  
1565 provided in paragraph (6) (d) using the audit required by  
1566 paragraph (6) (m) and s. 11.45(2) (l) ~~s. 11.45(2) (k)~~.

1567 ~~(c) Establish a toll-free hotline that provides parents~~  
1568 ~~and private schools with information on participation in the~~  
1569 ~~scholarship program.~~

1570 ~~(f) Establish a process by which individuals may notify~~  
1571 ~~the Department of Education of any violation by a parent,~~  
1572 ~~private school, or school district of state laws relating to~~  
1573 ~~program participation. The Department of Education shall conduct~~  
1574 ~~an inquiry of any written complaint of a violation of this~~  
1575 ~~section, or make a referral to the appropriate agency for an~~



1576 ~~investigation, if the complaint is signed by the complainant and~~  
1577 ~~is legally sufficient. A complaint is legally sufficient if it~~  
1578 ~~contains ultimate facts that show that a violation of this~~  
1579 ~~section or any rule adopted by the State Board of Education has~~  
1580 ~~occurred. In order to determine legal sufficiency, the~~  
1581 ~~Department of Education may require supporting information or~~  
1582 ~~documentation from the complainant. A department inquiry is not~~  
1583 ~~subject to the requirements of chapter 120.~~

1584 ~~(g) Require an annual, notarized, sworn compliance~~  
1585 ~~statement by participating private schools certifying compliance~~  
1586 ~~with state laws and shall retain such records.~~

1587 ~~(d)~~ (h) Cross-check the list of participating scholarship  
1588 students with the public school enrollment lists to avoid  
1589 duplication.

1590 ~~(e)~~ (i) Maintain a list of nationally norm-referenced tests  
1591 identified for purposes of satisfying the testing requirement in  
1592 subparagraph (8) (b) 1 ~~subparagraph (8) (c) 2~~. The tests must meet  
1593 industry standards of quality in accordance with State Board of  
1594 Education rule.

1595 ~~(f)~~ (j) Issue a project grant award to a state university  
1596 ~~the Learning System Institute at the Florida State University,~~  
1597 to which participating private schools must report the scores of  
1598 participating students on the nationally norm-referenced tests  
1599 or the statewide assessments administered by the private school  
1600 in grades 3 through 10. The project term is 2 years, and the





1601 amount of the project is up to \$250,000 ~~\$500,000~~ per year. The  
1602 project grant award must be reissued in 2-year intervals in  
1603 accordance with this paragraph.

1604 1. The state university ~~Learning System Institute~~ must  
1605 annually report to the Department of Education on the student  
1606 performance of participating students:

1607 a. On a statewide basis. The report shall also include, to  
1608 the extent possible, a comparison of scholarship students'  
1609 performance to the statewide student performance of public  
1610 school students with socioeconomic backgrounds similar to those  
1611 of students participating in the scholarship program. To  
1612 minimize costs and reduce time required for the state  
1613 university's ~~Learning System Institute's~~ analysis and  
1614 evaluation, the Department of Education shall coordinate with  
1615 the state university ~~Learning System Institute~~ to provide data  
1616 to the state university ~~Learning System Institute~~ in order to  
1617 conduct analyses of matched students from public school  
1618 assessment data and calculate control group student performance  
1619 using an agreed-upon methodology with the state university  
1620 ~~Learning System Institute~~; and

1621 b. On an individual school basis. The annual report must  
1622 include student performance for each participating private  
1623 school in which at least 51 percent of the total enrolled  
1624 students in the private school participated in the Florida Tax  
1625 Credit Scholarship Program in the prior school year. The report



1626 shall be according to each participating private school, and for  
1627 participating students, in which there are at least 30  
1628 participating students who have scores for tests administered.  
1629 If the state university ~~Learning System Institute~~ determines  
1630 that the 30-participating-student cell size may be reduced  
1631 without disclosing personally identifiable information, as  
1632 described in 34 C.F.R. s. 99.12, of a participating student, the  
1633 state university ~~Learning System Institute~~ may reduce the  
1634 participating-student cell size, but the cell size must not be  
1635 reduced to less than 10 participating students. The department  
1636 shall provide each private school's prior school year's student  
1637 enrollment information to the state university ~~Learning System~~  
1638 ~~Institute~~ no later than June 15 of each year, or as requested by  
1639 the state university ~~Learning System Institute~~.

