

1   A bill to be entitled  
2            An act relating to ; providing an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6            Section 1. Section 211.0251, Florida Statutes, is amended  
7 to read:

8            211.0251 Credit for contributions to K-12 education funding  
9 ~~eligible nonprofit scholarship funding organizations.~~—There is  
10 allowed a credit of 100 percent of an eligible contribution  
11 directed made to K-12 education funding ~~an eligible nonprofit~~  
12 ~~scholarship funding organization~~ under s. 1002.395 for ~~against~~  
13 any tax due under s. 211.02 or s. 211.025. ~~However, a credit~~  
14 ~~allowed under this section may not exceed 50 percent of the tax~~  
15 ~~due on the return the credit is taken.~~ For purposes of the  
16 distributions of tax revenue under s. 211.06, the department  
17 shall disregard any tax credits allowed under this section to  
18 ensure that any reduction in tax revenue received which is  
19 attributable to the tax credits results only in a reduction in  
20 distributions to the General Revenue Fund. The provisions of s.  
21 1002.395 apply to the credit authorized by this section.

22            Section 2. Section 212.099, Florida Statutes, is amended to  
23 read:

24            212.099 Credit for contributions to K-12 education funding  
25 ~~eligible nonprofit scholarship funding organizations.~~—

- 26            (1) As used in this section, the term:  
27            (a) "Eligible business" means a tenant or person actually  
28 occupying, using, or entitled to the use of any property from  
29 which the rental or license fee is subject to taxation under s.

30 212.031.

31 (b) "Eligible contribution" or "contribution" means the  
32 amount of tax, or portion thereof, paid by a monetary  
33 ~~contribution from~~ an eligible business to a collecting dealer  
34 and designated for K-12 education funding by the eligible  
35 business ~~an eligible nonprofit scholarship-funding organization~~  
36 ~~to be used pursuant to s. 1002.395. The eligible business making~~  
37 ~~the contribution may not designate a specific student as the~~  
38 ~~beneficiary of the contribution.~~

39 ~~(c) "Eligible nonprofit scholarship-funding organization"~~  
40 ~~or "organization" has the same meaning as provided in s.~~  
41 ~~1002.395(2)(f).~~

42 (2) An eligible business shall be granted a credit ~~against~~  
43 ~~the tax imposed under s. 212.031 and collected from the eligible~~  
44 ~~business by a dealer. The credit shall be in an amount equal to~~  
45 ~~100 percent of an eligible contribution made to an organization.~~

46 (3) A dealer shall take a credit ~~against the tax imposed~~  
47 ~~under s. 212.031~~ in an amount equal to the credit taken by the  
48 eligible business under subsection (2).

49 (4) ~~(a)~~ An eligible business must apply to the department  
50 for an allocation of tax credits under this section. The  
51 eligible business must specify in the application the state  
52 fiscal year during which the contribution will be made, ~~the~~  
53 ~~organization that will receive the contribution,~~ the planned  
54 amount of the contribution, the address of the property from  
55 which the rental or license fee is subject to taxation under s.  
56 212.031, and the federal employer identification number of the  
57 dealer who collects the tax imposed under s. 212.031 from the  
58 eligible business ~~and who will reduce collection of taxes from~~

59 ~~the eligible business pursuant to this section.~~ The department  
60 shall approve allocations of tax credits on a first-come, first-  
61 served basis and shall provide to the eligible business a  
62 separate approval or denial letter for each dealer for which the  
63 eligible business applied for an allocation of tax credits.  
64 ~~Within 10 days after approving or denying an application, the~~  
65 ~~department shall provide a copy of its approval or denial letter~~  
66 ~~to the organization specified by the eligible business in the~~  
67 ~~application.~~ An approval letter must include the name and  
68 federal employer identification number of the dealer from whom a  
69 credit under this section can be taken and the amount of tax  
70 credits approved for use with that dealer.

71 ~~(b) Upon receipt of an eligible contribution, the~~  
72 ~~organization shall provide the eligible business that made the~~  
73 ~~contribution with a separate certificate of contribution for~~  
74 ~~each dealer from whom a credit can be taken as approved under~~  
75 ~~paragraph (a). A certificate of contribution must include the~~  
76 ~~contributor's name and, if available, federal employer~~  
77 ~~identification number, the amount contributed, the date of~~  
78 ~~contribution, the name of the organization, and the name and~~  
79 ~~federal employer identification number of the dealer.~~

80 (5) Each dealer that receives from an eligible business a  
81 copy of the department's approval letter and a certificate of  
82 contribution, both of which identify the dealer as the dealer  
83 who collects the tax imposed under s. 212.031 from the eligible  
84 business and who will reduce collection of taxes from the  
85 eligible business pursuant to this section, shall identify on  
86 the dealer's return the amount of the eligible contribution by  
87 reduce the tax collected from the eligible business, which

88 amount ~~under s. 212.031 by the total amount of contributions~~  
89 ~~indicated in the certificate of contribution. The reduction may~~  
90 not exceed the amount of credit allocation approved by the  
91 department and may not exceed the amount of tax that would  
92 otherwise be collected from the eligible business by a dealer  
93 when a payment is made under the rental or license fee  
94 arrangement. ~~However, payments by an eligible business to a~~  
95 ~~dealer may not be reduced before October 1, 2018.~~

96 (a) If the total amount of credits an eligible business may  
97 take cannot be fully used within any period that a payment is  
98 due under the rental or license fee arrangement because of an  
99 insufficient amount of tax that the dealer would collect from  
100 the eligible business during that period, the unused amount may  
101 be carried forward for a period not to exceed 10 years.

102 (b) A tax credit may not be claimed on an amended return or  
103 through a refund.

104 (c) A dealer that claims a tax credit must file returns and  
105 pay taxes by electronic means under s. 213.755.

106 (d) An eligible business may not convey, assign, or  
107 transfer an approved tax credit or a carryforward tax credit to  
108 another entity unless all of the assets of the eligible business  
109 are conveyed, assigned, or transferred in the same transaction  
110 and the successor business continues the same lease with the  
111 dealer.

112 (e) Within any state fiscal year, an eligible business may  
113 rescind all or part of a tax credit approved under this section.  
114 The amount rescinded shall become available for that state  
115 fiscal year to another eligible business as approved by the  
116 department if the business receives notice from the department

117 that the rescindment has been accepted by the department. Any  
118 amount rescinded under this subsection shall become available to  
119 an eligible business on a first-come, first-served basis based  
120 on tax credit applications received after the date the  
121 rescindment is accepted by the department.

122 ~~(f) Within 10 days after the rescindment of a tax credit~~  
123 ~~under paragraph (e) is accepted by the department, the~~  
124 ~~department shall notify the eligible nonprofit scholarship-~~  
125 ~~funding organization specified by the eligible business. The~~  
126 ~~department shall also include the eligible nonprofit~~  
127 ~~scholarship-funding organization specified by the eligible~~  
128 ~~business on all letters or correspondence of acknowledgment for~~  
129 ~~tax credits under this section.~~

130 ~~(6) An organization shall report to the department, on or~~  
131 ~~before the 20th day of each month, the total amount of~~  
132 ~~contributions received pursuant to subsection (4) in the~~  
133 ~~preceding calendar month on a form provided by the department.~~  
134 ~~Such report shall include the amount of contributions received~~  
135 ~~during that reporting period and the federal employer~~  
136 ~~identification number of each dealer associated with the~~  
137 ~~contribution.~~

138 ~~(7)(a) Eligible contributions may be used to fund the~~  
139 ~~purposes program established under s. 1002.395.~~

140 ~~(b) The organization shall separately account for each~~  
141 ~~scholarship funded pursuant to this section.~~

142 ~~(c) The organization may, subject to the limitations of s.~~  
143 ~~1002.395(6)(j)1., use eligible contributions received during the~~  
144 ~~state fiscal year in which such contributions are collected for~~  
145 ~~administrative expenses.~~

146        ~~(7)(8)~~ The sum of tax credits that may be approved by the  
147 department in any state fiscal year is \$57.5 million.

148        ~~(8)(9)~~ The department shall ensure that receipts designated  
149 by a remitting dealer as eligible contributions under this  
150 section and eligible contributions transferred to the state by  
151 an organization are deposited into a designated student fund.

152 For purposes of the distributions of tax revenue under s.  
153 212.20, the department shall disregard any tax credits allowed  
154 under this section to ensure that any reduction in tax revenue  
155 received that is attributable to the tax credits results only in  
156 a reduction in distributions to the General Revenue Fund.

157        ~~(9)(10)~~ The department may adopt rules to administer this  
158 section.

159        Section 3. Section 212.1831, Florida Statutes, is amended  
160 to read:

161        212.1831 Credit for contributions to K-12 education funding  
162 ~~eligible nonprofit scholarship funding organizations.~~—There is  
163 allowed a credit of 100 percent of an eligible contribution made  
164 ~~to an eligible nonprofit scholarship funding organization~~ under  
165 s. 1002.395 ~~against any tax imposed by the state and due under~~  
166 ~~this chapter~~ from a direct pay permit holder as a result of the  
167 direct pay permit held pursuant to s. 212.183. For purposes of  
168 the dealer's credit granted for keeping prescribed records,  
169 filing timely tax returns, and properly accounting and remitting  
170 taxes under s. 212.12, the amount of tax due used to calculate  
171 the credit shall include any eligible contribution ~~made to an~~  
172 ~~eligible nonprofit scholarship funding organization~~ from a  
173 direct pay permit holder. For purposes of the distributions of  
174 tax revenue under s. 212.20, the department shall disregard any

175 tax credits allowed under this section to ensure that any  
176 reduction in tax revenue received that is attributable to the  
177 tax credits results only in a reduction in distributions to the  
178 General Revenue Fund. The provisions of s. 1002.395 apply to the  
179 credit authorized by this section.

180 Section 4. Section 212.1832, Florida Statutes, is amended  
181 to read:

182 212.1832 Credit for contributions to K-12 education funding  
183 ~~eligible nonprofit scholarship funding organizations.~~-

184 (1) The purchaser of a motor vehicle shall be granted a  
185 credit of 100 percent of an eligible contribution ~~made to an~~  
186 ~~eligible nonprofit scholarship funding organization~~ under s.  
187 1002.40 ~~against any tax imposed by the state under this chapter~~  
188 ~~and collected from the purchaser by a dealer, designated agent,~~  
189 ~~or private tag agent~~ as a result of the purchase or acquisition  
190 of a motor vehicle, except that a credit may not exceed the tax  
191 that would otherwise be collected from the purchaser by a  
192 dealer, designated agent, or private tag agent. For purposes of  
193 this subsection, the term "purchase" does not include the lease  
194 or rental of a motor vehicle.

195 (2) A dealer shall take a credit against any tax imposed by  
196 the state under this chapter on the purchase of a motor vehicle  
197 in an amount equal to the credit granted to the purchaser under  
198 subsection (1). A dealer that claims a tax credit must file  
199 returns and pay taxes by electronic means under s. 213.755.

200 (3) For purposes of the distributions of tax revenue under  
201 s. 212.20, the department shall disregard any tax credits  
202 allowed under this section to ensure that any reduction in tax  
203 revenue received that is attributable to the tax credits results

204 only in a reduction in distributions to the General Revenue  
205 Fund. The provisions of s. 1002.40 apply to the credit  
206 authorized by this section.

207 Section 5. Paragraph (a) of subsection (4) of section  
208 220.1105, Florida Statutes, is amended to read:

209 220.1105 Tax imposed; automatic refunds and downward  
210 adjustments to tax rates.—

211 (4) For fiscal years 2018-2019 through 2020-2021, any  
212 amount by which net collections for a fiscal year exceed  
213 adjusted forecasted collections for that fiscal year shall only  
214 be used to provide refunds to corporate income tax payers as  
215 follows:

216 (a) For purposes of this subsection, the term:

217 1. "Eligible taxpayer" means:

218 a. For fiscal year 2018-2019, a taxpayer whose taxable year  
219 begins between April 1, 2017, and March 31, 2018, and whose  
220 final tax liability for such taxable year is greater than zero;

221 b. For fiscal year 2019-2020, a taxpayer whose taxable year  
222 begins between April 1, 2018, and March 31, 2019, and whose  
223 final tax liability for such taxable year is greater than zero;

224 or

225 c. For fiscal year 2020-2021, a taxpayer whose taxable year  
226 begins between April 1, 2019, and March 31, 2020, and whose  
227 final tax liability for such taxable year is greater than zero.

228 2. "Excess collections" for a fiscal year means the amount  
229 by which net collections for a fiscal year exceeds adjusted  
230 forecasted collections for that fiscal year.

231 3. "Final tax liability" means the taxpayer's amount of tax  
232 due under this chapter for a taxable year, reported on a return



233 filed with the department, ~~plus the amount of any credit taken~~  
234 ~~on such return under s. 220.1875.~~

235 4. "Total eligible tax liability" for a fiscal year means  
236 the sum of final tax liabilities of all eligible taxpayers for a  
237 fiscal year as such liabilities are shown on the latest return  
238 filed with the department as of February 1 immediately following  
239 that fiscal year.

240 5. "Taxpayer refund share" for a fiscal year means an  
241 eligible taxpayer's final tax liability as a percentage of the  
242 total eligible tax liability for that fiscal year.

243 6. "Taxpayer refund" for a fiscal year means the taxpayer  
244 refund share for a fiscal year multiplied by the excess  
245 collections for a fiscal year.

246 Section 6. Paragraph (a) of subsection (1) of section  
247 220.13, Florida Statutes, is amended to read:

248 220.13 "Adjusted federal income" defined.—

249 (1) The term "adjusted federal income" means an amount  
250 equal to the taxpayer's taxable income as defined in subsection  
251 (2), or such taxable income of more than one taxpayer as  
252 provided in s. 220.131, for the taxable year, adjusted as  
253 follows:

254 (a) Additions.—There shall be added to such taxable income:

255 1. ~~a.~~ The amount of any tax upon or measured by income,  
256 excluding taxes based on gross receipts or revenues, paid or  
257 accrued as a liability to the District of Columbia or any state  
258 of the United States which is deductible from gross income in  
259 the computation of taxable income for the taxable year.

