

1 A bill to be entitled
2 An act relating to scholarship programs; amending s.
3 1002.39, F.S., relating to the John M. McKay Scholarships
4 for Students with Disabilities Program; revising the
5 definition of an eligible student; revising the
6 eligibility requirements of the program; extending the
7 term of the scholarship; prohibiting certain students from
8 receiving a scholarship; revising the parental
9 notification requirements; authorizing certain scholarship
10 students to participate in a distance learning or
11 correspondence course or a private tutoring program under
12 certain circumstances; providing a definition of timely
13 parental notification; providing requirements for district
14 school boards with respect to completing and making
15 changes to the matrix of services for scholarship
16 students; requiring school districts to provide parental
17 notification related to reassessments; revising
18 requirements that a participating private school
19 demonstrate fiscal soundness; requiring a surety bond;
20 providing an exception; requiring annual registration of
21 private schools; providing requirements for documentation
22 and notice; providing additional requirements for
23 participating private schools; requiring annual sworn and
24 notarized compliance statements to be filed with the
25 department; requiring specific documentation for
26 participating scholarship students; requiring that the
27 private school maintain a physical location in this state;
28 requiring that information be made available to potential

29 scholarship students and the department; requiring
30 scholarship students to participate in assessments;
31 requiring notification to parents regarding student skill
32 levels; requiring notification to the department regarding
33 changes in information; requiring notification to local
34 health departments; requiring certain individuals to
35 undergo level 2 background screening requirements pursuant
36 to s. 435.04, F.S.; providing for the Department of Law
37 Enforcement to retain and search fingerprint records;
38 providing for an annual fee as provided by rule of the
39 Department of Law Enforcement; requiring that costs of
40 background checks to be borne by certain parties;
41 prohibiting a private school from acting as an attorney in
42 fact for the parent of a scholarship student or endorsing
43 scholarship warrants on behalf of a parent; prohibiting
44 participating private schools from sending or directing
45 scholarship funds to parents of a scholarship student who
46 receives instruction at home; prohibiting a participating
47 school from being a private tutoring program or a
48 correspondence or distance learning school; prohibiting a
49 participating school from accepting students pending
50 verification of information; authorizing a participating
51 private school to request, and the department to grant,
52 closed-enrollment status for a school; prohibiting the
53 parent of a scholarship student from designating a
54 participating private school as the parent's attorney in
55 fact to sign a scholarship warrant; clarifying that the
56 school district must report to the department the students

57 | who are attending a private school under the program;
58 | establishing additional obligations of the Department of
59 | Education; requiring the department to review, approve,
60 | and verify information and review background checks;
61 | requiring the department to determine the eligibility of a
62 | private school to participate in the program; requiring
63 | the department to publish an on-line list of current
64 | eligible private schools; requiring the department to deny
65 | or refuse to allow the participation of a private school
66 | for failing to meet certain requirements; requiring the
67 | department to issue a notice of noncompliance for minor
68 | violations; providing for an emergency order revoking the
69 | registration of a private school for failing to satisfy
70 | the requirements in the notice; requiring the Department
71 | of Education to immediately revoke the registration of a
72 | private school for certain other violations; requiring the
73 | department to revoke the scholarship for a participant for
74 | failing to comply with statutory requirements or for
75 | engaging in specified practices; requiring the department
76 | to conduct investigations of legally sufficient complaints
77 | of violations; authorizing the department to require
78 | supporting information or documentation; authorizing the
79 | Department of Education to change the matrix of services
80 | under certain circumstances; providing for audits by the
81 | Auditor General; providing requirements for the audits;
82 | requiring the State Board of Education to adopt rules;
83 | specifying the required rules; requiring the State Board
84 | of Education to initiate the adoption of rules by a time