1640         2. The sharing and reporting of student performance data  
1641 under this paragraph must be in accordance with requirements of  
1642 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family  
1643 Educational Rights and Privacy Act, and the applicable rules and  
1644 regulations issued pursuant thereto, and shall be for the sole  
1645 purpose of creating the annual report required by subparagraph  
1646 1. All parties must preserve the confidentiality of such  
1647 information as required by law. The annual report must not  
1648 disaggregate data to a level that will identify individual  
1649 participating schools, except as required under sub-subparagraph  
1650 1.b., or disclose the academic level of individual students.



1651           3. The annual report required by subparagraph 1. shall be  
1652 published by the Department of Education on its website.

1653           (g)~~(k)~~ Notify an eligible nonprofit scholarship-funding  
1654 organization of any of the organization's identified students  
1655 who are receiving educational scholarships pursuant to chapter  
1656 1002.

1657           (h)~~(l)~~ Notify an eligible nonprofit scholarship-funding  
1658 organization of any of the organization's identified students  
1659 who are receiving tax credit scholarships from other eligible  
1660 nonprofit scholarship-funding organizations.

1661           (i)~~(m)~~ Require quarterly reports by an eligible nonprofit  
1662 scholarship-funding organization regarding the number of  
1663 students participating in the scholarship program, the private  
1664 schools at which the students are enrolled, and other  
1665 information deemed necessary by the Department of Education.

1666           ~~(n)1. Conduct site visits to private schools participating~~  
1667 ~~in the Florida Tax Credit Scholarship Program. The purpose of~~  
1668 ~~the site visits is solely to verify the information reported by~~  
1669 ~~the schools concerning the enrollment and attendance of~~  
1670 ~~students, the credentials of teachers, background screening of~~  
1671 ~~teachers, and teachers' fingerprinting results. The Department~~  
1672 ~~of Education may not make more than seven site visits each year;~~  
1673 ~~however, the department may make additional site visits at any~~  
1674 ~~time to any school that has received a notice of noncompliance~~  
1675 ~~or a notice of proposed action within the previous 2 years.~~



1676           ~~2. Annually, by December 15, report to the Governor, the~~  
1677 ~~President of the Senate, and the Speaker of the House of~~  
1678 ~~Representatives the Department of Education's actions with~~  
1679 ~~respect to implementing accountability in the scholarship~~  
1680 ~~program under this section and s. 1002.421, any substantiated~~  
1681 ~~allegations or violations of law or rule by an eligible private~~  
1682 ~~school under this program concerning the enrollment and~~  
1683 ~~attendance of students, the credentials of teachers, background~~  
1684 ~~screening of teachers, and teachers' fingerprinting results and~~  
1685 ~~the corrective action taken by the Department of Education.~~

1686           (j)~~(e)~~ Provide a process to match the direct certification  
1687 list with the scholarship application data submitted by any  
1688 nonprofit scholarship-funding organization eligible to receive  
1689 the 3-percent administrative allowance under paragraph (6) (j).

1690           ~~(p) Upon the request of a participating private school,~~  
1691 ~~provide at no cost to the school the statewide assessments~~  
1692 ~~administered under s. 1008.22 and any related materials for~~  
1693 ~~administering the assessments. Students at a private school may~~  
1694 ~~be assessed using the statewide assessments if the addition of~~  
1695 ~~those students and the school does not cause the state to exceed~~  
1696 ~~its contractual caps for the number of students tested and the~~  
1697 ~~number of testing sites. The state shall provide the same~~  
1698 ~~materials and support to a private school that it provides to a~~  
1699 ~~public school. A private school that chooses to administer~~  
1700 ~~statewide assessments under s. 1008.22 shall follow the~~