260 ~~b. Notwithstanding sub-subparagraph a., if a credit taken~~  
261 ~~under s. 220.1875 is added to taxable income in a previous~~

262 ~~taxable year under subparagraph 11. and is taken as a deduction~~  
263 ~~for federal tax purposes in the current taxable year, the amount~~  
264 ~~of the deduction allowed shall not be added to taxable income in~~  
265 ~~the current year. The exception in this sub-subparagraph is~~  
266 ~~intended to ensure that the credit under s. 220.1875 is added in~~  
267 ~~the applicable taxable year and does not result in a duplicate~~  
268 ~~addition in a subsequent year.~~

269       2. The amount of interest which is excluded from taxable  
270 income under s. 103(a) of the Internal Revenue Code or any other  
271 federal law, less the associated expenses disallowed in the  
272 computation of taxable income under s. 265 of the Internal  
273 Revenue Code or any other law, excluding 60 percent of any  
274 amounts included in alternative minimum taxable income, as  
275 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
276 taxpayer pays tax under s. 220.11(3).

277       3. In the case of a regulated investment company or real  
278 estate investment trust, an amount equal to the excess of the  
279 net long-term capital gain for the taxable year over the amount  
280 of the capital gain dividends attributable to the taxable year.

281       4. That portion of the wages or salaries paid or incurred  
282 for the taxable year which is equal to the amount of the credit  
283 allowable for the taxable year under s. 220.181. This  
284 subparagraph shall expire on the date specified in s. 290.016  
285 for the expiration of the Florida Enterprise Zone Act.

286       5. That portion of the ad valorem school taxes paid or  
287 incurred for the taxable year which is equal to the amount of  
288 the credit allowable for the taxable year under s. 220.182. This  
289 subparagraph shall expire on the date specified in s. 290.016  
290 for the expiration of the Florida Enterprise Zone Act.

291           6. The amount taken as a credit under s. 220.195 which is  
292 deductible from gross income in the computation of taxable  
293 income for the taxable year.

294           7. That portion of assessments to fund a guaranty  
295 association incurred for the taxable year which is equal to the  
296 amount of the credit allowable for the taxable year.

297           8. In the case of a nonprofit corporation which holds a  
298 pari-mutuel permit and which is exempt from federal income tax  
299 as a farmers' cooperative, an amount equal to the excess of the  
300 gross income attributable to the pari-mutuel operations over the  
301 attributable expenses for the taxable year.

302           9. The amount taken as a credit for the taxable year under  
303 s. 220.1895.

304           10. Up to nine percent of the eligible basis of any  
305 designated project which is equal to the credit allowable for  
306 the taxable year under s. 220.185.

307           ~~11. The amount taken as a credit for the taxable year under~~  
308 ~~s. 220.1875. The addition in this subparagraph is intended to~~  
309 ~~ensure that the same amount is not allowed for the tax purposes~~  
310 ~~of this state as both a deduction from income and a credit~~  
311 ~~against the tax. This addition is not intended to result in~~  
312 ~~adding the same expense back to income more than once.~~

313           ~~12.~~ The amount taken as a credit for the taxable year under  
314 s. 220.193.

315           12.13. Any portion of a qualified investment, as defined in  
316 s. 288.9913, which is claimed as a deduction by the taxpayer and  
317 taken as a credit against income tax pursuant to s. 288.9916.

318           13.14. The costs to acquire a tax credit pursuant to s.  
319 288.1254(5) that are deducted from or otherwise reduce federal

320 taxable income for the taxable year.

321 ~~14.15.~~ The amount taken as a credit for the taxable year  
322 pursuant to s. 220.194.

323 ~~15.16.~~ The amount taken as a credit for the taxable year  
324 under s. 220.196. The addition in this subparagraph is intended  
325 to ensure that the same amount is not allowed for the tax  
326 purposes of this state as both a deduction from income and a  
327 credit against the tax. The addition is not intended to result  
328 in adding the same expense back to income more than once.

329 Section 7. Subsection (2) of section 220.186, Florida  
330 Statutes, is amended to read:

331 220.186 Credit for Florida alternative minimum tax.—

332 (2) The credit pursuant to this section shall be the amount  
333 of the excess, if any, of the tax paid based upon taxable income  
334 determined pursuant to s. 220.13(2)(k) over the amount of tax  
335 which would have been due based upon taxable income without  
336 application of s. 220.13(2)(k), before application of this  
337 credit ~~without application of any credit under s. 220.1875.~~

338 Section 8. Section 220.1875, Florida Statutes, is amended  
339 to read:

340 220.1875 Credit for contributions to K-12 education funding  
341 ~~eligible nonprofit scholarship funding organizations.—~~

342 (1) There is allowed a credit of 100 percent of an eligible  
343 contribution made ~~to an eligible nonprofit scholarship funding~~  
344 ~~organization~~ under s. 1002.395 ~~against any tax due for a taxable~~  
345 ~~year under this chapter after the application of any other~~  
346 ~~allowable credits by the taxpayer.~~ An eligible contribution must  
347 be made when the taxpayer makes an estimated payment ~~to an~~  
348 ~~eligible nonprofit scholarship funding organization on or before~~

349 ~~the date the taxpayer is required to file a return pursuant to~~  
350 ~~s. 220.222.~~ The credit granted by this section shall be reduced  
351 by the difference between the amount of federal corporate income  
352 tax taking into account the credit granted by this section and  
353 the amount of federal corporate income tax without application  
354 of the credit granted by this section.

355 (2) A taxpayer who files a Florida consolidated return as a  
356 member of an affiliated group pursuant to s. 220.131(1) may be  
357 allowed the credit on a consolidated return basis; however, the  
358 total credit taken by the affiliated group is subject to the  
359 limitation established under subsection (1).

360 (3) The provisions of s. 1002.395 apply to the credit  
361 authorized by this section.

362 ~~(4) If a taxpayer applies and is approved for a credit~~  
363 ~~under s. 1002.395 after timely requesting an extension to file~~  
364 ~~under s. 220.222(2):~~

365 ~~(a) The credit does not reduce the amount of tax due for~~  
366 ~~purposes of the department's determination as to whether the~~  
367 ~~taxpayer was in compliance with the requirement to pay tentative~~  
368 ~~taxes under ss. 220.222 and 220.32.~~

369 ~~(b) The taxpayer's noncompliance with the requirement to~~  
370 ~~pay tentative taxes shall result in the revocation and~~  
371 ~~rescindment of any such credit.~~

372 ~~(c) The taxpayer shall be assessed for any taxes,~~  
373 ~~penalties, or interest due from the taxpayer's noncompliance~~  
374 ~~with the requirement to pay tentative taxes.~~

375 Section 9. Section 561.1211, Florida Statutes, is amended  
376 to read:

377 561.1211 Credit for contributions to K-12 education funding

378 ~~eligible nonprofit scholarship funding organizations.~~—There is  
379 allowed a credit of 100 percent of an eligible contribution made  
380 ~~to an eligible nonprofit scholarship funding organization~~ under  
381 s. 1002.395 against any tax due under s. 563.05, s. 564.06, or  
382 s. 565.12, except excise taxes imposed on wine produced by  
383 manufacturers in this state from products grown in this state.  
384 ~~However, a credit allowed under this section may not exceed 90~~  
385 ~~percent of the tax due on the return the credit is taken.~~ For  
386 purposes of the distributions of tax revenue under ss. 561.121  
387 and 564.06(10), the division shall disregard any tax credits  
388 allowed under this section to ensure that any reduction in tax  
389 revenue received that is attributable to the tax credits results  
390 only in a reduction in distributions to the General Revenue  
391 Fund. The provisions of s. 1002.395 apply to the credit  
392 authorized by this section.

393 Section 10. Section 624.51055, Florida Statutes, is amended  
394 to read:

395 624.51055 Credit for contributions to K-12 education  
396 funding ~~eligible nonprofit scholarship funding organizations.~~—

397 (1) There is allowed a credit of 100 percent of an eligible  
398 contribution made ~~to an eligible nonprofit scholarship funding~~  
399 ~~organization~~ under s. 1002.395 ~~against any tax due for a taxable~~  
400 ~~year under s. 624.509(1) after deducting from such tax~~  
401 ~~deductions for assessments made pursuant to s. 440.51; credits~~  
402 ~~for taxes paid under ss. 175.101 and 185.08; credits for income~~  
403 ~~taxes paid under chapter 220; and the credit allowed under s.~~  
404 ~~624.509(5), as such credit is limited by s. 624.509(6). An~~  
405 ~~eligible contribution must be made to an eligible nonprofit~~  
406 ~~scholarship funding organization on or before the date the~~

407 ~~taxpayer is required to file a return pursuant to ss. 624.509~~  
408 ~~and 624.5092.~~ An insurer claiming a credit against premium tax  
409 liability under this section shall not be required to pay any  
410 additional retaliatory tax levied pursuant to s. 624.5091 as a  
411 result of claiming such credit. Section 624.5091 does not limit  
412 such credit in any manner.

413 (2) The provisions of s. 1002.395 apply to the credit  
414 authorized by this section.

415 Section 11. Section 1002.395, Florida Statutes, is amended  
416 to read:

417 1002.395 Florida K-12 Education Funding Tax Credit  
418 ~~Scholarship~~ Program.—

419 (1) FINDINGS AND PURPOSE.—

420 (a) The Legislature finds that:

421 1. It has the inherent power to determine subjects of  
422 taxation for general or particular public purposes.

423 2. Expanding educational opportunities and improving the  
424 quality of educational services within the state are valid  
425 public purposes that the Legislature may promote using its  
426 sovereign power to determine subjects of taxation and exemptions  
427 from taxation.

428 3. Ensuring that all parents, regardless of means, may  
429 exercise and enjoy their basic right to educate their children  
430 as they see fit is a valid public purpose that the Legislature  
431 may promote using its sovereign power to determine subjects of  
432 taxation and exemptions from taxation.

433 4. Expanding educational opportunities and the healthy  
434 competition they promote are critical to improving the quality  
435 of education in the state and to ensuring that all children

436 receive the high-quality education to which they are entitled.

437 (b) The purpose of this section is to:

438 1. Enable taxpayers to designate portions of certain tax  
439 payments as ~~make private, voluntary~~ contributions to K-12  
440 education funding ~~to nonprofit scholarship-funding organizations~~  
441 in order to promote the general welfare.

442 2. ~~Provide taxpayers who wish to help parents with limited~~  
443 ~~resources exercise their basic right to educate their children~~  
444 ~~as they see fit with a means to do so.~~

445 3. ~~Promote the general welfare by expanding educational~~  
446 ~~opportunities for children of families that have limited~~  
447 ~~financial resources.~~

448 4. Enable children in this state to achieve a greater level  
449 of excellence in their education.

450 3.5. Improve the quality of education in this state, both  
451 by expanding educational opportunities for children and by  
452 creating incentives for schools to achieve excellence.

453 ~~(c) The purpose of this section is not to prescribe the~~  
454 ~~standards or curriculum for private schools. A private school~~  
455 ~~retains the authority to determine its own standards and~~  
456 ~~curriculum.~~

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

458 (a) ~~"Annual tax credit amount" means, for any state fiscal~~  
459 ~~year, the sum of the amount of tax credits approved under~~  
460 ~~paragraph (5) (b), including tax credits to be taken under s.~~  
461 ~~220.1875 or s. 624.51055, which are approved for a taxpayer~~  
462 ~~whose taxable year begins on or after January 1 of the calendar~~  
463 ~~year preceding the start of the applicable state fiscal year.~~

464 ~~(b)~~ "Department" means the Department of Revenue.



465           ~~(c) "Direct certification list" means the certified list of~~  
466 ~~children who qualify for the food assistance program, the~~  
467 ~~Temporary Assistance to Needy Families Program, or the Food~~  
468 ~~Distribution Program on Indian Reservations provided to the~~  
469 ~~Department of Education by the Department of Children and~~  
470 ~~Families.~~

471           ~~(b)(d)~~ "Division" means the Division of Alcoholic Beverages  
472 and Tobacco of the Department of Business and Professional  
473 Regulation.

474           ~~(c)(e)~~ "Eligible contribution" means the taxes, or a  
475 portion thereof, remitted by the taxpayer to the department or  
476 the division which the taxpayer elects to designate for K-12  
477 education funding ~~a monetary contribution from a taxpayer,~~  
478 ~~subject to the restrictions provided in this section, to an~~  
479 ~~eligible nonprofit scholarship funding organization. The~~  
480 ~~taxpayer making the contribution may not designate a specific~~  
481 ~~child as the beneficiary of the contribution.~~

482           ~~(f) "Eligible nonprofit scholarship funding organization"~~  
483 ~~means a state university; or an independent college or~~  
484 ~~university that is eligible to participate in the William L.~~  
485 ~~Boyd, IV, Effective Access to Student Education Grant Program,~~  
486 ~~located and chartered in this state, is not for profit, and is~~  
487 ~~accredited by the Commission on Colleges of the Southern~~  
488 ~~Association of Colleges and Schools; or is a charitable~~  
489 ~~organization that:~~

490           ~~1. Is exempt from federal income tax pursuant to s.~~  
491 ~~501(c)(3) of the Internal Revenue Code;~~

492           ~~2. Is a Florida entity formed under chapter 605, chapter~~  
493 ~~607, or chapter 617 and whose principal office is located in the~~

494 state; and

495 ~~3. Complies with subsections (6) and (15).~~

496 ~~(g) "Eligible private school" means a private school, as~~  
497 ~~defined in s. 1002.01(2), located in Florida which offers an~~  
498 ~~education to students in any grades K-12 and that meets the~~  
499 ~~requirements in subsection (8).~~

500 ~~(h) "Household income" has the same meaning as the term~~  
501 ~~"income" as defined in the Income Eligibility Guidelines for~~  
502 ~~free and reduced price meals under the National School Lunch~~  
503 ~~Program in 7 C.F.R. part 210 as published in the Federal~~  
504 ~~Register by the United States Department of Agriculture.~~

505 ~~(i) "Owner or operator" includes:~~

506 ~~1. An owner, president, officer, or director of an eligible~~  
507 ~~nonprofit scholarship-funding organization or a person with~~  
508 ~~equivalent decisionmaking authority over an eligible nonprofit~~  
509 ~~scholarship-funding organization.~~

510 ~~2. An owner, operator, superintendent, or principal of an~~  
511 ~~eligible private school or a person with equivalent~~  
512 ~~decisionmaking authority over an eligible private school.~~

513 ~~(j) "Tax credit cap amount" means the maximum annual tax~~  
514 ~~credit amount that the department may approve for a state fiscal~~  
515 ~~year.~~

516 ~~(k) "Unweighted FTE funding amount" means the statewide~~  
517 ~~average total funds per unweighted full-time equivalent funding~~  
518 ~~amount that is incorporated by reference in the General~~  
519 ~~Appropriations Act, or any subsequent special appropriations~~  
520 ~~act, for the applicable state fiscal year.~~

521 ~~(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—~~

522 ~~(a) The Florida Tax Credit Scholarship Program is~~

523 established.

