

Amendment No.

CHAMBER ACTION

Senate

House

.
.

1 Representative(s) Pickens offered the following:

2

3 **Amendment to Senate Amendment (911178) (with title**
4 **amendment)**

5 On page 2, line 12, through page 11, line 16, remove all of
6 said lines and insert:

7 2. Incentives for outstanding faculty and staff to
8 transfer to these schools;

9 3. Equipment and supplies;

10 4. Technology infrastructure, hardware, or software;

11 5. Incentives to encourage parental or other family
12 participation; and

13 6. Mentoring and other community participation.

14 (b) The program must include a suggested order of priority
15 and timeline for enacting, funding, and implementing policies
16 and practices over a 5-year period. The program shall identify

697743

5/4/2007 10:36:46 AM

Amendment No.

17 those elements of the program which can be accomplished within
18 existing statutory authority and those elements that will
19 require new statutory authority. The program must include
20 specific recommendations for action by the Legislature.

21 (3) (a) To assist in development and implementation of the
22 program required by this section, the commissioner shall create
23 an advisory committee comprised of at least two teachers, two
24 staff persons, and two parents of students from one or more
25 schools that are failing to make adequate progress based on the
26 school performance grading categories, as well as any other
27 individuals the commissioner deems appropriate.

28 (b) In developing and implementing the program, the
29 commissioner shall consult with:

30 1. The Office of Program Policy Analysis and Government
31 Accountability; and

32 2. The district community assessment teams assigned under
33 s. 1008.345.

34 (4) The advisory committee shall annually notify the
35 parents of students in failing schools who qualify for free or
36 reduced-price lunches under the National School Lunch Act of the
37 availability of scholarships under s. 220.187. Such notice shall
38 be provided in sufficient time to allow the parent to apply and
39 have his or her child approved for a scholarship.

40 (5) The program shall be developed in coordination with,
41 and shall be consistent with, other strategic planning
42 initiatives of the Department of Education or the State Board of
43 Education.

697743

5/4/2007 10:36:46 AM

Amendment No.

44 (6) The commissioner shall report annually to the
45 Governor, the President of the Senate, and the Speaker of the
46 House of Representatives on implementation of the program.

47 Section 2. Section 220.187, Florida Statutes, is amended
48 to read:

49 220.187 Credits for contributions to nonprofit
50 scholarship-funding organizations; families that have limited
51 financial resources.--

52 (1) FINDINGS AND PURPOSE.--

53 (a) The Legislature finds that:

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

56 2. Expanding educational opportunities and improving the
57 quality of educational services within the state are valid
58 public purposes that the Legislature may promote using its
59 sovereign power to determine subjects of taxation and exemptions
60 from taxation.

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

66 4. The existence of programs that provide expanded
67 educational opportunities in this state has not been shown to
68 reduce funding to or otherwise harm public schools within the
69 state, and, to the contrary, per-student funding in public
70 schools has risen each year since the first inception of those
71 programs in 1999.

697743

5/4/2007 10:36:46 AM

Amendment No.

72 5. Expanded educational opportunities and the healthy
73 competition they promote are critical to improving the quality
74 of education in the state and to ensuring that all children
75 receive the high-quality education to which they are entitled.

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

77 1.(a) Enable taxpayers to make ~~Encourage~~ private,
78 voluntary contributions to nonprofit scholarship-funding
79 organizations in order to promote the general welfare.

80 2.(b) Promote the general welfare by expanding ~~Expand~~
81 educational opportunities for children of families that have
82 limited financial resources.

83 3.(c) Enable children in this state to achieve a greater
84 level of excellence in their education.

85 4. Provide taxpayers who wish to help parents who have
86 limited resources exercise their basic right to educate their
87 children as they see fit with a means to do so.

88 5. Improve the quality of education in this state, both by
89 expanding educational opportunities for children and by creating
90 incentives for schools to achieve excellence.

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

92 (a) "Department" means the Department of Revenue.

93 (b) "Eligible contribution" means a monetary contribution
94 from a taxpayer, subject to the restrictions provided in this
95 section, to an eligible nonprofit scholarship-funding
96 organization. The taxpayer making the contribution may not
97 designate a specific child as the beneficiary of the
98 contribution.

697743

5/4/2007 10:36:46 AM

Amendment No.

99 (c) "Eligible nonprofit scholarship-funding organization"
100 means a charitable organization that:

101 1. Is exempt from federal income tax pursuant to s.
102 501(c)(3) of the Internal Revenue Code;

103 2. Is a Florida entity formed under chapter 607, chapter
104 608, or chapter 617 and whose principal office is located in the
105 state; and

106 3. Complies with the provisions of subsection (6).

