

Bill No. SB 2380

Barcode 080702

CHAMBER ACTION

Senate

House

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The Committee on Education Pre-K - 12 (Wise) recommended the following amendment:

Senate Amendment

On page 32, line 31,

insert: (h) An eligible nonprofit scholarship-funding organization must comply with the following background check requirements:

1. All owners and operators as defined in subparagraph (2)(e)1. are, upon employment or engagement to provide services, subject to level 2 background screening as provided under chapter 435. The fingerprints for the background screening must be electronically submitted to the Department of Law Enforcement and can be taken by an authorized law enforcement agency or by an employee of the eligible nonprofit scholarship-funding organization or a private company who is trained to take fingerprints. However, the complete set of fingerprints of an owner or operator may not be taken by the owner or operator. The results of the state and national criminal history check shall be provided to the Department of

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1 Education for screening under chapter 435. The cost of the
2 background screening may be borne by the eligible nonprofit
3 scholarship-funding organization or the owner or operator.

4 2. Every 5 years following employment or engagement to
5 provide services or association with an eligible nonprofit
6 scholarship-funding organization, each owner or operator must
7 meet level 2 screening standards as described in s. 435.04, at
8 which time the nonprofit scholarship-funding organization
9 shall request the Department of Law Enforcement to forward the
10 fingerprints to the Federal Bureau of Investigation for level
11 2 screening. If the fingerprints of an owner or operator are
12 not retained by the Department of Law Enforcement under
13 subparagraph 3., the owner or operator must electronically
14 file a complete set of fingerprints with the Department of Law
15 Enforcement. Upon submission of fingerprints for this purpose,
16 the eligible nonprofit scholarship-funding organization shall
17 request that the Department of Law Enforcement forward the
18 fingerprints to the Federal Bureau of Investigation for level
19 2 screening, and the fingerprints shall be retained by the
20 Department of Law Enforcement under subparagraph 3.

21 3. Beginning July 1, 2008, all fingerprints submitted
22 to the Department of Law Enforcement as required by this
23 paragraph must be retained by the Department of Law
24 Enforcement in a manner approved by rule and entered in the
25 statewide automated fingerprint identification system
26 authorized by s. 943.05(2)(b). The fingerprints must
27 thereafter be available for all purposes and uses authorized
28 for arrest fingerprint cards entered in the statewide
29 automated fingerprint identification system pursuant to
30 s.943.051.

31 4. Beginning July 1, 2008, the Department of Law

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1 Enforcement shall search all arrest fingerprint cards received
2 under s. 943.051 against the fingerprints retained in the
3 statewide automated fingerprint identification system under
4 subparagraph 3. Any arrest record that is identified with an
5 owner's or operator's fingerprints must be reported to the
6 Department of Education. The Department of Education shall
7 participate in this search process by paying an annual fee to
8 the Department of Law Enforcement and by informing the
9 Department of Law Enforcement of any change in the employment,
10 engagement, or association status of the owners or operators
11 whose fingerprints are retained under subparagraph 3. The
12 Department of Law Enforcement shall adopt a rule setting the
13 amount of the annual fee to be imposed upon the Department of
14 Education for performing these services and establishing the
15 procedures for the retention of owner and operator
16 fingerprints and the dissemination of search results. The fee
17 may be borne by the owner or operator of the nonprofit
18 scholarship-funding organization.

19 5. A nonprofit scholarship-funding organization whose
20 owner or operator fails the level 2 background screening shall
21 not be eligible to provide scholarships under this section.

22 6. A nonprofit scholarship-funding organization whose
23 owner or operator in the last 7 years has filed for personal
24 bankruptcy or corporate bankruptcy in a corporation of which
25 he or she owned more than 20 percent is not eligible to
26 provide scholarships under this section.

27 (i) An eligible nonprofit scholarship-funding
28 organization must not have an owner or operator who owns or
29 operates an eligible private school that is participating in
30 the scholarship program.

31 (j) An eligible nonprofit scholarship-funding

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1 organization may not restrict or reserve scholarships for use
2 at a particular private school or provide scholarships to a
3 child of an owner or operator.

4 (k) An eligible nonprofit scholarship-funding
5 organization must:

6 1. Comply with the antidiscrimination provisions of 42
7 U.S.C. s. 2000d.

8 2. Maintain separate accounts for scholarship funds
9 and operating funds.

10 3. Provide to the Auditor General and the Department
11 of Education an annual financial and compliance audit of its
12 accounts and records conducted by an independent certified
13 public accountant and in accordance with rules adopted by the
14 Auditor General. The audit must be conducted in compliance
15 with generally accepted auditing standards and must include a
16 report on financial statements presented in accordance with
17 generally accepted accounting principles set forth by the
18 American Institute of Certified Public Accountants for
19 not-for-profit organizations and a determination of compliance
20 with the statutory eligibility and expenditure requirements
21 set forth in this section. Audits must be provided to the
22 Auditor General and the Department of Education within 180
23 days after completion of the eligible nonprofit
24 scholarship-funding organization's fiscal year.

25 4. Prepare and submit quarterly reports to the
26 Department of Education pursuant to paragraph (9)(m). In
27 addition, an eligible nonprofit scholarship-funding
28 organization must submit in a timely manner any information
29 requested by the Department of Education relating to the
30 scholarship program.

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1 Any and all information and documentation provided to the
2 Department of Education and the Auditor General relating to
3 the identity of a taxpayer that provides an eligible
4 contribution under this section shall remain confidential at
5 all times in accordance with s. 213.053.

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