524 ~~(b) A student is eligible for a Florida tax credit~~  
525 ~~scholarship under this section if the student meets one or more~~  
526 ~~of the following criteria:~~

527 ~~1. The student is on the direct certification list or the~~  
528 ~~student's household income level does not exceed 260 percent of~~  
529 ~~the federal poverty level; or~~

530 ~~2. The student is currently placed, or during the previous~~  
531 ~~state fiscal year was placed, in foster care or in out-of-home~~  
532 ~~care as defined in s. 39.01.~~

533  
534 ~~Priority must be given to a student whose household income level~~  
535 ~~does not exceed 185 percent of the federal poverty level or who~~  
536 ~~is in foster care or out-of-home care. A student who initially~~  
537 ~~receives a scholarship based on eligibility under this paragraph~~  
538 ~~remains eligible to participate until he or she graduates from~~  
539 ~~high school or attains the age of 21 years, whichever occurs~~  
540 ~~first, regardless of the student's household income level. A~~  
541 ~~sibling of a student who is participating in the scholarship~~  
542 ~~program under this subsection is eligible for a scholarship if~~  
543 ~~the student resides in the same household as the sibling.~~

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

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

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

551 ~~(c) Receiving an educational scholarship pursuant to~~

552 ~~chapter 1002;~~

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

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

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

561 ~~(g) Enrolled in the Florida School for the Deaf and the~~  
562 ~~Blind.~~

563 ~~(5) K-12 EDUCATION SCHOLARSHIP FUNDING TAX CREDITS;~~  
564 ~~LIMITATIONS.-~~

565 ~~(a)1. The tax credit cap amount is \$229 million in the~~  
566 ~~2012-2013 state fiscal year.~~

567 ~~2. In the 2013-2014 state fiscal year and each state fiscal~~  
568 ~~year thereafter, the tax credit cap amount is the tax credit cap~~  
569 ~~amount in the prior state fiscal year. However, in any state~~  
570 ~~fiscal year when the annual tax credit amount for the prior~~  
571 ~~state fiscal year is equal to or greater than 90 percent of the~~  
572 ~~tax credit cap amount applicable to that state fiscal year, the~~  
573 ~~tax credit cap amount shall increase by 25 percent. The~~  
574 ~~Department of Education and Department of Revenue shall publish~~  
575 ~~on their websites information identifying the tax credit cap~~  
576 ~~amount when it is increased pursuant to this subparagraph.~~

577 ~~(a)(b)~~ A taxpayer may elect to make eligible contributions  
578 submit an application to the department or the division for a  
579 tax credit or credits under one or more of s. 211.0251, s.  
580 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055. For

581 elections related to taxes imposed under chapter 211, chapter  
582 212, or chapter 561, the taxpayer shall make the election on a  
583 return filed with the department or the division. For elections  
584 related to taxes imposed under chapter 220 or chapter 624, the  
585 taxpayer shall make the election when making the estimated  
586 payment.

587 (b) The taxpayer shall specify the amount of the eligible  
588 contribution, which amount may not exceed:

589 1. For elections under s. 211.0251, 50 percent of the tax  
590 due on the return on which the election is made.

591 2. For elections under s. 212.1831, 100 percent of the tax  
592 due on the return on which the election is made.

593 3. For elections under s. 220.1875, 25 percent of the final  
594 tax liability shown on the taxpayer's Florida Corporate Income  
595 Tax Return for the prior taxable year.

596 4. For elections under s. 561.1211, 90 percent of the tax  
597 due on the return on which the election is made.

598 5. For elections under s. 624.51055, 33 percent of the tax  
599 due for the prior taxable year under s. 624.509(1) after  
600 deducting from such tax the prior year's deductions for  
601 assessments made pursuant to s. 440.51; credits for taxes paid  
602 under ss. 175.101 and 185.08; credits for income taxes paid  
603 under chapter 220; and the credit allowed under s. 624.509(5),  
604 as such credit is limited by s. 624.509(6).

605 ~~1. The taxpayer shall specify in the application each tax~~  
606 ~~for which the taxpayer requests a credit and the applicable~~  
607 ~~taxable year for a credit under s. 220.1875 or s. 624.51055 or~~  
608 ~~the applicable state fiscal year for a credit under s. 211.0251,~~  
609 ~~s. 212.1831, or s. 561.1211. For purposes of s. 220.1875, a~~

610 ~~taxpayer may apply for a credit to be used for a prior taxable~~  
611 ~~year before the date the taxpayer is required to file a return~~  
612 ~~for that year pursuant to s. 220.222. For purposes of s.~~  
613 ~~624.51055, a taxpayer may apply for a credit to be used for a~~  
614 ~~prior taxable year before the date the taxpayer is required to~~  
615 ~~file a return for that prior taxable year pursuant to ss.~~  
616 ~~624.509 and 624.5092. The department shall approve tax credits~~  
617 ~~on a first-come, first-served basis and must obtain the~~  
618 ~~division's approval before approving a tax credit under s.~~  
619 ~~561.1211.~~

620 ~~2. Within 10 days after approving or denying an~~  
621 ~~application, the department shall provide a copy of its approval~~  
622 ~~or denial letter to the eligible nonprofit scholarship funding~~  
623 ~~organization specified by the taxpayer in the application.~~

624 ~~(c) If a tax credit approved under paragraph (b) is not~~  
625 ~~fully used within the specified state fiscal year for credits~~  
626 ~~under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes~~  
627 ~~due for the specified taxable year for credits under s. 220.1875~~  
628 ~~or s. 624.51055 because of insufficient tax liability on the~~  
629 ~~part of the taxpayer, the unused amount shall be carried forward~~  
630 ~~for a period not to exceed 10 years. For purposes of s.~~  
631 ~~220.1875, a credit carried forward may be used in a subsequent~~  
632 ~~year after applying the other credits and unused carryovers in~~  
633 ~~the order provided in s. 220.02(8).~~

634 ~~(d) A taxpayer may not convey, assign, or transfer an~~  
635 ~~approved tax credit or a carryforward tax credit to another~~  
636 ~~entity unless all of the assets of the taxpayer are conveyed,~~  
637 ~~assigned, or transferred in the same transaction. However, a tax~~  
638 ~~credit under s. 211.0251, s. 212.1831, s. 220.1875, s. 561.1211,~~

639 ~~or s. 624.51055 may be conveyed, transferred, or assigned~~  
640 ~~between members of an affiliated group of corporations if the~~  
641 ~~type of tax credit under s. 211.0251, s. 212.1831, s. 220.1875,~~  
642 ~~s. 561.1211, or s. 624.51055 remains the same. A taxpayer shall~~  
643 ~~notify the department of its intent to convey, transfer, or~~  
644 ~~assign a tax credit to another member within an affiliated group~~  
645 ~~of corporations. The amount conveyed, transferred, or assigned~~  
646 ~~is available to another member of the affiliated group of~~  
647 ~~corporations upon approval by the department. The department~~  
648 ~~shall obtain the division's approval before approving a~~  
649 ~~conveyance, transfer, or assignment of a tax credit under s.~~  
650 ~~561.1211.~~

651 ~~(e) Within any state fiscal year, a taxpayer may rescind~~  
652 ~~all or part of a tax credit approved under paragraph (b). The~~  
653 ~~amount rescinded shall become available for that state fiscal~~  
654 ~~year to another eligible taxpayer as approved by the department~~  
655 ~~if the taxpayer receives notice from the department that the~~  
656 ~~rescindment has been accepted by the department. The department~~  
657 ~~must obtain the division's approval prior to accepting the~~  
658 ~~rescindment of a tax credit under s. 561.1211. Any amount~~  
659 ~~rescinded under this paragraph shall become available to an~~  
660 ~~eligible taxpayer on a first come, first served basis based on~~  
661 ~~tax credit applications received after the date the rescindment~~  
662 ~~is accepted by the department.~~

663 ~~(f) Within 10 days after approving or denying the~~  
664 ~~conveyance, transfer, or assignment of a tax credit under~~  
665 ~~paragraph (d), or the rescindment of a tax credit under~~  
666 ~~paragraph (e), the department shall provide a copy of its~~  
667 ~~approval or denial letter to the eligible nonprofit scholarship~~

668 ~~funding organization specified by the taxpayer. The department~~  
669 ~~shall also include the eligible nonprofit scholarship-funding~~  
670 ~~organization specified by the taxpayer on all letters or~~  
671 ~~correspondence of acknowledgment for tax credits under s.~~  
672 ~~212.1831.~~

673 ~~(g) For purposes of calculating the underpayment of~~  
674 ~~estimated corporate income taxes pursuant to s. 220.34 and tax~~  
675 ~~installment payments for taxes on insurance premiums or~~  
676 ~~assessments under s. 624.5092, the final amount due is the~~  
677 ~~amount after credits earned under s. 220.1875 or s. 624.51055~~  
678 ~~for contributions to eligible nonprofit scholarship-funding~~  
679 ~~organizations are deducted.~~

680 ~~1. For purposes of determining if a penalty or interest~~  
681 ~~shall be imposed for underpayment of estimated corporate income~~  
682 ~~tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning~~  
683 ~~a credit under s. 220.1875, reduce any estimated payment in that~~  
684 ~~taxable year by the amount of the credit. This subparagraph~~  
685 ~~applies to contributions made on or after July 1, 2014.~~

686 ~~2. For purposes of determining if a penalty under s.~~  
687 ~~624.5092 shall be imposed, an insurer, after earning a credit~~  
688 ~~under s. 624.51055 for a taxable year, may reduce any~~  
689 ~~installment payment for such taxable year of 27 percent of the~~  
690 ~~amount of the net tax due as reported on the return for the~~  
691 ~~preceding year under s. 624.5092(2)(b) by the amount of the~~  
692 ~~credit. This subparagraph applies to contributions made on or~~  
693 ~~after July 1, 2014.~~

694 ~~(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING~~  
695 ~~ORGANIZATIONS. An eligible nonprofit scholarship-funding~~  
696 ~~organization:~~



697           ~~(a) Must comply with the antidiscrimination provisions of~~  
698 ~~42 U.S.C. s. 2000d.~~

699           ~~(b) Must comply with the following background check~~  
700 ~~requirements:~~

701           ~~1. All owners and operators as defined in subparagraph~~  
702 ~~(2)(i)1. are, before employment or engagement to provide~~  
703 ~~services, subject to level 2 background screening as provided~~  
704 ~~under chapter 435. The fingerprints for the background screening~~  
705 ~~must be electronically submitted to the Department of Law~~  
706 ~~Enforcement and can be taken by an authorized law enforcement~~  
707 ~~agency or by an employee of the eligible nonprofit scholarship-~~  
708 ~~funding organization or a private company who is trained to take~~  
709 ~~fingerprints. However, the complete set of fingerprints of an~~  
710 ~~owner or operator may not be taken by the owner or operator. The~~  
711 ~~results of the state and national criminal history check shall~~  
712 ~~be provided to the Department of Education for screening under~~  
713 ~~chapter 435. The cost of the background screening may be borne~~  
714 ~~by the eligible nonprofit scholarship-funding organization or~~  
715 ~~the owner or operator.~~

716           ~~2. Every 5 years following employment or engagement to~~  
717 ~~provide services or association with an eligible nonprofit~~  
718 ~~scholarship-funding organization, each owner or operator must~~  
719 ~~meet level 2 screening standards as described in s. 435.04, at~~  
720 ~~which time the nonprofit scholarship-funding organization shall~~  
721 ~~request the Department of Law Enforcement to forward the~~  
722 ~~fingerprints to the Federal Bureau of Investigation for level 2~~  
723 ~~screening. If the fingerprints of an owner or operator are not~~  
724 ~~retained by the Department of Law Enforcement under subparagraph~~  
725 ~~3., the owner or operator must electronically file a complete~~

726 ~~set of fingerprints with the Department of Law Enforcement. Upon~~  
727 ~~submission of fingerprints for this purpose, the eligible~~  
728 ~~nonprofit scholarship-funding organization shall request that~~  
729 ~~the Department of Law Enforcement forward the fingerprints to~~  
730 ~~the Federal Bureau of Investigation for level 2 screening, and~~  
731 ~~the fingerprints shall be retained by the Department of Law~~  
732 ~~Enforcement under subparagraph 3.~~

733 ~~3. Fingerprints submitted to the Department of Law~~  
734 ~~Enforcement as required by this paragraph must be retained by~~  
735 ~~the Department of Law Enforcement in a manner approved by rule~~  
736 ~~and entered in the statewide automated biometric identification~~  
737 ~~system authorized by s. 943.05(2)(b). The fingerprints must~~  
738 ~~thereafter be available for all purposes and uses authorized for~~  
739 ~~arrest fingerprints entered in the statewide automated biometric~~  
740 ~~identification system pursuant to s. 943.051.~~

741 ~~4. The Department of Law Enforcement shall search all~~  
742 ~~arrest fingerprints received under s. 943.051 against the~~  
743 ~~fingerprints retained in the statewide automated biometric~~  
744 ~~identification system under subparagraph 3. Any arrest record~~  
745 ~~that is identified with an owner's or operator's fingerprints~~  
746 ~~must be reported to the Department of Education. The Department~~  
747 ~~of Education shall participate in this search process by paying~~  
748 ~~an annual fee to the Department of Law Enforcement and by~~  
749 ~~informing the Department of Law Enforcement of any change in the~~  
750 ~~employment, engagement, or association status of the owners or~~  
751 ~~operators whose fingerprints are retained under subparagraph 3.~~  
752 ~~The Department of Law Enforcement shall adopt a rule setting the~~  
753 ~~amount of the annual fee to be imposed upon the Department of~~  
754 ~~Education for performing these services and establishing the~~

755 ~~procedures for the retention of owner and operator fingerprints~~  
756 ~~and the dissemination of search results. The fee may be borne by~~  
757 ~~the owner or operator of the nonprofit scholarship funding~~  
758 ~~organization.~~

759 ~~5. A nonprofit scholarship funding organization whose owner~~  
760 ~~or operator fails the level 2 background screening is not~~  
761 ~~eligible to provide scholarships under this section.~~