85 | certain and report to the Legislature; providing
86 | exceptions for certain participating private schools
87 | subject to specific conditions; amending s. 220.187, F.S.,
88 | relating to the Corporate Tax Credit Scholarship Program;
89 | providing a short title; providing definitions;
90 | prohibiting certain private schools and other entities
91 | from participating in the scholarship program; prohibiting
92 | certain students from participating in the scholarship
93 | program; revising limitations on the allocation of annual
94 | credits granted under the program; providing limitations
95 | on eligible contributions; requiring the Auditor General
96 | to review certain audits, request certain information, and
97 | report to the Legislative Auditing Committee any findings
98 | of noncompliance; authorizing the Legislative Auditing
99 | Committee to conduct hearings and compel the Department of
100 | Education to revoke eligibility of certain nonprofit
101 | scholarship-funding organizations; providing for audit
102 | reports to be submitted to the Department of Education;
103 | requiring audits be conducted within 180 days after
104 | completion of the nonprofit scholarship-funding
105 | organization's fiscal year; requiring a nonprofit
106 | scholarship-funding organization to make scholarship
107 | payments at least on a quarterly basis; prohibiting
108 | commingling of certain scholarship funds; requiring a
109 | nonprofit scholarship-funding organization to maintain a
110 | separate account for scholarship funds; requiring a
111 | nonprofit scholarship-funding organization to verify
112 | student attendance at a private school prior to submission

113 of scholarship funds; requiring a nonprofit scholarship-
114 funding organization to verify income eligibility of
115 qualified students at least once a year in accordance with
116 State Board of Education rules; requiring a nonprofit
117 scholarship-funding organization to submit certain reports
118 to the Department of Education; requiring certain
119 individuals to undergo level 2 background screening
120 requirements pursuant to s. 435.04, F.S.; providing for
121 the Department of Law Enforcement to retain and search
122 fingerprint records; providing for an annual fee as
123 provided by rule of the Department of Law Enforcement;
124 requiring costs of background checks be borne by certain
125 parties; prohibiting certain eligible nonprofit
126 scholarship-funding organizations the owners of which have
127 filed for bankruptcy from participating in the program;
128 requiring a nonprofit scholarship-funding organization
129 comply with antidiscrimination provisions of 42 U.S.C. s.
130 2000d; prohibiting an owner or a nonprofit scholarship-
131 funding organization from owning, operating, or
132 administering an eligible private school under the
133 scholarship program; requiring a nonprofit scholarship-
134 funding organization to report any private school not in
135 compliance with scholarship program requirements to the
136 Department of Education; prohibiting provision of
137 scholarship funds to a student to attend a private school
138 not in compliance; authorizing a parent to transfer the
139 scholarship; requiring award of scholarships on a first-
140 come, first-served basis; prohibiting a nonprofit

141 scholarship-funding organization from targeting certain
142 students for scholarships; prohibiting the award of
143 scholarships to a child of an owner of a nonprofit
144 scholarship-funding organization; prohibiting the transfer
145 of an eligible contribution between nonprofit scholarship-
146 funding organizations; prohibiting a nonprofit
147 scholarship-funding organization from securing financing
148 in anticipation of eligible contributions; prohibiting a
149 nonprofit scholarship-funding organization from
150 participating in the program if the organization fails to
151 meet statutory obligations; requiring students to meet
152 certain attendance policies; requiring parents to meet
153 certain parental involvement requirements unless excused;
154 prohibiting a parent from authorizing a power of attorney
155 for endorsement of scholarship warrant; requiring a parent
156 to ensure that a scholarship student participates in
157 testing requirements; prohibiting a student or parent of a
158 student from participating in the scholarship program if
159 the student or parent fails to meet statutory obligations;
160 revising provisions with respect to private schools;
161 revising requirements that a participating private school
162 demonstrate fiscal soundness; requiring a surety bond;
163 providing an exception; requiring a private school to
164 employ or contract with teachers who have regular and
165 direct contact with students at the school's physical
166 location; requiring the private schools to employ or
167 contract with teachers who have at least a baccalaureate
168 degree or 3 years of teaching experience at a public or