1701 ~~requirements set forth in ss. 1008.22 and 1008.24, rules adopted~~  
1702 ~~by the State Board of Education to implement those sections, and~~  
1703 ~~district-level testing policies established by the district~~  
1704 ~~school board.~~

1705 ~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.~~

1706 ~~(a)1. The Commissioner of Education shall deny, suspend,~~  
1707 ~~or revoke a private school's participation in the scholarship~~  
1708 ~~program if it is determined that the private school has failed~~  
1709 ~~to comply with the provisions of this section. However, in~~  
1710 ~~instances in which the noncompliance is correctable within a~~  
1711 ~~reasonable amount of time and in which the health, safety, or~~  
1712 ~~welfare of the students is not threatened, the commissioner may~~  
1713 ~~issue a notice of noncompliance that shall provide the private~~  
1714 ~~school with a timeframe within which to provide evidence of~~  
1715 ~~compliance prior to taking action to suspend or revoke the~~  
1716 ~~private school's participation in the scholarship program.~~

1717 ~~2. The Commissioner of Education may deny, suspend, or~~  
1718 ~~revoke a private school's participation in the scholarship~~  
1719 ~~program if the commissioner determines that:~~

1720 ~~a. An owner or operator of a private school has exhibited~~  
1721 ~~a previous pattern of failure to comply with this section or s.~~  
1722 ~~1002.421; or~~

1723 ~~b. An owner or operator of the private school is operating~~  
1724 ~~or has operated an educational institution in this state or~~  
1725 ~~another state or jurisdiction in a manner contrary to the~~



1726 ~~health, safety, or welfare of the public.~~

1727

1728 ~~In making the determination under this subparagraph, the~~  
1729 ~~commissioner may consider factors that include, but are not~~  
1730 ~~limited to, acts or omissions by an owner or operator that led~~  
1731 ~~to a previous denial or revocation of participation in an~~  
1732 ~~education scholarship program; an owner's or operator's failure~~  
1733 ~~to reimburse the Department of Education or a nonprofit~~  
1734 ~~scholarship-funding organization for scholarship funds~~  
1735 ~~improperly received or retained by a school; imposition of a~~  
1736 ~~prior criminal sanction, civil fine, administrative fine,~~  
1737 ~~license revocation or suspension, or program eligibility~~  
1738 ~~suspension, termination, or revocation related to an owner's or~~  
1739 ~~operator's management or operation of an educational~~  
1740 ~~institution; or other types of criminal proceedings in which the~~  
1741 ~~owner or operator was found guilty of, regardless of~~  
1742 ~~adjudication, or entered a plea of nolo contendere or guilty to,~~  
1743 ~~any offense involving fraud, deceit, dishonesty, or moral~~  
1744 ~~turpitude.~~

1745 ~~(b) The commissioner's determination is subject to the~~  
1746 ~~following:~~

1747 ~~1. If the commissioner intends to deny, suspend, or revoke~~  
1748 ~~a private school's participation in the scholarship program, the~~  
1749 ~~Department of Education shall notify the private school of such~~  
1750 ~~proposed action in writing by certified mail and regular mail to~~



1751 ~~the private school's address of record with the Department of~~  
1752 ~~Education. The notification shall include the reasons for the~~  
1753 ~~proposed action and notice of the timelines and procedures set~~  
1754 ~~forth in this paragraph.~~

1755 ~~2. The private school that is adversely affected by the~~  
1756 ~~proposed action shall have 15 days from receipt of the notice of~~  
1757 ~~proposed action to file with the Department of Education's~~  
1758 ~~agency clerk a request for a proceeding pursuant to ss. 120.569~~  
1759 ~~and 120.57. If the private school is entitled to a hearing under~~  
1760 ~~s. 120.57(1), the Department of Education shall forward the~~  
1761 ~~request to the Division of Administrative Hearings.~~