762 ~~6. A nonprofit scholarship funding organization whose owner~~  
763 ~~or operator in the last 7 years has filed for personal~~  
764 ~~bankruptcy or corporate bankruptcy in a corporation of which he~~  
765 ~~or she owned more than 20 percent shall not be eligible to~~  
766 ~~provide scholarships under this section.~~

767 ~~7. In addition to the offenses listed in s. 435.04, a~~  
768 ~~person required to undergo background screening pursuant to this~~  
769 ~~part or authorizing statutes must not have an arrest awaiting~~  
770 ~~final disposition for, must not have been found guilty of, or~~  
771 ~~entered a plea of nolo contendere to, regardless of~~  
772 ~~adjudication, and must not have been adjudicated delinquent, and~~  
773 ~~the record must not have been sealed or expunged for, any of the~~  
774 ~~following offenses or any similar offense of another~~  
775 ~~jurisdiction:~~

- 776 ~~a. Any authorizing statutes, if the offense was a felony.~~
- 777 ~~b. This chapter, if the offense was a felony.~~
- 778 ~~c. Section 409.920, relating to Medicaid provider fraud.~~
- 779 ~~d. Section 409.9201, relating to Medicaid fraud.~~
- 780 ~~e. Section 741.28, relating to domestic violence.~~
- 781 ~~f. Section 817.034, relating to fraudulent acts through~~  
782 ~~mail, wire, radio, electromagnetic, photoelectronic, or~~  
783 ~~photooptical systems.~~

784           ~~g. Section 817.234, relating to false and fraudulent~~  
785 ~~insurance claims.~~

786           ~~h. Section 817.505, relating to patient brokering.~~

787           ~~i. Section 817.568, relating to criminal use of personal~~  
788 ~~identification information.~~

789           ~~j. Section 817.60, relating to obtaining a credit card~~  
790 ~~through fraudulent means.~~

791           ~~k. Section 817.61, relating to fraudulent use of credit~~  
792 ~~cards, if the offense was a felony.~~

793           ~~l. Section 831.01, relating to forgery.~~

794           ~~m. Section 831.02, relating to uttering forged instruments.~~

795           ~~n. Section 831.07, relating to forging bank bills, checks,~~  
796 ~~drafts, or promissory notes.~~

797           ~~o. Section 831.09, relating to uttering forged bank bills,~~  
798 ~~checks, drafts, or promissory notes.~~

799           ~~p. Section 831.30, relating to fraud in obtaining medicinal~~  
800 ~~drugs.~~

801           ~~q. Section 831.31, relating to the sale, manufacture,~~  
802 ~~delivery, or possession with the intent to sell, manufacture, or~~  
803 ~~deliver any counterfeit controlled substance, if the offense was~~  
804 ~~a felony.~~

805           ~~(c) Must not have an owner or operator who owns or operates~~  
806 ~~an eligible private school that is participating in the~~  
807 ~~scholarship program.~~

808           ~~(d) Must provide scholarships, from eligible contributions,~~  
809 ~~to eligible students for the cost of:~~

810           ~~1. Tuition and fees for an eligible private school; or~~  
811           ~~2. Transportation to a Florida public school in which a~~  
812 ~~student is enrolled and that is different from the school to~~

813 ~~which the student was assigned or to a lab school as defined in~~  
814 ~~s. 1002.32.~~

815 ~~(e) Must give first priority to eligible renewal students~~  
816 ~~who received a scholarship from an eligible nonprofit~~  
817 ~~scholarship-funding organization or from the State of Florida~~  
818 ~~during the previous school year. The eligible nonprofit~~  
819 ~~scholarship-funding organization must fully apply and exhaust~~  
820 ~~all funds available under this section and s. 1002.40(11)(i) for~~  
821 ~~renewal scholarship awards before awarding any initial~~  
822 ~~scholarships.~~

823 ~~(f) Must provide a renewal or initial scholarship to an~~  
824 ~~eligible student on a first-come, first-served basis unless the~~  
825 ~~student qualifies for priority pursuant to paragraph (e). Each~~  
826 ~~eligible nonprofit scholarship-funding organization must refer~~  
827 ~~any student eligible for a scholarship pursuant to this section~~  
828 ~~who did not receive a renewal or initial scholarship based~~  
829 ~~solely on the lack of available funds under this section and s.~~  
830 ~~1002.40(11)(i) to another eligible nonprofit scholarship-funding~~  
831 ~~organization that may have funds available.~~

832 ~~(g) May not restrict or reserve scholarships for use at a~~  
833 ~~particular private school or provide scholarships to a child of~~  
834 ~~an owner or operator.~~

835 ~~(h) Must allow a student in foster care or out-of-home care~~  
836 ~~or a dependent child of a parent who is a member of the United~~  
837 ~~States Armed Forces to apply for a scholarship at any time.~~

838 ~~(i) Must allow an eligible student to attend any eligible~~  
839 ~~private school and must allow a parent to transfer a scholarship~~  
840 ~~during a school year to any other eligible private school of the~~  
841 ~~parent's choice.~~

842           ~~(j)1. May use eligible contributions received pursuant to~~  
843 ~~this section and ss. 212.099, 212.1832, and 1002.40 during the~~  
844 ~~state fiscal year in which such contributions are collected for~~  
845 ~~administrative expenses if the organization has operated as an~~  
846 ~~eligible nonprofit scholarship-funding organization for at least~~  
847 ~~the preceding 3 fiscal years and did not have any findings of~~  
848 ~~material weakness or material noncompliance in its most recent~~  
849 ~~audit under paragraph (m). Administrative expenses from eligible~~  
850 ~~contributions may not exceed 3 percent of the total amount of~~  
851 ~~all scholarships awarded by an eligible scholarship-funding~~  
852 ~~organization under this chapter. Such administrative expenses~~  
853 ~~must be reasonable and necessary for the organization's~~  
854 ~~management and distribution of scholarships awarded under this~~  
855 ~~chapter. No funds authorized under this subparagraph shall be~~  
856 ~~used for lobbying or political activity or expenses related to~~  
857 ~~lobbying or political activity. Up to one-third of the funds~~  
858 ~~authorized for administrative expenses under this subparagraph~~  
859 ~~may be used for expenses related to the recruitment of~~  
860 ~~contributions from taxpayers. An eligible nonprofit scholarship-~~  
861 ~~funding organization may not charge an application fee.~~

862           ~~2. Must expend for annual or partial-year scholarships an~~  
863 ~~amount equal to or greater than 75 percent of the net eligible~~  
864 ~~contributions remaining after administrative expenses during the~~  
865 ~~state fiscal year in which such contributions are collected. No~~  
866 ~~more than 25 percent of such net eligible contributions may be~~  
867 ~~carried forward to the following state fiscal year. All amounts~~  
868 ~~carried forward, for audit purposes, must be specifically~~  
869 ~~identified for particular students, by student name and the name~~  
870 ~~of the school to which the student is admitted, subject to the~~

871 ~~requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,~~  
872 ~~and the applicable rules and regulations issued pursuant~~  
873 ~~thereto. Any amounts carried forward shall be expended for~~  
874 ~~annual or partial-year scholarships in the following state~~  
875 ~~fiscal year. No later than September 30 of each year, net~~  
876 ~~eligible contributions remaining on June 30 of each year that~~  
877 ~~are in excess of the 25 percent that may be carried forward~~  
878 ~~shall be used to provide scholarships to eligible students or~~  
879 ~~transferred to other eligible nonprofit scholarship-funding~~  
880 ~~organizations to provide scholarships for eligible students. All~~  
881 ~~transferred funds must be deposited by each eligible nonprofit~~  
882 ~~scholarship-funding organization receiving such funds into its~~  
883 ~~scholarship account. All transferred amounts received by any~~  
884 ~~eligible nonprofit scholarship-funding organization must be~~  
885 ~~separately disclosed in the annual financial audit required~~  
886 ~~under paragraph (m).~~

887 ~~3. Must, before granting a scholarship for an academic~~  
888 ~~year, document each scholarship student's eligibility for that~~  
889 ~~academic year. A scholarship-funding organization may not grant~~  
890 ~~multiyear scholarships in one approval process.~~

891 ~~(k) Must maintain separate accounts for scholarship funds~~  
892 ~~and operating funds.~~

893 ~~(l) With the prior approval of the Department of Education,~~  
894 ~~may transfer funds to another eligible nonprofit scholarship-~~  
895 ~~funding organization if additional funds are required to meet~~  
896 ~~scholarship demand at the receiving nonprofit scholarship-~~  
897 ~~funding organization. A transfer is limited to the greater of~~  
898 ~~\$500,000 or 20 percent of the total contributions received by~~  
899 ~~the nonprofit scholarship-funding organization making the~~

900 ~~transfer. All transferred funds must be deposited by the~~  
901 ~~receiving nonprofit scholarship-funding organization into its~~  
902 ~~scholarship accounts. All transferred amounts received by any~~  
903 ~~nonprofit scholarship-funding organization must be separately~~  
904 ~~disclosed in the annual financial and compliance audit required~~  
905 ~~in this section.~~

906 ~~(m) Must provide to the Auditor General and the Department~~  
907 ~~of Education a report on the results of an annual financial~~  
908 ~~audit of its accounts and records conducted by an independent~~  
909 ~~certified public accountant in accordance with auditing~~  
910 ~~standards generally accepted in the United States, government~~  
911 ~~auditing standards, and rules promulgated by the Auditor~~  
912 ~~General. The audit report must include a report on financial~~  
913 ~~statements presented in accordance with generally accepted~~  
914 ~~accounting principles. Audit reports must be provided to the~~  
915 ~~Auditor General and the Department of Education within 180 days~~  
916 ~~after completion of the eligible nonprofit scholarship-funding~~  
917 ~~organization's fiscal year. The Auditor General shall review all~~  
918 ~~audit reports submitted pursuant to this paragraph. The Auditor~~  
919 ~~General shall request any significant items that were omitted in~~  
920 ~~violation of a rule adopted by the Auditor General. The items~~  
921 ~~must be provided within 45 days after the date of the request.~~  
922 ~~If the scholarship-funding organization does not comply with the~~  
923 ~~Auditor General's request, the Auditor General shall notify the~~  
924 ~~Legislative Auditing Committee.~~

925 ~~(n) Must prepare and submit quarterly reports to the~~  
926 ~~Department of Education pursuant to paragraph (9) (i). In~~  
927 ~~addition, an eligible nonprofit scholarship-funding organization~~  
928 ~~must submit in a timely manner any information requested by the~~



929 ~~Department of Education relating to the scholarship program.~~

930 ~~(c)1.a. Must participate in the joint development of~~  
931 ~~agreed-upon procedures during the 2009-2010 state fiscal year.~~  
932 ~~The agreed-upon procedures must uniformly apply to all private~~  
933 ~~schools and must determine, at a minimum, whether the private~~  
934 ~~school has been verified as eligible by the Department of~~  
935 ~~Education under s. 1002.421; has an adequate accounting system,~~  
936 ~~system of financial controls, and process for deposit and~~  
937 ~~classification of scholarship funds; and has properly expended~~  
938 ~~scholarship funds for education-related expenses. During the~~  
939 ~~development of the procedures, the participating scholarship-~~  
940 ~~funding organizations shall specify guidelines governing the~~  
941 ~~materiality of exceptions that may be found during the~~  
942 ~~accountant's performance of the procedures. The procedures and~~  
943 ~~guidelines shall be provided to private schools and the~~  
944 ~~Commissioner of Education by March 15, 2011.~~

945 ~~b. Must participate in a joint review of the agreed-upon~~  
946 ~~procedures and guidelines developed under sub-subparagraph a.,~~  
947 ~~by February of each biennium, if the scholarship-funding~~  
948 ~~organization provided more than \$250,000 in scholarship funds to~~  
949 ~~an eligible private school under this chapter during the state~~  
950 ~~fiscal year preceding the biennial review. If the procedures and~~  
951 ~~guidelines are revised, the revisions must be provided to~~  
952 ~~private schools and the Commissioner of Education by March 15 of~~  
953 ~~the year in which the revisions were completed. The revised~~  
954 ~~agreed-upon procedures shall take effect the subsequent school~~  
955 ~~year. For the 2018-2019 school year only, the joint review of~~  
956 ~~the agreed-upon procedures must be completed and the revisions~~  
957 ~~submitted to the commissioner no later than September 15, 2018.~~

958 ~~The revised procedures are applicable to the 2018-2019 school~~  
959 ~~year.~~

960 ~~e. Must monitor the compliance of a private school with s.~~  
961 ~~1002.421(1)(q) if the scholarship funding organization provided~~  
962 ~~the majority of the scholarship funding to the school. For each~~  
963 ~~private school subject to s. 1002.421(1)(q), the appropriate~~  
964 ~~scholarship funding organization shall annually notify the~~  
965 ~~Commissioner of Education by October 30 of:~~

966 ~~(I) A private school's failure to submit a report required~~  
967 ~~under s. 1002.421(1)(q); or~~

968 ~~(II) Any material exceptions set forth in the report~~  
969 ~~required under s. 1002.421(1)(q).~~

970 ~~2. Must seek input from the accrediting associations that~~  
971 ~~are members of the Florida Association of Academic Nonpublic~~  
972 ~~Schools and the Department of Education when jointly developing~~  
973 ~~the agreed-upon procedures and guidelines under sub-subparagraph~~  
974 ~~1.a. and conducting a review of those procedures and guidelines~~  
975 ~~under sub-subparagraph 1.b.~~

976 ~~(p) Must maintain the surety bond or letter of credit~~  
977 ~~required by subsection (15). The amount of the surety bond or~~  
978 ~~letter of credit may be adjusted quarterly to equal the actual~~  
979 ~~amount of undisbursed funds based upon submission by the~~  
980 ~~organization of a statement from a certified public accountant~~  
981 ~~verifying the amount of undisbursed funds. The requirements of~~  
982 ~~this paragraph are waived if the cost of acquiring a surety bond~~  
983 ~~or letter of credit exceeds the average 10-year cost of~~  
984 ~~acquiring a surety bond or letter of credit by 200 percent. The~~  
985 ~~requirements of this paragraph are waived for a state~~  
986 ~~university; or an independent college or university which is~~

987 ~~eligible to participate in the William L. Boyd, IV, Effective~~  
988 ~~Access to Student Education Grant Program, located and chartered~~  
989 ~~in this state, is not for profit, and is accredited by the~~  
990 ~~Commission on Colleges of the Southern Association of Colleges~~  
991 ~~and Schools.~~

992 ~~(g) Must provide to the Auditor General any information or~~  
993 ~~documentation requested in connection with an operational audit~~  
994 ~~of a scholarship funding organization conducted pursuant to s.~~  
995 ~~11.45.~~

996  
997 ~~Information and documentation provided to the Department of~~  
998 ~~Education and the Auditor General relating to the identity of a~~  
999 ~~taxpayer that provides an eligible contribution under this~~  
1000 ~~section shall remain confidential at all times in accordance~~  
1001 ~~with s. 213.053.~~

1002 ~~(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM~~  
1003 ~~PARTICIPATION.—~~

1004 ~~(a) The parent must select an eligible private school and~~  
1005 ~~apply for the admission of his or her child.~~

1006 ~~(b) The parent must inform the child's school district when~~  
1007 ~~the parent withdraws his or her child to attend an eligible~~  
1008 ~~private school.~~

1009 ~~(c) Any student participating in the scholarship program~~  
1010 ~~must remain in attendance throughout the school year unless~~  
1011 ~~excused by the school for illness or other good cause.~~

1012 ~~(d) Each parent and each student has an obligation to the~~  
1013 ~~private school to comply with the private school's published~~  
1014 ~~policies.~~

1015 ~~(e) The parent shall ensure that the student participating~~

1016 in the scholarship program takes the norm-referenced assessment  
1017 offered by the private school. The parent may also choose to  
1018 have the student participate in the statewide assessments  
1019 pursuant to s. 1008.22. If the parent requests that the student  
1020 participating in the scholarship program take statewide  
1021 assessments pursuant to s. 1008.22 and the private school has  
1022 not chosen to offer and administer the statewide assessments,  
1023 the parent is responsible for transporting the student to the  
1024 assessment site designated by the school district.

