



HB 1043

2003

1 A bill to be entitled

2 An act relating to the corporate income tax; amending s.
3 220.187, F.S.; redefining the term "qualified student" to
4 include certain postsecondary students; defining the term
5 "qualified postsecondary scholarship program"; allowing
6 credit to be taken against the tax for contributions to
7 public school district educational foundations that
8 provide scholarships or academic improvement programs for
9 postsecondary students who qualify for free and reduced
10 lunch under the National School Lunch Act; providing
11 standards and procedures for such scholarship and academic
12 improvement programs; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (e) of subsection (2) of section
17 220.187, Florida Statutes, are amended, paragraph (f) is added
18 to that subsection, and subsection (4) of that section is
19 amended, to read:

20 220.187 Credits for contributions to nonprofit
21 scholarship-funding organizations.--

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

23 (e) "Qualified student" means a student who qualifies for
24 free or reduced-price school lunches under the National School
25 Lunch Act and who:

26 1. Was counted as a full-time equivalent student during
27 the previous state fiscal year for purposes of state per-student
28 funding;



HB 1043

2003

29 2. Received a scholarship from an eligible nonprofit
30 scholarship-funding organization during the previous school
31 year; ~~or~~

32 3. Is eligible to enter kindergarten or first grade; or-

33 4. Is eligible to receive a postsecondary scholarship from
34 a district school board direct support organization as
35 established by s. 1001.453.

36 (f) "Qualified postsecondary scholarship program" means a
37 scholarship program administered by a district school board
38 direct-support organization as established by s. 1001.453 to
39 provide postsecondary scholarships for students who qualify for
40 free and reduced lunch under the National School Lunch Act.

41 (4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
42 ORGANIZATIONS.--

43 (a) An eligible nonprofit scholarship-funding organization
44 shall provide scholarships or academic improvement programs,
45 from eligible contributions, to qualified students for:

46 1. Tuition or textbook expenses for, or transportation to,
47 an eligible nonpublic school. At least 75 percent of the
48 scholarship funding must be used to pay tuition expenses; or

49 2. Transportation expenses to a Florida public school that
50 is located outside the district in which the student resides.

51 3. A qualified postsecondary scholarship program.

52 4. A program designed to improve reading skills with
53 definable outcomes.

54 5. A program designed to enhance and improve best
55 practices for teachers.

56 (b) An eligible nonprofit scholarship-funding organization
57 shall give priority to qualified students who received a



HB 1043

2003

58 scholarship from an eligible nonprofit scholarship-funding
59 organization during the previous school year.

60 (c) The amount of a scholarship provided to any child for
61 any single school year by all eligible nonprofit scholarship-
62 funding organizations from eligible contributions shall not
63 exceed the following annual limits:

64 1. Three thousand five hundred dollars for a scholarship
65 awarded to a student enrolled in an eligible nonpublic school or
66 a postsecondary institution.

67 2. Five hundred dollars for a scholarship awarded to a
68 student enrolled in a Florida public school that is located
69 outside the district in which the student resides.

70 (d) The amount of an eligible contribution which may be
71 accepted by an eligible nonprofit scholarship-funding
72 organization is limited to the amount needed to provide
73 scholarships for qualified students whom ~~which~~ the organization
74 has identified and for whom ~~which~~ vacancies in eligible
75 nonpublic schools or postsecondary institutions have been
76 identified.

77 (e) An eligible nonprofit scholarship-funding organization
78 that receives an eligible contribution must spend 100 percent of
79 the eligible contribution to provide scholarships in the same
80 state fiscal year in which the contribution was received. No
81 portion of eligible contributions may be used for administrative
82 expenses. All interest accrued from contributions must be used
83 for the purposes stated herein ~~scholarships.~~

84 (f) An eligible nonprofit scholarship-funding organization
85 that receives eligible contributions must provide to the Auditor
86 General an annual financial and compliance audit of its accounts
87 and records conducted by an independent certified public



HB 1043

2003

88 accountant and in accordance with rules adopted by the Auditor
89 General.

90 (g)1. Payment of the scholarship for students in grades K-
91 12 by the eligible nonprofit scholarship-funding organization
92 must ~~shall~~ be by individual warrant or check made payable to the
93 student's parent. If the parent chooses for his or her child to
94 attend an eligible nonpublic school, the warrant or check must
95 be mailed by the eligible nonprofit scholarship-funding
96 organization to the nonpublic school of the parent's choice, and
97 the parent shall restrictively endorse the warrant or check to
98 the nonpublic school. An eligible nonprofit scholarship-funding
99 organization shall ensure that, upon receipt of a scholarship
100 warrant or check, the parent to whom the warrant or check is
101 made restrictively endorses the warrant or check to the
102 nonpublic school of the parent's choice for deposit into the
103 account of the nonpublic school.

104 2. Payment of the scholarship for a postsecondary student
105 by the eligible nonprofit scholarship-funding organization must
106 be by individual warrant or check made payable to the
107 postsecondary institution.

108 Section 2. This act shall take effect January 1, 2004.