107 (d) "Eligible private school" means a private school, as
108 defined in s. 1002.01(2), located in Florida which offers an
109 education to students in any grades K-12 and that meets the
110 requirements in subsection (8).

111 (e) "Owner or operator" includes:

112 1. An owner, president, officer, or director of an
113 eligible nonprofit scholarship-funding organization or a person
114 with equivalent decisionmaking authority over an eligible
115 nonprofit scholarship-funding organization.

116 2. An owner, operator, superintendent, or principal of an
117 eligible private school or a person with equivalent
118 decisionmaking authority over an eligible private school.

119 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.--The Corporate
120 Income Tax Credit Scholarship Program is established. A student
121 is eligible for a corporate income tax credit scholarship if the
122 student qualifies for free or reduced-price school lunches under
123 the National School Lunch Act and:

124 (a) Was counted as a full-time equivalent student during
125 the previous state fiscal year for purposes of state per-student
126 funding;

697743

5/4/2007 10:36:46 AM

Amendment No.

127 (b) Received a scholarship from an eligible nonprofit
128 scholarship-funding organization or from the State of Florida
129 during the previous school year; or

130 (c) Is eligible to enter kindergarten or first grade.
131

132 Contingent upon available funds, a student may continue in the
133 scholarship program as long as the student's family income level
134 does not exceed 200 percent of the federal poverty level. A
135 sibling of a student who is continuing in the program and
136 resides in the same household as the student shall also be
137 eligible as a first-time corporate income tax credit scholarship
138 recipient as long as the student's and sibling's family income
139 level does not exceed 200 percent of the federal poverty level.

140 (4) SCHOLARSHIP PROHIBITIONS.--A student is not eligible
141 for a scholarship while he or she is:

142 (a) Enrolled in a school operating for the purpose of
143 providing educational services to youth in Department of
144 Juvenile Justice commitment programs;

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

147 (c) Receiving an educational scholarship pursuant to
148 chapter 1002;

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

151 (e) Participating in a private tutoring program pursuant
152 to s. 1002.43;

153 (f) Participating in a virtual school, correspondence
154 school, or distance learning program that receives state funding
697743

5/4/2007 10:36:46 AM

Amendment No.

155 pursuant to the student's participation unless the participation
156 is limited to no more than two courses per school year; or

157 (g) Enrolled in the Florida School for the Deaf and the
158 Blind.

159 (5) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX
160 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

161 (a) There is allowed a credit of 100 percent of an
162 eligible contribution against any tax due for a taxable year
163 under this chapter. However, such a credit may not exceed 75
164 percent of the tax due under this chapter for the taxable year,
165 after the application of any other allowable credits by the
166 taxpayer. The credit granted by this section shall be reduced by
167 the difference between the amount of federal corporate income
168 tax taking into account the credit granted by this section and
169 the amount of federal corporate income tax without application
170 of the credit granted by this section.

171 (b) The total amount of tax credits and carryforward of
172 tax credits which may be granted each state fiscal year under
173 this section is \$88 million. At least 1 percent of the total
174 statewide amount authorized for the tax credit shall be reserved
175 for taxpayers who meet the definition of a small business
176 provided in s. 288.703(1) at the time of application.

177 (c) A taxpayer who files a Florida consolidated return as
178 a member of an affiliated group pursuant to s. 220.131(1) may be
179 allowed the credit on a consolidated return basis; however, the
180 total credit taken by the affiliated group is subject to the
181 limitation established under paragraph (a).

697743

5/4/2007 10:36:46 AM

Amendment No.

182 (d) Effective for tax years beginning January 1, 2006, a
183 taxpayer may rescind all or part of its allocated tax credit
184 under this section. The amount rescinded shall become available
185 for purposes of the cap for that state fiscal year under this
186 section to an eligible taxpayer as approved by the department if
187 the taxpayer receives notice from the department that the
188 rescindment has been accepted by the department and the taxpayer
189 has not previously rescinded any or all of its tax credit
190 allocation under this section more than once in the previous 3
191 tax years. Any amount rescinded under this paragraph shall
192 become available to an eligible taxpayer on a first-come, first-
193 served basis based on tax credit applications received after the
194 date the rescindment is accepted by the department.

195 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
196 ORGANIZATIONS.--An eligible nonprofit scholarship-funding
197 organization:

198 (a) Must comply with the antidiscrimination provisions of
199 42 U.S.C. s. 2000d.

200 (b) Must comply with the following background check
201 requirements:

202 1. All owners and operators as defined in subparagraph
203 (2)(e)1. are, upon employment or engagement to provide services,
204 subject to level 2 background screening as provided under
205 chapter 435. The fingerprints for the background screening must
206 be electronically submitted to the Department of Law Enforcement
207 and can be taken by an authorized law enforcement agency or by
208 an employee of the eligible nonprofit scholarship-funding
209 organization or a private company who is trained to take

697743

5/4/2007 10:36:46 AM

Amendment No.