1025 (f) Upon receipt of a scholarship warrant from the eligible  
1026 nonprofit scholarship-funding organization, the parent to whom  
1027 the warrant is made must restrictively endorse the warrant to  
1028 the private school for deposit into the account of the private  
1029 school. If payments are made by funds transfer, the parent must  
1030 approve each payment before the scholarship funds may be  
1031 deposited. The parent may not designate any entity or individual  
1032 associated with the participating private school as the parent's  
1033 attorney in fact to endorse a scholarship warrant or approve a  
1034 funds transfer. A participant who fails to comply with this  
1035 paragraph forfeits the scholarship.

1036 (g) The parent shall authorize the nonprofit scholarship-  
1037 funding organization to access information needed for income  
1038 eligibility determination and verification held by other state  
1039 or federal agencies, including the Department of Revenue, the  
1040 Department of Children and Families, the Department of  
1041 Education, the Department of Economic Opportunity, and the  
1042 Agency for Health Care Administration.

1043 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
1044 private school may be sectarian or nonsectarian and must:

1045 ~~(a) Comply with all requirements for private schools~~  
1046 ~~participating in state school choice scholarship programs~~  
1047 ~~pursuant to s. 1002.421.~~

1048 ~~(b)1. Annually administer or make provision for students~~  
1049 ~~participating in the scholarship program in grades 3 through 10~~  
1050 ~~to take one of the nationally norm-referenced tests identified~~  
1051 ~~by the Department of Education or the statewide assessments~~  
1052 ~~pursuant to s. 1008.22. Students with disabilities for whom~~  
1053 ~~standardized testing is not appropriate are exempt from this~~  
1054 ~~requirement. A participating private school must report a~~  
1055 ~~student's scores to the parent. A participating private school~~  
1056 ~~must annually report by August 15 the scores of all~~  
1057 ~~participating students to a state university described in~~  
1058 ~~paragraph (9)(f).~~

1059 ~~2. Administer the statewide assessments pursuant to s.~~  
1060 ~~1008.22 if a private school chooses to offer the statewide~~  
1061 ~~assessments. A participating private school may choose to offer~~  
1062 ~~and administer the statewide assessments to all students who~~  
1063 ~~attend the private school in grades 3 through 10 and must submit~~  
1064 ~~a request in writing to the Department of Education by March 1~~  
1065 ~~of each year in order to administer the statewide assessments in~~  
1066 ~~the subsequent school year.~~

1067  
1068 ~~If a private school fails to meet the requirements of this~~  
1069 ~~subsection or s. 1002.421, the commissioner may determine that~~  
1070 ~~the private school is ineligible to participate in the~~  
1071 ~~scholarship program.~~

1072 ~~(9) DEPARTMENT OF EDUCATION OBLIGATIONS. The Department of~~  
1073 ~~Education shall:~~

1074 ~~(a) Annually submit to the department and division, by~~  
1075 ~~March 15, a list of eligible nonprofit scholarship-funding~~  
1076 ~~organizations that meet the requirements of paragraph (2) (f).~~

1077 ~~(b) Annually verify the eligibility of nonprofit~~  
1078 ~~scholarship-funding organizations that meet the requirements of~~  
1079 ~~paragraph (2) (f).~~

1080 ~~(c) Annually verify the eligibility of expenditures as~~  
1081 ~~provided in paragraph (6) (d) using the audit required by~~  
1082 ~~paragraph (6) (m) and s. 11.45(2) (1).~~

1083 ~~(d) Cross-check the list of participating scholarship~~  
1084 ~~students with the public school enrollment lists to avoid~~  
1085 ~~duplication.~~

1086 ~~(e) Maintain a list of nationally norm-referenced tests~~  
1087 ~~identified for purposes of satisfying the testing requirement in~~  
1088 ~~subparagraph (8) (b) 1. The tests must meet industry standards of~~  
1089 ~~quality in accordance with State Board of Education rule.~~

1090 ~~(f) Issue a project grant award to a state university, to~~  
1091 ~~which participating private schools must report the scores of~~  
1092 ~~participating students on the nationally norm-referenced tests~~  
1093 ~~or the statewide assessments administered by the private school~~  
1094 ~~in grades 3 through 10. The project term is 2 years, and the~~  
1095 ~~amount of the project is up to \$250,000 per year. The project~~  
1096 ~~grant award must be reissued in 2-year intervals in accordance~~  
1097 ~~with this paragraph.~~

1098 ~~1. The state university must annually report to the~~  
1099 ~~Department of Education on the student performance of~~  
1100 ~~participating students:~~

1101 ~~a. On a statewide basis. The report shall also include, to~~  
1102 ~~the extent possible, a comparison of scholarship students'~~

1103 ~~performance to the statewide student performance of public~~  
1104 ~~school students with socioeconomic backgrounds similar to those~~  
1105 ~~of students participating in the scholarship program. To~~  
1106 ~~minimize costs and reduce time required for the state~~  
1107 ~~university's analysis and evaluation, the Department of~~  
1108 ~~Education shall coordinate with the state university to provide~~  
1109 ~~data to the state university in order to conduct analyses of~~  
1110 ~~matched students from public school assessment data and~~  
1111 ~~calculate control group student performance using an agreed-upon~~  
1112 ~~methodology with the state university; and~~

1113 ~~b. On an individual school basis. The annual report must~~  
1114 ~~include student performance for each participating private~~  
1115 ~~school in which at least 51 percent of the total enrolled~~  
1116 ~~students in the private school participated in the Florida Tax~~  
1117 ~~Credit Scholarship Program in the prior school year. The report~~  
1118 ~~shall be according to each participating private school, and for~~  
1119 ~~participating students, in which there are at least 30~~  
1120 ~~participating students who have scores for tests administered.~~  
1121 ~~If the state university determines that the 30-participating-~~  
1122 ~~student cell size may be reduced without disclosing personally~~  
1123 ~~identifiable information, as described in 34 C.F.R. s. 99.12, of~~  
1124 ~~a participating student, the state university may reduce the~~  
1125 ~~participating student cell size, but the cell size must not be~~  
1126 ~~reduced to less than 10 participating students. The department~~  
1127 ~~shall provide each private school's prior school year's student~~  
1128 ~~enrollment information to the state university no later than~~  
1129 ~~June 15 of each year, or as requested by the state university.~~

1130 ~~2. The sharing and reporting of student performance data~~  
1131 ~~under this paragraph must be in accordance with requirements of~~

1132 ~~ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family~~  
1133 ~~Educational Rights and Privacy Act, and the applicable rules and~~  
1134 ~~regulations issued pursuant thereto, and shall be for the sole~~  
1135 ~~purpose of creating the annual report required by subparagraph~~  
1136 ~~1. All parties must preserve the confidentiality of such~~  
1137 ~~information as required by law. The annual report must not~~  
1138 ~~disaggregate data to a level that will identify individual~~  
1139 ~~participating schools, except as required under sub-subparagraph~~  
1140 ~~1.b., or disclose the academic level of individual students.~~

1141 ~~3. The annual report required by subparagraph 1. shall be~~  
1142 ~~published by the Department of Education on its website.~~

1143 ~~(g) Notify an eligible nonprofit scholarship-funding~~  
1144 ~~organization of any of the organization's identified students~~  
1145 ~~who are receiving educational scholarships pursuant to chapter~~  
1146 ~~1002.~~

1147 ~~(h) Notify an eligible nonprofit scholarship-funding~~  
1148 ~~organization of any of the organization's identified students~~  
1149 ~~who are receiving tax credit scholarships from other eligible~~  
1150 ~~nonprofit scholarship-funding organizations.~~

1151 ~~(i) Require quarterly reports by an eligible nonprofit~~  
1152 ~~scholarship-funding organization regarding the number of~~  
1153 ~~students participating in the scholarship program, the private~~  
1154 ~~schools at which the students are enrolled, and other~~  
1155 ~~information deemed necessary by the Department of Education.~~

1156 ~~(j) Provide a process to match the direct certification~~  
1157 ~~list with the scholarship application data submitted by any~~  
1158 ~~nonprofit scholarship-funding organization eligible to receive~~  
1159 ~~the 3-percent administrative allowance under paragraph (6)(j).~~

1160 ~~(10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.~~



1161           ~~(a) Upon the request of any eligible nonprofit scholarship-~~  
1162 ~~funding organization, a school district shall inform all~~  
1163 ~~households within the district receiving free or reduced-priced~~  
1164 ~~meals under the National School Lunch Act of their eligibility~~  
1165 ~~to apply for a tax credit scholarship. The form of such notice~~  
1166 ~~shall be provided by the eligible nonprofit scholarship-funding~~  
1167 ~~organization, and the district shall include the provided form,~~  
1168 ~~if requested by the organization, in any normal correspondence~~  
1169 ~~with eligible households. If an eligible nonprofit scholarship-~~  
1170 ~~funding organization requests a special communication to be~~  
1171 ~~issued to households within the district receiving free or~~  
1172 ~~reduced-price meals under the National School Lunch Act, the~~  
1173 ~~organization shall reimburse the district for the cost of~~  
1174 ~~postage. Such notice is limited to once a year.~~

1175           ~~(b) Upon the request of the Department of Education, a~~  
1176 ~~school district shall coordinate with the department to provide~~  
1177 ~~to a participating private school the statewide assessments~~  
1178 ~~administered under s. 1008.22 and any related materials for~~  
1179 ~~administering the assessments. A school district is responsible~~  
1180 ~~for implementing test administrations at a participating private~~  
1181 ~~school, including the:~~

- 1182           ~~1. Provision of training for private school staff on test~~  
1183 ~~security and assessment administration procedures;~~
- 1184           ~~2. Distribution of testing materials to a private school;~~
- 1185           ~~3. Retrieval of testing materials from a private school;~~
- 1186           ~~4. Provision of the required format for a private school to~~  
1187 ~~submit information to the district for test administration and~~  
1188 ~~enrollment purposes; and~~
- 1189           ~~5. Provision of any required assistance, monitoring, or~~

1190 ~~investigation at a private school.~~

1191 ~~(11) SCHOLARSHIP AMOUNT AND PAYMENT.—~~

1192 ~~(a) The scholarship amount provided to any student for any~~  
1193 ~~single school year by an eligible nonprofit scholarship funding~~  
1194 ~~organization from eligible contributions shall be for total~~  
1195 ~~costs authorized under paragraph (6) (d), not to exceed annual~~  
1196 ~~limits, which shall be determined as follows:~~

1197 ~~1. For a student who received a scholarship in the 2018-~~  
1198 ~~2019 school year, who remains eligible, and who is enrolled in~~  
1199 ~~an eligible private school, the amount shall be the greater~~  
1200 ~~amount calculated pursuant to subparagraph 2. or a percentage of~~  
1201 ~~the unweighted FTE funding amount for the 2018-2019 state fiscal~~  
1202 ~~year and thereafter as follows:~~

1203 ~~a. Eighty-eight percent for a student enrolled in~~  
1204 ~~kindergarten through grade 5.~~

1205 ~~b. Ninety-two percent for a student enrolled in grade 6~~  
1206 ~~through grade 8.~~

1207 ~~c. Ninety-six percent for a student enrolled in grade 9~~  
1208 ~~through grade 12.~~

1209 ~~2. For students initially eligible in the 2019-2020 school~~  
1210 ~~year or thereafter, the calculated amount for a student to~~  
1211 ~~attend an eligible private school shall be based upon the grade~~  
1212 ~~level and school district in which the student resides as 95~~  
1213 ~~percent of the funds per unweighted full-time equivalent in the~~  
1214 ~~Florida Education Finance Program for a student in the basic~~  
1215 ~~program established pursuant to s. 1011.62(1)(c)1., plus a per-~~  
1216 ~~full-time equivalent share of funds for all categorical~~  
1217 ~~programs, except for the Exceptional Student Education~~  
1218 ~~Guaranteed Allocation.~~

1219           ~~3. The scholarship amount awarded to a student enrolled in~~  
1220 ~~a Florida public school in which a student is enrolled and that~~  
1221 ~~is different from the school to which the student was assigned~~  
1222 ~~or in a lab school as defined in s. 1002.32, is limited to \$750.~~

1223           ~~(b) Payment of the scholarship by the eligible nonprofit~~  
1224 ~~scholarship-funding organization shall be by individual warrant~~  
1225 ~~made payable to the student's parent or by funds transfer,~~  
1226 ~~including, but not limited to, debit cards, electronic payment~~  
1227 ~~cards, or any other means of payment that the department deems~~  
1228 ~~to be commercially viable or cost-effective. If the payment is~~  
1229 ~~made by warrant, the warrant must be delivered by the eligible~~  
1230 ~~nonprofit scholarship-funding organization to the private school~~  
1231 ~~of the parent's choice, and the parent shall restrictively~~  
1232 ~~endorse the warrant to the private school. An eligible nonprofit~~  
1233 ~~scholarship-funding organization shall ensure that the parent to~~  
1234 ~~whom the warrant is made restrictively endorsed the warrant to~~  
1235 ~~the private school for deposit into the account of the private~~  
1236 ~~school or that the parent has approved a funds transfer before~~  
1237 ~~any scholarship funds are deposited.~~

