

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED  
**Committee on Education Pre-K - 12**

**CS/CS/CS/HB 859 — Florida Tax Credit Scholarship Program**

by Education Committee; PreK-12 Appropriations Subcommittee; Finance and Tax Committee; and Rep. Corcoran and others (CS/SB 962 by Education Pre-K – 12 Committee and Senators Benacquisto, Haridopolos, Garcia, Bogdanoff, Bennett, Flores, Negron, Thrasher, Fasano, Wise, Hays, Norman, Siplin, Richter, Alexander, Storms, Altman, Gardiner, Simmons, Evers, and Oelrich)

The bill makes changes to the Florida Tax Credit (FTC) Scholarship Program, which allows private, voluntary contributions from corporate donors to nonprofit scholarship-funding organizations that provide scholarships to eligible students.

**Tax Credits**

The bill increases the \$218,750,000 maximum tax credit available in fiscal year 2012-2013 by \$10,250,000 to \$229 million. In fiscal year 2013-2014 and thereafter, the cap will continue to increase by 25 percent whenever tax credits approved in the prior fiscal year are equal to or greater than 90 percent of the tax credit cap amount for that year.

**Eligible Students**

The bill allows a student who is eligible to enter kindergarten through fifth grade to receive an FTC scholarship without having to meet the prior year public school enrollment requirement. Also, the bill removes the household income level requirements for a student who is currently placed, or during the previous fiscal year was placed, in foster care.

**Participating Private Schools**

The bill authorizes private schools that participate in the FTC program to administer statewide assessments at the private school to students in grades three through ten. Upon request by a participating private school, the Department of Education (DOE) must provide the assessments and related materials at no cost. The number of scholarship students who may be assessed is contingent upon the terms and conditions in the DOE's contracts for assessments.

Private schools that administer the statewide assessments would be subject to State Board of Education rule and district policy for assessment protocol. Private schools would be responsible for reporting the scores of their students to the independent research organization that is charged with reporting student learning gains to the DOE. School districts and the DOE would provide the assessments and support to private schools that choose to administer these assessments.

Current law allows the DOE to make seven random site visits to participating private schools each year; however, no more than one site visit may be made each year to the same private school. The bill eliminates the requirement that the site visits be random. The DOE may make additional site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous two years.

The bill authorizes the Commissioner of Education to deny, suspend, or revoke a private school's participation in the program if the commissioner determines that an owner or operator of a private school has exhibited a previous pattern of failure to comply with the law related to the FTC program or private school accountability.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 32-8; House 92-24*