1762 ~~3. Upon receipt of a request referred pursuant to this~~  
1763 ~~paragraph, the director of the Division of Administrative~~  
1764 ~~Hearings shall expedite the hearing and assign an administrative~~  
1765 ~~law judge who shall commence a hearing within 30 days after the~~  
1766 ~~receipt of the formal written request by the division and enter~~  
1767 ~~a recommended order within 30 days after the hearing or within~~  
1768 ~~30 days after receipt of the hearing transcript, whichever is~~  
1769 ~~later. Each party shall be allowed 10 days in which to submit~~  
1770 ~~written exceptions to the recommended order. A final order shall~~  
1771 ~~be entered by the agency within 30 days after the entry of a~~  
1772 ~~recommended order. The provisions of this subparagraph may be~~  
1773 ~~waived upon stipulation by all parties.~~

1774 ~~(c) The commissioner may immediately suspend payment of~~  
1775 ~~scholarship funds if it is determined that there is probable~~



1776 ~~cause to believe that there is:~~

1777 ~~1. An imminent threat to the health, safety, and welfare~~

1778 ~~of the students;~~

1779 ~~2. A previous pattern of failure to comply with this~~

1780 ~~section or s. 1002.421; or~~

1781 ~~3. Fraudulent activity on the part of the private school.~~

1782 ~~Notwithstanding s. 1002.22, in incidents of alleged fraudulent~~

1783 ~~activity pursuant to this section, the Department of Education's~~

1784 ~~Office of Inspector General is authorized to release personally~~

1785 ~~identifiable records or reports of students to the following~~

1786 ~~persons or organizations:~~

1787 ~~a. A court of competent jurisdiction in compliance with an~~

1788 ~~order of that court or the attorney of record in accordance with~~

1789 ~~a lawfully issued subpoena, consistent with the Family~~

1790 ~~Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

1791 ~~b. A person or entity authorized by a court of competent~~

1792 ~~jurisdiction in compliance with an order of that court or the~~

1793 ~~attorney of record pursuant to a lawfully issued subpoena,~~

1794 ~~consistent with the Family Educational Rights and Privacy Act,~~

1795 ~~20 U.S.C. s. 1232g.~~

1796 ~~e. Any person, entity, or authority issuing a subpoena for~~

1797 ~~law enforcement purposes when the court or other issuing agency~~

1798 ~~has ordered that the existence or the contents of the subpoena~~

1799 ~~or the information furnished in response to the subpoena not be~~

1800 ~~disclosed, consistent with the Family Educational Rights and~~





1801 ~~Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

1802

1803 ~~The commissioner's order suspending payment pursuant to this~~  
1804 ~~paragraph may be appealed pursuant to the same procedures and~~  
1805 ~~timelines as the notice of proposed action set forth in~~  
1806 ~~paragraph (b).~~

1807 Section 8. Contingent upon CS/HB 7055 or similar  
1808 legislation in the 2018 Regular Session of the Legislature or an  
1809 extension thereof failing to become law, for the 2018-2019  
1810 fiscal year, the sum of \$950,000 in recurring funds from the  
1811 General Revenue Fund is appropriated to the Department of  
1812 Education to implement the additional oversight requirements  
1813 pursuant to s. 1002.421, Florida Statutes, and the sum of  
1814 \$250,000 in recurring funds from the General Revenue Fund is  
1815 appropriated to the Department of Education to issue a  
1816 competitive grant award pursuant to s. 1002.395(9), Florida  
1817 Statutes.

1818 Section 9. Upon this act becoming law, the Department of  
1819 Revenue may, and all conditions are deemed met to, adopt  
1820 emergency rules pursuant to ss. 120.536(1) and 120.54, Florida  
1821 Statutes, to administer this act.

1822 Section 10. Contingent upon CS/HB 7055 or similar  
1823 legislation in the 2018 Regular Session of the Legislature or an  
1824 extension thereof failing to become law, for the 2018-2019  
1825 fiscal year, the sum of \$2 million in recurring funds from the



CS/CS/HB 1, Engrossed 1

2018

1826 | General Revenue Fund is appropriated to the Department of  
1827 | Education to implement the provisions of this act.

1828 |       Section 11. Except as otherwise expressly provided in this  
1829 | act and except for this section, which shall take effect upon  
1830 | this act becoming a law, this act shall take effect July 1,  
1831 | 2018.