1238           ~~(c) An eligible nonprofit scholarship-funding organization~~  
1239 ~~shall obtain verification from the private school of a student's~~  
1240 ~~continued attendance at the school for each period covered by a~~  
1241 ~~scholarship payment.~~

1242           ~~(d) Payment of the scholarship shall be made by the~~  
1243 ~~eligible nonprofit scholarship-funding organization no less~~  
1244 ~~frequently than on a quarterly basis.~~

1245           ~~(12) ADMINISTRATION; RULES.—~~

1246           ~~(a) The department, the division, and the Department of~~  
1247 ~~Education shall develop a cooperative agreement to assist in the~~

1248 ~~administration of this section.~~

1249 ~~(b) The department shall adopt rules necessary to~~  
1250 ~~administer this section and ss. 211.0251, 212.1831, 220.1875,~~  
1251 ~~561.1211, and 624.51055, including rules establishing~~  
1252 ~~application forms, procedures governing the approval of tax~~  
1253 ~~credits and carryforward tax credits under subsection (5), and~~  
1254 ~~procedures to be followed by taxpayers when claiming approved~~  
1255 ~~tax credits on their returns.~~

1256 ~~(c) The division shall adopt rules necessary to administer~~  
1257 ~~its responsibilities under this section and s. 561.1211.~~

1258 ~~(d) The State Board of Education shall adopt rules to~~  
1259 ~~administer the responsibilities of the Department of Education~~  
1260 ~~and the Commissioner of Education under this section.~~

1261 ~~(4)(13) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.-All eligible~~  
1262 ~~contributions received by the department or the division or~~  
1263 ~~transferred by an eligible nonprofit scholarship-funding~~  
1264 ~~organization shall be deposited into a designated student fund~~  
1265 ~~and used for K-12 education funding in a manner consistent with~~  
1266 ~~s. 17.57(2).~~

1267 ~~(14) PRESERVATION OF CREDIT.-If any provision or portion of~~  
1268 ~~this section, s. 211.0251, s. 212.1831, s. 220.1875, s.~~  
1269 ~~561.1211, or s. 624.51055 or the application thereof to any~~  
1270 ~~person or circumstance is held unconstitutional by any court or~~  
1271 ~~is otherwise declared invalid, the unconstitutionality or~~  
1272 ~~invalidity shall not affect any credit earned under s. 211.0251,~~  
1273 ~~s. 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055 by any~~  
1274 ~~taxpayer with respect to any contribution paid to an eligible~~  
1275 ~~nonprofit scholarship-funding organization before the date of a~~  
1276 ~~determination of unconstitutionality or invalidity. Such credit~~

1277 shall be allowed at such time and in such a manner as if a  
1278 determination of unconstitutionality or invalidity had not been  
1279 made, provided that nothing in this subsection by itself or in  
1280 combination with any other provision of law shall result in the  
1281 allowance of any credit to any taxpayer in excess of one dollar  
1282 of credit for each dollar paid to an eligible nonprofit  
1283 scholarship funding organization.

1284 ~~(15) NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS;~~  
1285 ~~APPLICATION.~~ In order to participate in the scholarship program  
1286 created under this section, a charitable organization that seeks  
1287 to be a nonprofit scholarship funding organization must submit  
1288 an application for initial approval or renewal to the Office of  
1289 Independent Education and Parental Choice no later than  
1290 September 1 of each year before the school year for which the  
1291 organization intends to offer scholarships.

1292 ~~(a) An application for initial approval must include:~~

1293 ~~1. A copy of the organization's incorporation documents and~~  
1294 ~~registration with the Division of Corporations of the Department~~  
1295 ~~of State.~~

1296 ~~2. A copy of the organization's Internal Revenue Service~~  
1297 ~~determination letter as a s. 501(c)(3) not-for-profit~~  
1298 ~~organization.~~

1299 ~~3. A description of the organization's financial plan that~~  
1300 ~~demonstrates sufficient funds to operate throughout the school~~  
1301 ~~year.~~

1302 ~~4. A description of the geographic region that the~~  
1303 ~~organization intends to serve and an analysis of the demand and~~  
1304 ~~unmet need for eligible students in that area.~~

1305 ~~5. The organization's organizational chart.~~

1306 ~~6. A description of the criteria and methodology that the~~  
1307 ~~organization will use to evaluate scholarship eligibility.~~

1308 ~~7. A description of the application process, including~~  
1309 ~~deadlines and any associated fees.~~

1310 ~~8. A description of the deadlines for attendance~~  
1311 ~~verification and scholarship payments.~~

1312 ~~9. A copy of the organization's policies on conflict of~~  
1313 ~~interest and whistleblowers.~~

1314 ~~10. A copy of a surety bond or letter of credit to secure~~  
1315 ~~the faithful performance of the obligations of the eligible~~  
1316 ~~nonprofit scholarship-funding organization in accordance with~~  
1317 ~~this section in an amount equal to 25 percent of the scholarship~~  
1318 ~~funds anticipated for each school year or \$100,000, whichever is~~  
1319 ~~greater. The surety bond or letter of credit must specify that~~  
1320 ~~any claim against the bond or letter of credit may be made only~~  
1321 ~~by an eligible nonprofit scholarship-funding organization to~~  
1322 ~~provide scholarships to and on behalf of students who would have~~  
1323 ~~had scholarships funded if it were not for the diversion of~~  
1324 ~~funds giving rise to the claim against the bond or letter of~~  
1325 ~~credit.~~

1326 ~~(b) In addition to the information required by~~  
1327 ~~subparagraphs (a)1.-9., an application for renewal must include:~~

1328 ~~1. A surety bond or letter of credit to secure the faithful~~  
1329 ~~performance of the obligations of the eligible nonprofit~~  
1330 ~~scholarship-funding organization in accordance with this section~~  
1331 ~~equal to the amount of undisbursed donations held by the~~  
1332 ~~organization based on the annual report submitted pursuant to~~  
1333 ~~paragraph (6) (m). The amount of the surety bond or letter of~~  
1334 ~~credit must be at least \$100,000, but not more than \$25 million.~~

1335 ~~The surety bond or letter of credit must specify that any claim~~  
1336 ~~against the bond or letter of credit may be made only by an~~  
1337 ~~eligible nonprofit scholarship-funding organization to provide~~  
1338 ~~scholarships to and on behalf of students who would have had~~  
1339 ~~scholarships funded if it were not for the diversion of funds~~  
1340 ~~giving rise to the claim against the bond or letter of credit.~~

1341 ~~2. The organization's completed Internal Revenue Service~~  
1342 ~~Form 990 submitted no later than November 30 of the year before~~  
1343 ~~the school year that the organization intends to offer the~~  
1344 ~~scholarships, notwithstanding the September 1 application~~  
1345 ~~deadline.~~

1346 ~~3. A copy of the statutorily required audit to the~~  
1347 ~~Department of Education and Auditor General.~~

1348 ~~4. An annual report that includes:~~

1349 ~~a. The number of students who completed applications, by~~  
1350 ~~county and by grade.~~

1351 ~~b. The number of students who were approved for~~  
1352 ~~scholarships, by county and by grade.~~

1353 ~~e. The number of students who received funding for~~  
1354 ~~scholarships within each funding category, by county and by~~  
1355 ~~grade.~~

1356 ~~d. The amount of funds received, the amount of funds~~  
1357 ~~distributed in scholarships, and an accounting of remaining~~  
1358 ~~funds and the obligation of those funds.~~

1359 ~~e. A detailed accounting of how the organization spent the~~  
1360 ~~administrative funds allowable under paragraph (6) (j).~~

1361 ~~(c) In consultation with the Department of Revenue and the~~  
1362 ~~Chief Financial Officer, the Office of Independent Education and~~  
1363 ~~Parental Choice shall review the application. The Department of~~

1364 ~~Education shall notify the organization in writing of any~~  
1365 ~~deficiencies within 30 days after receipt of the application and~~  
1366 ~~allow the organization 30 days to correct any deficiencies.~~

1367 ~~(d) Within 30 days after receipt of the finalized~~  
1368 ~~application by the Office of Independent Education and Parental~~  
1369 ~~Choice, the Commissioner of Education shall recommend approval~~  
1370 ~~or disapproval of the application to the State Board of~~  
1371 ~~Education. The State Board of Education shall consider the~~  
1372 ~~application and recommendation at the next scheduled meeting,~~  
1373 ~~adhering to appropriate meeting notice requirements. If the~~  
1374 ~~State Board of Education disapproves the organization's~~  
1375 ~~application, it shall provide the organization with a written~~  
1376 ~~explanation of that determination. The State Board of~~  
1377 ~~Education's action is not subject to chapter 120.~~

1378 ~~(e) If the State Board of Education disapproves the renewal~~  
1379 ~~of a nonprofit scholarship funding organization, the~~  
1380 ~~organization must notify the affected eligible students and~~  
1381 ~~parents of the decision within 15 days after disapproval. An~~  
1382 ~~eligible student affected by the disapproval of an~~  
1383 ~~organization's participation remains eligible under this section~~  
1384 ~~until the end of the school year in which the organization was~~  
1385 ~~disapproved. The student must apply and be accepted by another~~  
1386 ~~eligible nonprofit scholarship funding organization for the~~  
1387 ~~upcoming school year. The student shall be given priority in~~  
1388 ~~accordance with paragraph (6) (f).~~

1389 ~~(f) All remaining funds held by a nonprofit scholarship-~~  
1390 ~~funding organization that is disapproved for participation must~~  
1391 ~~be transferred to other eligible nonprofit scholarship funding~~  
1392 ~~organizations to provide scholarships for eligible students. All~~



1393 transferred funds must be deposited by each eligible nonprofit  
1394 scholarship-funding organization receiving such funds into its  
1395 scholarship account. All transferred amounts received by any  
1396 eligible nonprofit scholarship-funding organization must be  
1397 separately disclosed in the annual financial audit required  
1398 under subsection (6).

1399 (g) A nonprofit scholarship-funding organization is a  
1400 renewing organization if it maintains continuous approval and  
1401 participation in the program. An organization that chooses not  
1402 to participate for 1 year or more or is disapproved to  
1403 participate for 1 year or more must submit an application for  
1404 initial approval in order to participate in the program again.

1405 (h) The State Board of Education shall adopt rules  
1406 providing guidelines for receiving, reviewing, and approving  
1407 applications for new and renewing nonprofit scholarship-funding  
1408 organizations. The rules must include a process for compiling  
1409 input and recommendations from the Chief Financial Officer, the  
1410 Department of Revenue, and the Department of Education. The  
1411 rules must also require that the nonprofit scholarship-funding  
1412 organization make a brief presentation to assist the State Board  
1413 of Education in its decision.

1414 (i) A state university, or an independent college or  
1415 university which is eligible to participate in the William L.  
1416 Boyd, IV, Effective Access to Student Education Grant Program,  
1417 located and chartered in this state, is not for profit, and is  
1418 accredited by the Commission on Colleges of the Southern  
1419 Association of Colleges and Schools, is exempt from the initial  
1420 or renewal application process, but must file a registration  
1421 notice with the Department of Education to be an eligible

1422 ~~nonprofit scholarship funding organization. The State Board of~~  
1423 ~~Education shall adopt rules that identify the procedure for~~  
1424 ~~filing the registration notice with the department. The rules~~  
1425 ~~must identify appropriate reporting requirements for fiscal,~~  
1426 ~~programmatic, and performance accountability purposes consistent~~  
1427 ~~with this section, but shall not exceed the requirements for~~  
1428 ~~eligible nonprofit scholarship funding organizations for~~  
1429 ~~charitable organizations.~~

1430 Section 12. Section 1002.40, Florida Statutes, is amended  
1431 to read:

1432 1002.40 ~~The Hope Scholarship~~ Florida K-12 Education Funding  
1433 Tax Credit Program.—

1434 (1) ~~PURPOSE.~~ ~~The Hope Scholarship Program is established to~~  
1435 ~~provide the parent of a public school student who was subjected~~  
1436 ~~to an incident listed in subsection (3) an opportunity to~~  
1437 ~~transfer the student to another public school or to request a~~  
1438 ~~scholarship for the student to enroll in and attend an eligible~~  
1439 ~~private school.~~

1440 ~~(2)~~ DEFINITIONS.—As used in this section, the term:

1441 (a) "Dealer" has the same meaning as provided in s. 212.06.

1442 (b) ~~"Department" means the Department of Education.~~

1443 ~~(c)~~ "Designated agent" has the same meaning as provided in  
1444 s. 212.06(10).

1445 ~~(c)~~ ~~(d)~~ "Eligible contribution" or "contribution" means the  
1446 amount of tax paid by a monetary contribution from a person  
1447 purchasing a motor vehicle, subject to the restrictions provided  
1448 in this section, and designated by the purchaser to be used for  
1449 K-12 education funding ~~an eligible nonprofit scholarship funding~~  
1450 ~~organization. The person making the contribution may not~~

1451 ~~designate a specific student as the beneficiary of the~~  
1452 ~~contribution.~~

1453 ~~(c) "Eligible nonprofit scholarship funding organization"~~  
1454 ~~or "organization" has the same meaning as provided in s.~~  
1455 ~~1002.395(2)(f).~~

1456 ~~(f) "Eligible private school" has the same meaning as~~  
1457 ~~provided in s. 1002.395(2)(g).~~

1458 ~~(d)(g)~~ "Motor vehicle" has the same meaning as provided in  
1459 s. 320.01(1)(a), but does not include a heavy truck, truck  
1460 tractor, trailer, or motorcycle.

