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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/WD/2R

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03/12/2020 02:53 PM

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Senator Lee moved the following:

Senate Amendment (with directory and title amendments)

Delete lines 210 - 309

and insert:

(b) The scholarship amount provided to a student for any single school year shall be for tuition and fees for an eligible private school, not to exceed annual limits, which shall be determined in accordance with this paragraph. The calculated amount for a student to attend an eligible private school shall be based upon the grade level and school district in which the student was assigned as 95 percent of the funds per unweighted



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12 full-time equivalent in the Florida Education Finance Program
13 for a student in the basic program established pursuant to s.
14 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
15 for all categorical programs, except for the Exceptional Student
16 Education Guaranteed Allocation and the Teacher Salary Increase
17 Allocation.

18 Section 2. Subsection (3), paragraphs (e) and (f) of
19 subsection (6), and paragraph (a) of subsection (11) of section
20 1002.395, Florida Statutes, are amended to read:

21 1002.395 Florida Tax Credit Scholarship Program.—

22 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

23 (a) The Florida Tax Credit Scholarship Program is
24 established.

25 (b) A student is eligible for a Florida tax credit
26 scholarship under this section if the student meets one or more
27 of the following criteria:

28 1. The student is on the direct certification list or the
29 student's household income level does not exceed 260 ~~185~~ percent
30 of the federal poverty level; or

31 2. The student is currently placed, or during the previous
32 state fiscal year was placed, in foster care or in out-of-home
33 care as defined in s. 39.01.

34 ~~3. The student's household income level is greater than 185~~
35 ~~percent of the federal poverty level but does not exceed 260~~
36 ~~percent of the federal poverty level.~~

37
38 Priority must be given to a student whose household income level
39 does not exceed 185 percent of the federal poverty level or who
40 is in foster care or out-of-home care. A student who initially



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41 receives a scholarship based on eligibility under this paragraph
42 ~~subparagraph (b)2.~~ remains eligible to participate until he or
43 she ~~the student~~ graduates from high school or attains the age of
44 21 years, whichever occurs first, regardless of the student's
45 household income level. ~~A student who initially received a~~
46 ~~scholarship based on income eligibility before the 2019-2020~~
47 ~~school year remains eligible to participate until he or she~~
48 ~~graduates from high school, attains the age of 21 years, or the~~
49 ~~student's household income level exceeds 260 percent of the~~
50 ~~federal poverty level, whichever occurs first.~~ A sibling of a
51 student who is participating in the scholarship program under
52 this subsection is eligible for a scholarship if the student
53 resides in the same household as the sibling.

54 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
55 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
56 organization:

57 (e) Must give first priority to eligible renewal students
58 who received a full-time scholarship from an eligible nonprofit
59 scholarship-funding organization or from the State of Florida
60 during the previous school year. The eligible nonprofit
61 scholarship-funding organization must fully apply and exhaust
62 all funds available under this section and s. 1002.40(11)(i) for
63 renewal scholarship awards before awarding any initial
64 scholarships ~~Beginning in the 2016-2017 school year, an eligible~~
65 ~~nonprofit scholarship-funding organization shall give priority~~
66 ~~to new applicants whose household income levels do not exceed~~
67 ~~185 percent of the federal poverty level or who are in foster~~
68 ~~care or out-of-home care.~~

69 (f) Must provide a renewal or initial scholarship to an



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70 eligible student on a first-come, first-served basis unless the
71 student qualifies for priority pursuant to paragraph (e). Each
72 eligible nonprofit scholarship-funding organization must refer
73 any student eligible for a scholarship pursuant to this section
74 who did not receive a renewal or initial scholarship based
75 solely on the lack of available funds under this section and s.
76 1002.40(11)(i) to another eligible nonprofit scholarship-funding
77 organization that may have funds available.

78
79 Information and documentation provided to the Department of
80 Education and the Auditor General relating to the identity of a
81 taxpayer that provides an eligible contribution under this
82 section shall remain confidential at all times in accordance
83 with s. 213.053.

84 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

85 (a) The scholarship amount provided to any student for any
86 single school year by an eligible nonprofit scholarship-funding
87 organization from eligible contributions shall be for total
88 costs authorized under paragraph (6)(d), not to exceed annual
89 limits, which shall be determined as follows:

90 1. For a student who received a scholarship in the 2018-
91 2019 school year, who remains eligible, and who is enrolled in
92 an eligible private school, the amount shall be the greater
93 amount calculated pursuant to subparagraph 2. or a percentage of
94 the unweighted FTE funding amount for the 2018-2019 state fiscal
95 year and thereafter as follows:

96 a. Eighty-eight percent for a student enrolled in
97 kindergarten through grade 5.