210 fingerprints. However, the complete set of fingerprints of an
211 owner or operator may not be taken by the owner or operator. The
212 results of the state and national criminal history check shall
213 be provided to the Department of Education for screening under
214 chapter 435. The cost of the background screening may be borne
215 by the eligible nonprofit scholarship-funding organization or
216 the owner or operator.

217 2. Every 5 years following employment or engagement to
218 provide services or association with an eligible nonprofit
219 scholarship-funding organization, each owner or operator must
220 meet level 2 screening standards as described in s. 435.04, at
221 which time the nonprofit scholarship-funding organization shall
222 request the Department of Law Enforcement to forward the
223 fingerprints to the Federal Bureau of Investigation for level 2
224 screening. If the fingerprints of an owner or operator are not
225 retained by the Department of Law Enforcement under subparagraph
226 3., the owner or operator must electronically file a complete
227 set of fingerprints with the Department of Law Enforcement. Upon
228 submission of fingerprints for this purpose, the eligible
229 nonprofit scholarship-funding organization shall request that
230 the Department of Law Enforcement forward the fingerprints to
231 the Federal Bureau of Investigation for level 2 screening, and
232 the fingerprints shall be retained by the Department of Law
233 Enforcement under subparagraph 3.

234 3. Beginning July 1, 2007, all fingerprints submitted to
235 the Department of Law Enforcement as required by this paragraph
236 must be retained by the Department of Law Enforcement in a
237 manner approved by rule and entered in the statewide automated
697743

5/4/2007 10:36:46 AM

Amendment No.

238 fingerprint identification system authorized by s. 943.05(2)(b).
239 The fingerprints must thereafter be available for all purposes
240 and uses authorized for arrest fingerprint cards entered in the
241 statewide automated fingerprint identification system pursuant
242 to s. 943.051.

243 4. Beginning July 1, 2007, the Department of Law
244 Enforcement shall search all arrest fingerprint cards received
245 under s. 943.051 against the fingerprints retained in the
246 statewide automated fingerprint identification system under
247 subparagraph 3. Any arrest record that is identified with an
248 owner's or operator's fingerprints must be reported to the
249 Department of Education. The Department of Education shall
250 participate in this search process by paying an annual fee to
251 the Department of Law Enforcement and by informing the
252 Department of Law Enforcement of any change in the employment,
253 engagement, or association status of the owners or operators
254 whose fingerprints are retained under subparagraph 3. The
255 Department of Law Enforcement shall adopt a rule setting the
256 amount of the annual fee to be imposed upon the Department of
257 Education for performing these services and establishing the
258 procedures for the retention of owner and operator fingerprints
259 and the dissemination of search results. The fee may be borne by
260 the owner or operator of the nonprofit scholarship-funding
261 organization.

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

697743

5/4/2007 10:36:46 AM

Amendment No.

265 6. A nonprofit scholarship-funding organization whose
266 owner or operator in the last 7 years has filed for personal
267 bankruptcy or corporate bankruptcy in a corporation of which he
268 or she owned more than 20 percent shall not be eligible to
269 provide scholarships under this section.

270 (c) Must not have an owner or operator who owns or
271 operates an eligible private school that is participating in the
272 scholarship program.

273 (d) Must provide scholarships, from eligible
274 contributions, to eligible students for:

275 1. Tuition, ~~or~~ textbook expenses, or registration fees
276 for, or transportation to, an eligible private school. The
277 amount of the scholarship shall be the maximum allowed by law or
278 the amount of the private school's textbook expenses and
279 published tuition and registration fees, whichever is less; At
280 least 75 percent of the scholarship funding must be used to pay
281 tuition expenses, or

282 2. Transportation expenses to a Florida public school that
283 is located outside the district in which the student resides or
284 to a lab school as defined in s. 1002.32.

285 (e) Must give priority to eligible students who received a
286 scholarship from an eligible nonprofit scholarship-funding
287 organization or from the State of Florida during the previous
288 school year.

289

290 ===== T I T L E A M E N D M E N T =====

291 On page 45, lines 1-14, remove all of said lines and
292 insert:

697743

5/4/2007 10:36:46 AM

HOUSE AMENDMENT

Bill No. HB 7145

Amendment No.

293 specified entities; requiring the committee to annually notify
294 specified parents of specified scholarship availability;
295 requiring an annual report; amending s. 220.187, F.S.; providing
296 legislative findings; revising program purposes; providing for
297 eligibility of siblings of certain students; revising provisions
298 relating to authorized uses of scholarship funds and expenditure
299 of contributions received during the fiscal year; revising
300 scholarship amounts and payments;

697743

5/4/2007 10:36:46 AM