1461 ~~(h) "Parent" means a resident of this state who is a~~  
1462 ~~parent, as defined in s. 1000.21, and whose student reported an~~  
1463 ~~incident in accordance with subsection (6).~~

1464 ~~(i) "Program" means the Hope Scholarship Program.~~

1465 ~~(j) "School" means any educational program or activity~~  
1466 ~~conducted by a public K-12 educational institution, any school-~~  
1467 ~~related or school-sponsored program or activity, and riding on a~~  
1468 ~~school bus, as defined in s. 1006.25(1), including waiting at a~~  
1469 ~~school bus stop.~~

1470 ~~(k) "Unweighted FTE funding amount" means the statewide~~  
1471 ~~average total funds per unweighted full-time equivalent funding~~  
1472 ~~amount that is incorporated by reference in the General~~  
1473 ~~Appropriations Act, or by a subsequent special appropriations~~  
1474 ~~act, for the applicable state fiscal year.~~

1475 ~~(3) PROGRAM ELIGIBILITY. Beginning with the 2018-2019~~  
1476 ~~school year, contingent upon available funds, and on a first-~~  
1477 ~~come, first-served basis, a student enrolled in a Florida public~~  
1478 ~~school in kindergarten through grade 12 is eligible for a~~  
1479 ~~scholarship under this program if the student reported an~~

1480 ~~incident in accordance with subsection (6). For purposes of this~~  
1481 ~~section, the term "incident" means battery; harassment; hazing;~~  
1482 ~~bullying; kidnapping; physical attack; robbery; sexual offenses,~~  
1483 ~~harassment, assault, or battery; threat or intimidation; or~~  
1484 ~~fighting at school, as defined by the department in accordance~~  
1485 ~~with s. 1006.09(6).~~

1486 ~~(4) PROGRAM PROHIBITIONS. Payment of a scholarship to a~~  
1487 ~~student enrolled in a private school may not be made if a~~  
1488 ~~student is:~~

1489 ~~(a) Enrolled in a public school, including, but not limited~~  
1490 ~~to, the Florida School for the Deaf and the Blind; the College-~~  
1491 ~~Preparatory Boarding Academy; a developmental research school~~  
1492 ~~authorized under s. 1002.32; or a charter school authorized~~  
1493 ~~under s. 1002.33, s. 1002.331, or s. 1002.332;~~

1494 ~~(b) Enrolled in a school operating for the purpose of~~  
1495 ~~providing educational services to youth in the Department of~~  
1496 ~~Juvenile Justice commitment programs;~~

1497 ~~(c) Participating in a virtual school, correspondence~~  
1498 ~~school, or distance learning program that receives state funding~~  
1499 ~~pursuant to the student's participation unless the participation~~  
1500 ~~is limited to no more than two courses per school year; or~~

1501 ~~(d) Receiving any other educational scholarship pursuant to~~  
1502 ~~this chapter.~~

1503 ~~(5) TERM OF HOPE SCHOLARSHIP. For purposes of continuity of~~  
1504 ~~educational choice, a Hope scholarship shall remain in force~~  
1505 ~~until the student returns to public school or graduates from~~  
1506 ~~high school, whichever occurs first. A scholarship student who~~  
1507 ~~enrolls in a public school or public school program is~~  
1508 ~~considered to have returned to a public school for the purpose~~

1509 ~~of determining the end of the scholarship's term.~~

1510 ~~(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—~~

1511 ~~(a) Upon receipt of a report of an incident, the school~~  
1512 ~~principal, or his or her designee, shall provide a copy of the~~  
1513 ~~report to the parent and investigate the incident to determine~~  
1514 ~~if the incident must be reported as required by s. 1006.09(6).~~  
1515 ~~Within 24 hours after receipt of the report, the principal or~~  
1516 ~~his or her designee shall provide a copy of the report to the~~  
1517 ~~parent of the alleged offender and to the superintendent. Upon~~  
1518 ~~conclusion of the investigation or within 15 days after the~~  
1519 ~~incident was reported, whichever occurs first, the school~~  
1520 ~~district shall notify the parent of the program and offer the~~  
1521 ~~parent an opportunity to enroll his or her student in another~~  
1522 ~~public school that has capacity or to request and receive a~~  
1523 ~~scholarship to attend an eligible private school, subject to~~  
1524 ~~available funding. A parent who chooses to enroll his or her~~  
1525 ~~student in a public school located outside the district in which~~  
1526 ~~the student resides pursuant to s. 1002.31 shall be eligible for~~  
1527 ~~a scholarship to transport the student as provided in paragraph~~  
1528 ~~(11)(b).~~

1529 ~~(b) For each student participating in the program in an~~  
1530 ~~eligible private school who chooses to participate in the~~  
1531 ~~statewide assessments under s. 1008.22 or the Florida Alternate~~  
1532 ~~Assessment, the school district in which the student resides~~  
1533 ~~must notify the student and his or her parent about the~~  
1534 ~~locations and times to take all statewide assessments.~~

1535 ~~(7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible~~  
1536 ~~private school may be sectarian or nonsectarian and shall:~~

1537 ~~(a) Comply with all requirements for private schools~~

1538 ~~participating in state school choice scholarship programs~~  
1539 ~~pursuant to this section and s. 1002.421.~~

1540 ~~(b)1. Annually administer or make provision for students~~  
1541 ~~participating in the program in grades 3 through 10 to take one~~  
1542 ~~of the nationally norm-referenced tests identified by the~~  
1543 ~~department or the statewide assessments pursuant to s. 1008.22.~~  
1544 ~~Students with disabilities for whom standardized testing is not~~  
1545 ~~appropriate are exempt from this requirement. A participating~~  
1546 ~~private school shall report a student's scores to his or her~~  
1547 ~~parent.~~

1548 ~~2. Administer the statewide assessments pursuant to s.~~  
1549 ~~1008.22 if a private school chooses to offer the statewide~~  
1550 ~~assessments. A participating private school may choose to offer~~  
1551 ~~and administer the statewide assessments to all students who~~  
1552 ~~attend the private school in grades 3 through 10 and must submit~~  
1553 ~~a request in writing to the department by March 1 of each year~~  
1554 ~~in order to administer the statewide assessments in the~~  
1555 ~~subsequent school year.~~

1556  
1557 ~~If a private school fails to meet the requirements of this~~  
1558 ~~subsection or s. 1002.421, the commissioner may determine that~~  
1559 ~~the private school is ineligible to participate in the program.~~

1560 ~~(8) DEPARTMENT OF EDUCATION OBLIGATIONS. The department~~  
1561 ~~shall:~~

1562 ~~(a) Cross-check the list of participating scholarship~~  
1563 ~~students with the public school enrollment lists to avoid~~  
1564 ~~duplication.~~

1565 ~~(b) Maintain a list of nationally norm-referenced tests~~  
1566 ~~identified for purposes of satisfying the testing requirement in~~

1567 ~~paragraph (9) (f). The tests must meet industry standards of~~  
1568 ~~quality in accordance with State Board of Education rule.~~

1569 ~~(c) Require quarterly reports by an eligible nonprofit~~  
1570 ~~scholarship funding organization regarding the number of~~  
1571 ~~students participating in the program, the private schools in~~  
1572 ~~which the students are enrolled, and other information deemed~~  
1573 ~~necessary by the department.~~

1574 ~~(d) Contract with an independent entity to provide an~~  
1575 ~~annual evaluation of the program by:~~

1576 ~~1. Reviewing the school bullying prevention education~~  
1577 ~~program, climate, and code of student conduct of each public~~  
1578 ~~school from which 10 or more students transferred to another~~  
1579 ~~public school or private school using the Hope scholarship to~~  
1580 ~~determine areas in the school or school district procedures~~  
1581 ~~involving reporting, investigating, and communicating a parent's~~  
1582 ~~and student's rights that are in need of improvement. At a~~  
1583 ~~minimum, the review must include:~~

1584 ~~a. An assessment of the investigation time and quality of~~  
1585 ~~the response of the school and the school district.~~

1586 ~~b. An assessment of the effectiveness of communication~~  
1587 ~~procedures with the students involved in an incident, the~~  
1588 ~~students' parents, and the school and school district personnel.~~

1589 ~~c. An analysis of school incident and discipline data.~~

1590 ~~d. The challenges and obstacles relating to implementing~~  
1591 ~~recommendations from the review.~~

1592 ~~2. Reviewing the school bullying prevention education~~  
1593 ~~program, climate, and code of student conduct of each public~~  
1594 ~~school to which a student transferred if the student was from a~~  
1595 ~~school identified in subparagraph 1. in order to identify best~~

1596 ~~practices and make recommendations to a public school at which~~  
1597 ~~the incidents occurred.~~

1598 ~~3. Reviewing the performance of participating students~~  
1599 ~~enrolled in a private school in which at least 51 percent of the~~  
1600 ~~total enrolled students in the prior school year participated in~~  
1601 ~~the program and in which there are at least 10 participating~~  
1602 ~~students who have scores for tests administered.~~

1603 ~~4. Surveying the parents of participating students to~~  
1604 ~~determine academic, safety, and school climate satisfaction and~~  
1605 ~~to identify any challenges to or obstacles in addressing the~~  
1606 ~~incident or relating to the use of the scholarship.~~

1607 ~~(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM~~  
1608 ~~PARTICIPATION. A parent who applies for a Hope scholarship is~~  
1609 ~~exercising his or her parental option to place his or her~~  
1610 ~~student in an eligible private school.~~

1611 ~~(a) The parent must select an eligible private school and~~  
1612 ~~apply for the admission of his or her student.~~

1613 ~~(b) The parent must inform the student's school district~~  
1614 ~~when the parent withdraws his or her student to attend an~~  
1615 ~~eligible private school.~~

1616 ~~(c) Any student participating in the program must remain in~~  
1617 ~~attendance throughout the school year unless excused by the~~  
1618 ~~school for illness or other good cause.~~

1619 ~~(d) Each parent and each student has an obligation to the~~  
1620 ~~private school to comply with such school's published policies.~~

1621 ~~(e) Upon reasonable notice to the department and the school~~  
1622 ~~district, the parent may remove the student from the private~~  
1623 ~~school and place the student in a public school in accordance~~  
1624 ~~with this section.~~



1625           ~~(f) The parent must ensure that the student participating~~  
1626 ~~in the program takes the norm-referenced assessment offered by~~  
1627 ~~the private school. The parent may also choose to have the~~  
1628 ~~student participate in the statewide assessments pursuant to s.~~  
1629 ~~1008.22. If the parent requests that the student take the~~  
1630 ~~statewide assessments pursuant to s. 1008.22 and the private~~  
1631 ~~school has not chosen to offer and administer the statewide~~  
1632 ~~assessments, the parent is responsible for transporting the~~  
1633 ~~student to the assessment site designated by the school~~  
1634 ~~district.~~

1635           ~~(g) Upon receipt of a scholarship warrant, the parent to~~  
1636 ~~whom the warrant is made must restrictively endorse the warrant~~  
1637 ~~to the private school for deposit into the account of such~~  
1638 ~~school. If payment is made by funds transfer in accordance with~~  
1639 ~~paragraph (11) (d), the parent must approve each payment before~~  
1640 ~~the scholarship funds may be deposited. The parent may not~~  
1641 ~~designate any entity or individual associated with the~~  
1642 ~~participating private school as the parent's attorney in fact to~~  
1643 ~~endorse a scholarship warrant or approve a funds transfer. A~~  
1644 ~~parent who fails to comply with this paragraph forfeits the~~  
1645 ~~scholarship.~~

1646           ~~(10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP FUNDING~~  
1647 ~~ORGANIZATIONS. An eligible nonprofit scholarship funding~~  
1648 ~~organization may establish scholarships for eligible students~~  
1649 ~~by:~~

1650           ~~(a) Receiving applications and determining student~~  
1651 ~~eligibility in accordance with the requirements of this section.~~

1652           ~~(b) Notifying parents of their receipt of a scholarship on~~  
1653 ~~a first come, first served basis, based upon available funds.~~

1654 ~~(c) Establishing a date by which the parent of a~~  
1655 ~~participating student must confirm continuing participation in~~  
1656 ~~the program.~~

1657 ~~(d) Awarding scholarship funds to eligible students, giving~~  
1658 ~~priority to renewing students from the previous year.~~

1659 ~~(e) Preparing and submitting quarterly reports to the~~  
1660 ~~department pursuant to paragraph (8) (c). In addition, an~~  
1661 ~~eligible nonprofit scholarship-funding organization must submit~~  
1662 ~~in a timely manner any information requested by the department~~  
1663 ~~relating to the program.~~

1664 ~~(f) Notifying the department of any violation of this~~  
1665 ~~section.~~

1666 ~~(11) FUNDING AND PAYMENT.—~~

1667 ~~(a) For students initially eligible in the 2019-2020 school~~  
1668 ~~year or thereafter, the calculated amount for a student to~~  
1669 ~~attend an eligible private school shall be based upon the grade~~  
1670 ~~level and school district in which the student was assigned as~~  
1671 ~~95 percent of the funds per unweighted full-time equivalent in~~  
1672 ~~the Florida Education Finance Program for a student in the basic~~  
1673 ~~program established pursuant to s. 1011.62(1)(c)1., plus a per-~~  
1674 ~~full-time equivalent share of funds for all categorical~~  
1675 ~~programs, except for the Exceptional Student Education~~  
1676 ~~Guaranteed Allocation.~~

1677 ~~(b) The maximum amount awarded to a student enrolled in a~~  
1678 ~~public school located outside of the district in which the~~  
1679 ~~student resides shall be \$750.~~

1680 ~~(c) When a student enters the program, the eligible~~  
1681 ~~nonprofit scholarship-funding organization must receive all~~  
1682 ~~documentation required for the student's participation,~~

1683 including a copy of the report of the incident received pursuant  
1684 to subsection (6) and the private school's and student's fee  
1685 schedules. The initial payment shall be made after verification  
1686 of admission acceptance, and subsequent payments shall be made  
1687 upon verification of continued enrollment and attendance at the  
1688 private school.

1689 (d) Payment of the scholarship by the eligible nonprofit  
1690 scholarship-funding organization may be by individual warrant  
1691 made payable to the student's parent or by funds transfer,  
1692 including, but not limited to, debit cards, electronic payment  
1693 cards, or any other means of payment that the department deems  
1694 to be commercially viable or cost-effective. If payment is made  
1695 by warrant, the warrant must be delivered by the eligible  
1696 nonprofit scholarship-funding organization to the private school  
1697 of the parent's choice, and the parent shall restrictively  
1698 endorse the warrant to the private school. If payments are made  
1699 by funds transfer, the parent must approve each payment before  
1700 the scholarship funds may be deposited. The parent may not  
1701 designate any entity or individual associated with the  
1702 participating private school as the parent's attorney in fact to  
1703 endorse a scholarship warrant or approve a funds transfer.