98 b. Ninety-two percent for a student enrolled in grade 6



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99 through grade 8.

100 c. Ninety-six percent for a student enrolled in grade 9
101 through grade 12.

102 2. For students initially eligible in the 2019-2020 school
103 year or thereafter, the calculated amount for a student to
104 attend an eligible private school shall be based upon the grade
105 level and school district in which the student resides as 95
106 percent of the funds per unweighted full-time equivalent in the
107 Florida Education Finance Program for a student in the basic
108 program established pursuant to s. 1011.62(1)(c)1., plus a per-
109 full-time equivalent share of funds for all categorical
110 programs, except for the Exceptional Student Education
111 Guaranteed Allocation and the Teacher Salary Increase
112 Allocation.

113 3. The scholarship amount awarded to a student enrolled in
114 a Florida public school in which a student is enrolled and that
115 is different from the school to which the student was assigned
116 or in a lab school as defined in s. 1002.32, is limited to \$750.

117 Section 3. Paragraphs (a) and (i) of subsection (11) of
118 section 1002.40, Florida Statutes, are amended to read:

119 1002.40 The Hope Scholarship Program.—

120 (11) FUNDING AND PAYMENT.—

121 (a) For students initially eligible in the 2019-2020 school
122 year or thereafter, the calculated amount for a student to
123 attend an eligible private school shall be based upon the grade
124 level and school district in which the student was assigned as
125 95 percent of the funds per unweighted full-time equivalent in
126 the Florida Education Finance Program for a student in the basic
127 program established pursuant to s. 1011.62(1)(c)1., plus a per-



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128 full-time equivalent share of funds for all categorical
129 programs, except for the Exceptional Student Education
130 Guaranteed Allocation and the Teacher Salary Increase
131 Allocation.

132 (i) Notwithstanding s. 1002.395(6)(j)2., no more than 5
133 percent of net eligible contributions may be carried forward to
134 the following state fiscal year by an eligible scholarship-
135 funding organization. For audit purposes, all amounts carried
136 forward must be specifically identified for individual students
137 by student name and by the name of the school to which the
138 student is admitted, subject to the requirements of ss. 1002.21
139 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and
140 regulations issued pursuant to such requirements. Any amounts
141 carried forward shall be expended for annual scholarships or
142 partial-year scholarships in the following state fiscal year.
143 Net eligible contributions remaining on June 30 of each year
144 which are in excess of the 5 percent that may be carried forward
145 shall be transferred to other eligible nonprofit scholarship-
146 funding organizations participating in the Hope Scholarship
147 Program to provide scholarships for eligible students. All
148 transferred funds must be deposited by each eligible nonprofit
149 scholarship-funding organization receiving such funds into the
150 scholarship account of eligible students. All transferred
151 amounts received by an eligible nonprofit scholarship-funding
152 organization must be separately disclosed in the annual
153 financial audit requirement under s. 1002.395(6)(m). If no other
154 eligible nonprofit scholarship-funding organization participates
155 in the Hope Scholarship Program, net eligible contributions in
156 excess of the 5 percent may be used to fund scholarships for



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157 students eligible under s. 1002.395 only after fully exhausting
158 all contributions made in support of scholarships under that
159 section in accordance with the priority established in s.
160 1002.395(6)(e) before awarding any initial scholarships ~~or~~
161 ~~1002.395(3).~~

162
163 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

164 And the directory clause is amended as follows:

165 Delete lines 47 - 48

166 and insert:

167 and (7), paragraph (c) of subsection (8), and paragraphs (a) and
168 (b) of subsection (11) of that section are amended, to read:

169
170 ===== T I T L E A M E N D M E N T =====

171 And the title is amended as follows:

172 Delete lines 21 - 35

173 and insert:

174 creating a new exception for scholarship funding for
175 the Family Empowerment Scholarship; amending s.
176 1002.395, F.S.; revising eligibility criteria for the
177 Florida Tax Credit Scholarship Program and applying
178 the criteria only to initial eligibility; requiring
179 that priority be given to students whose household
180 income levels do not exceed a specified amount or who
181 are in foster care or out-of-home care; requiring
182 scholarship-funding organizations to prioritize
183 renewal scholarships over initial scholarships;
184 requiring a scholarship-funding organization to refer
185 students who did not receive a scholarship because of



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186 lack of funds to another scholarship-funding
187 organization; providing an exception from a funding
188 formula under the Florida Tax Credit Scholarship
189 Program; amending s. 1002.40, F.S.; providing an
190 exception from funding formulas under the Hope
191 Scholarship Program; requiring scholarship-funding
192 organizations to use excess contributions to fund
193 scholarships for specified students under certain
194 conditions; amending