1704 (e) An eligible nonprofit scholarship-funding organization  
1705 shall obtain verification from the private school of a student's  
1706 continued attendance at the school for each period covered by a  
1707 scholarship payment.

1708 (f) Payment of the scholarship shall be made by the  
1709 eligible nonprofit scholarship-funding organization no less  
1710 frequently than on a quarterly basis.

1711 (g) An eligible nonprofit scholarship-funding organization,

1712 ~~subject to the limitations of s. 1002.395(6)(j)1., may use~~  
1713 ~~eligible contributions received during the state fiscal year in~~  
1714 ~~which such contributions are collected for administrative~~  
1715 ~~expenses.~~

1716 ~~(h) Moneys received pursuant to this section do not~~  
1717 ~~constitute taxable income to the qualified student or his or her~~  
1718 ~~parent.~~

1719 ~~(i) Notwithstanding s. 1002.395(6)(j)2., no more than 5~~  
1720 ~~percent of net eligible contributions may be carried forward to~~  
1721 ~~the following state fiscal year by an eligible scholarship-~~  
1722 ~~funding organization. For audit purposes, all amounts carried~~  
1723 ~~forward must be specifically identified for individual students~~  
1724 ~~by student name and by the name of the school to which the~~  
1725 ~~student is admitted, subject to the requirements of ss. 1002.21~~  
1726 ~~and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and~~  
1727 ~~regulations issued pursuant to such requirements. Any amounts~~  
1728 ~~carried forward shall be expended for annual scholarships or~~  
1729 ~~partial-year scholarships in the following state fiscal year.~~  
1730 ~~Net eligible contributions remaining on June 30 of each year~~  
1731 ~~which are in excess of the 5 percent that may be carried forward~~  
1732 ~~shall be transferred to other eligible nonprofit scholarship-~~  
1733 ~~funding organizations participating in the Hope Scholarship~~  
1734 ~~Program to provide scholarships for eligible students. All~~  
1735 ~~transferred funds must be deposited by each eligible nonprofit~~  
1736 ~~scholarship-funding organization receiving such funds into the~~  
1737 ~~scholarship account of eligible students. All transferred~~  
1738 ~~amounts received by an eligible nonprofit scholarship-funding~~  
1739 ~~organization must be separately disclosed in the annual~~  
1740 ~~financial audit requirement under s. 1002.395(6)(m). If no other~~

1741 ~~eligible nonprofit scholarship funding organization participates~~  
1742 ~~in the Hope Scholarship Program, net eligible contributions in~~  
1743 ~~excess of the 5 percent may be used to fund scholarships for~~  
1744 ~~students eligible under s. 1002.395 only after fully exhausting~~  
1745 ~~all contributions made in support of scholarships under that~~  
1746 ~~section in accordance with the priority established in s.~~  
1747 ~~1002.395(6)(c) prior to awarding any initial scholarships.~~

1748 ~~(12) OBLIGATIONS OF THE AUDITOR GENERAL.—~~

1749 ~~(a) The Auditor General shall conduct an annual operational~~  
1750 ~~audit of accounts and records of each organization that~~  
1751 ~~participates in the program. As part of this audit, the Auditor~~  
1752 ~~General shall verify, at a minimum, the total number of students~~  
1753 ~~served and transmit that information to the department. The~~  
1754 ~~Auditor General shall provide the commissioner with a copy of~~  
1755 ~~each annual operational audit performed pursuant to this~~  
1756 ~~paragraph within 10 days after the audit is finalized.~~

1757 ~~(b) The Auditor General shall notify the department of any~~  
1758 ~~organization that fails to comply with a request for~~  
1759 ~~information.~~

1760 ~~(2)~~ (13) SCHOLARSHIP FUNDING TAX CREDITS.—

1761 (a) A tax credit is available under s. 212.1832(1) for use  
1762 by a person that makes an eligible contribution. Eligible  
1763 contributions shall be used for K-12 education funding ~~to fund~~  
1764 ~~scholarships under this section and may be used to fund~~  
1765 ~~scholarships~~ under s. 1002.395. Each eligible contribution is  
1766 limited to a single designation ~~payment~~ of \$105 per motor  
1767 vehicle purchased at the time of purchase of a motor vehicle or  
1768 a single designation ~~payment~~ of \$105 per motor vehicle purchased  
1769 at the time of registration of a motor vehicle that was not

1770 purchased from a dealer, except that a contribution may not  
1771 exceed the state tax imposed under chapter 212 that would  
1772 otherwise be collected from the purchaser by a dealer,  
1773 designated agent, or private tag agent. ~~Payments of~~  
1774 ~~contributions shall be made to a dealer at the time of purchase~~  
1775 ~~of a motor vehicle or to a designated agent or private tag agent~~  
1776 ~~at the time of registration of a motor vehicle that was not~~  
1777 ~~purchased from a dealer. An eligible contribution shall be~~  
1778 ~~accompanied by a contribution election form provided by the~~  
1779 ~~Department of Revenue. The form shall include, at a minimum, the~~  
1780 ~~following brief description of the Hope Scholarship Program and~~  
1781 ~~the Florida Tax Credit Scholarship Program: "THE HOPE~~  
1782 ~~SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS~~  
1783 ~~SUBJECTED TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE~~  
1784 ~~OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE~~  
1785 ~~PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL~~  
1786 ~~ENVIRONMENT. THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES~~  
1787 ~~A LOW-INCOME STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP~~  
1788 ~~TO ATTEND AN ELIGIBLE PRIVATE SCHOOL." The form shall also~~  
1789 ~~include, at a minimum, a section allowing the consumer to~~  
1790 ~~designate, from all participating scholarship funding~~  
1791 ~~organizations, which organization will receive his or her~~  
1792 ~~donation. For purposes of this subsection, the term "purchase"~~  
1793 ~~does not include the lease or rental of a motor vehicle.~~

1794 (b) A dealer, designated agent, or private tag agent shall:  
1795 1. ~~Provide the purchaser the contribution election form, as~~  
1796 ~~provided by the Department of Revenue, at the time of purchase~~  
1797 ~~of a motor vehicle or at the time of registration of a motor~~  
1798 ~~vehicle that was not purchased from a dealer.~~

1799           ~~2. Collect eligible contributions.~~  
1800           ~~3. Using a form provided by the Department of Revenue,~~  
1801 ~~which shall include the dealer's or agent's federal employer~~  
1802 ~~identification number, remit to an organization no later than~~  
1803 ~~the date the return filed pursuant to s. 212.11 is due the total~~  
1804 ~~amount of contributions made to that organization and collected~~  
1805 ~~during the preceding reporting period. Using the same form, the~~  
1806 ~~dealer or agent shall also report this information to the~~  
1807 ~~Department of Revenue no later than the date the return filed~~  
1808 ~~pursuant to s. 212.11 is due.~~  
1809           ~~4. report to the Department of Revenue on each return filed~~  
1810 ~~pursuant to s. 212.11 the total amount of credits granted under~~  
1811 ~~s. 212.1832 for the preceding reporting period.~~  
1812           (c) An organization ~~shall report to~~ and the Department of  
1813 Revenue shall deposit all receipts held or designated as  
1814 eligible contributions into a designated student fund, ~~on or~~  
1815 ~~before the 20th day of each month, the total amount of~~  
1816 ~~contributions received pursuant to paragraph (b) in the~~  
1817 ~~preceding calendar month on a form provided by the Department of~~  
1818 ~~Revenue. Such report shall include:~~  
1819           ~~1. The federal employer identification number of each~~  
1820 ~~designated agent, private tag agent, or dealer who remitted~~  
1821 ~~contributions to the organization during that reporting period.~~  
1822           ~~2. The amount of contributions received from each~~  
1823 ~~designated agent, private tag agent, or dealer during that~~  
1824 ~~reporting period.~~  
1825           ~~(d) A person who, with the intent to unlawfully deprive or~~  
1826 ~~defraud the program of its moneys or the use or benefit thereof,~~  
1827 ~~fails to remit a contribution collected under this section is~~

1828 ~~guilty of theft, punishable as follows:~~

1829 ~~1. If the total amount stolen is less than \$300, the~~  
1830 ~~offense is a misdemeanor of the second degree, punishable as~~  
1831 ~~provided in s. 775.082 or s. 775.083. Upon a second conviction,~~  
1832 ~~the offender is guilty of a misdemeanor of the first degree,~~  
1833 ~~punishable as provided in s. 775.082 or s. 775.083. Upon a third~~  
1834 ~~or subsequent conviction, the offender is guilty of a felony of~~  
1835 ~~the third degree, punishable as provided in s. 775.082, s.~~  
1836 ~~775.083, or s. 775.084.~~

1837 ~~2. If the total amount stolen is \$300 or more, but less~~  
1838 ~~than \$20,000, the offense is a felony of the third degree,~~  
1839 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

1840 ~~3. If the total amount stolen is \$20,000 or more, but less~~  
1841 ~~than \$100,000, the offense is a felony of the second degree,~~  
1842 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

1843 ~~4. If the total amount stolen is \$100,000 or more, the~~  
1844 ~~offense is a felony of the first degree, punishable as provided~~  
1845 ~~in s. 775.082, s. 775.083, or s. 775.084.~~

1846 ~~(e) A person convicted of an offense under paragraph (d)~~  
1847 ~~shall be ordered by the sentencing judge to make restitution to~~  
1848 ~~the organization in the amount that was stolen from the program.~~

1849 ~~(f) Upon a finding that a dealer failed to remit a~~  
1850 ~~contribution under subparagraph (b)3. for which the dealer~~  
1851 ~~claimed a credit pursuant to s. 212.1832(2), the Department of~~  
1852 ~~Revenue shall notify the affected organizations of the dealer's~~  
1853 ~~name, address, federal employer identification number, and~~  
1854 ~~information related to differences between credits taken by the~~  
1855 ~~dealer pursuant to s. 212.1832(2) and amounts remitted to the~~  
1856 ~~eligible nonprofit scholarship funding organization under~~



1857 ~~subparagraph (b)3.~~

1858 ~~(g) Any dealer, designated agent, private tag agent, or~~  
1859 ~~organization that fails to timely submit reports to the~~  
1860 ~~Department of Revenue as required in paragraphs (b) and (c) is~~  
1861 ~~subject to a penalty of \$1,000 for every month, or part thereof,~~  
1862 ~~the report is not provided, up to a maximum amount of \$10,000.~~  
1863 ~~Such penalty shall be collected by the Department of Revenue and~~  
1864 ~~shall be transferred into the General Revenue Fund. Such penalty~~  
1865 ~~must be settled or compromised if it is determined by the~~  
1866 ~~Department of Revenue that the noncompliance is due to~~  
1867 ~~reasonable cause and not due to willful negligence, willful~~  
1868 ~~neglect, or fraud.~~

1869 ~~(14) LIABILITY. The state is not liable for the award of or~~  
1870 ~~any use of awarded funds under this section.~~

1871 ~~(15) SCOPE OF AUTHORITY. This section does not expand the~~  
1872 ~~regulatory authority of this state, its officers, or any school~~  
1873 ~~district to impose additional regulation on participating~~  
1874 ~~private schools beyond those reasonably necessary to enforce~~  
1875 ~~requirements expressly set forth in this section.~~

1876 ~~(3)(16) RULES.—The State Board of Education shall adopt~~  
1877 ~~rules to administer this section, except the Department of~~  
1878 ~~Revenue shall adopt rules to administer this section subsection~~  
1879 ~~(13).~~

1880 Section 13. (1) Any unused tax credit that was approved  
1881 under former s. 212.099, Florida Statutes 2020, before July 1,  
1882 2021, continues in effect, subject to the carryforward,  
1883 conveyance, assignment, transfer, and rescindment provisions of  
1884 former s. 212.099(5), Florida Statutes 2020.

1885 (2) Any unused tax credit under former s. 1002.395, Florida

1886 Statutes 2020, which was approved before July 1, 2021, continues  
1887 in effect, subject to the carryforward, conveyance, assignment,  
1888 transfer, rescindment, estimated corporate income tax payment,  
1889 and insurance premium tax installment payment provisions of  
1890 former s. 1002.395(5), Florida Statutes 2020.

1891 (3) This section is repealed June 30, 2031.

1892 Section 14. Former s. 1002.395(5)(g), Florida Statutes  
1893 2020, relating to deduction of contributions for purposes of  
1894 calculating underpayments, applies to a taxpayer who, before  
1895 July 1, 2021, was approved to receive a credit allocation by the  
1896 department and reduced or made no estimated corporate income tax  
1897 payments or insurance premium or assessment installment payments  
1898 in reliance of former s. 1002.395(5)(g), Florida Statutes 2020,  
1899 except that the taxpayer shall remit amounts intended for  
1900 contributions to an eligible nonprofit scholarship organization  
1901 to the department The department shall deposit such amounts into  
1902 the designated student fund in accordance with s. 1002.395(4),  
1903 Florida Statutes. This section expires June 30, 2024.

1904 Section 15. This act shall take effect July 1, 2021.

1905

1906

1907 A trust fund created in a separate bill:

1908 Section 1. Section 1010.88, Florida Statutes, is created to  
1909 read:

1910 1010.88 Florida K-12 Education Tax Credit Program Trust  
1911 Fund.—

1912 (1) The Florida K-12 Education Tax Credit Program Trust  
1913 Fund is created within the Department of Education. The trust  
1914 fund is established to serve as the depository of funds

1915 transferred, as set forth in s. 212.099, s. 1002.395, and s.  
1916 1002.40, from the Department of Revenue or the Division of  
1917 Alcoholic and Tobacco Beverages within the Department of  
1918 Business and Professional Regulation. Funds from the trust fund  
1919 must be used to the benefit of the K-12 education system.

1920 (2) The trust fund is exempt from the general revenue  
1921 service charge imposed in s. 215.20.

1922 (3) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
1923 any balance in the trust fund at the end of any fiscal year  
1924 shall remain in the trust fund at the end of the year and shall  
1925 be available for carrying out the purposes of the trust fund.

1926 (4) In accordance with s. 19(f), Art. III of the State  
1927 Constitution, the Florida K-12 Education Tax Credit Program  
1928 Trust Fund shall, unless terminated sooner, be terminated on  
1929 July 1, 2025. Before its scheduled termination, the trust fund  
1930 shall be reviewed as provided in s. 215.3206(1) and (2).

1931 Section 2. This act shall take effect on the same date that  
1932      or similar legislation takes effect, if such legislation is  
1933 enacted in the same legislative session or an extension thereof  
1934 and becomes a law.

1935  
1936