169 private school, and other skills that qualify the teacher
170 to provide appropriate instruction; requiring a private
171 school to report to the Department of Education the
172 qualifications of teachers; requiring a private school to
173 annually register with the Department of Education and
174 provide certain information concerning the private school
175 organization, student list, and notice of intent to
176 participate in the scholarship program; requiring certain
177 individuals to undergo level 2 background screening
178 requirements pursuant to s. 435.04, F.S.; providing for
179 the Department of Law Enforcement to retain and search
180 fingerprint records; providing for an annual fee as
181 provided by rule of the Department of Law Enforcement;
182 requiring costs of background checks be borne by certain
183 parties; requiring a private school to administer or to
184 make provision for administering certain tests to
185 scholarship students; requiring reporting of scores to the
186 student's parent and to the Department of Education;
187 requiring a private school to file an affidavit; requiring
188 a private school to notify the Department of Education in
189 writing within 7 days if a student is ineligible to
190 participate in the scholarship program; requiring a
191 private school to report to the Department of Education
192 and distribute to scholarship applicants information
193 concerning accreditation and years in existence; requiring
194 the Department of Education to make certain information
195 concerning private school accreditation available to the
196 public; prohibiting a private school from participating in

197 the scholarship program if the private school fails to
198 meet its statutory obligations; requiring the Department
199 of Education to determine the eligibility of certain
200 nonprofit scholarship-funding organizations within 90 days
201 after application; requiring a written notice with
202 specific reasons for approval or denial; requiring the
203 Department of Education to annually determine the
204 eligibility of nonprofit scholarship-funding organizations
205 and private schools; requiring the Department of Education
206 to make accessible to the public a list of eligible
207 private schools; requiring the Department of Education to
208 annually verify the eligibility of students; requiring the
209 Department of Education to maintain a student database of
210 program participants and to update the database at least
211 quarterly; requiring the Department of Education to notify
212 a nonprofit scholarship-funding organization of any
213 ineligible student; requiring the Department of Education
214 to annually account for and verify the eligibility of
215 program expenditures; requiring the Department of
216 Education to review audits; requiring the Department of
217 Education to report student performance data; providing
218 limitations on reporting; requiring the Department of
219 Education to revoke the eligibility of program
220 participants for failure to comply with statutory
221 obligations; requiring the Department of Education to
222 conduct investigations of certain complaints; requiring
223 the Department of Education to annually report on
224 accountability activities; requiring the State Board of

225 Education to adopt rules regarding documentation to
 226 establish eligibility of nonprofit scholarship-funding
 227 organizations, requiring an affidavit, and requiring
 228 independent income verification for determining the
 229 eligibility of students; authorizing the State Board of
 230 Education to delegate its authority to the Commissioner of
 231 Education with the exception of rulemaking authority;
 232 providing an effective date.

233

234 Be It Enacted by the Legislature of the State of Florida:

235

236 Section 1. Subsections (1), (2), (3), (4), and (5) and
 237 paragraphs (d) and (e) of subsection (6) of section 1002.39,
 238 Florida Statutes, are amended, present subsections (7) and (8)
 239 of that section are redesignated as subsections (9) and (10),
 240 respectively, and amended, and new subsections (7) and (8) are
 241 added to that section, to read:

242 1002.39 The John M. McKay Scholarships for Students with
 243 Disabilities Program.--There is established a program that is
 244 separate and distinct from the Opportunity Scholarship Program
 245 and is named the John M. McKay Scholarships for Students with
 246 Disabilities Program, pursuant to this section.

247 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
 248 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
 249 Students with Disabilities Program is established to provide the
 250 option to attend a public school other than the one to which
 251 assigned, or to provide a scholarship to a private school of
 252 choice, for students with disabilities for whom an individual

253 education plan has been written in accordance with rules of the
 254 State Board of Education. Students with disabilities include K-
 255 12 students who are documented as having mental retardation; a
 256 speech or language impairment; a hearing impairment, including
 257 deafness; a visual impairment, including blindness; a dual
 258 sensory impairment; a physical impairment; a serious emotional
 259 disturbance, including an emotional handicap; a specific
 260 learning disability, including, but not limited to, dyslexia,
 261 dyscalculia, or developmental aphasia; a traumatic brain injury;
 262 or autism ~~mentally handicapped, speech and language impaired,~~
 263 ~~deaf or hard of hearing, visually impaired, dual sensory~~
 264 ~~impaired, physically impaired, emotionally handicapped, specific~~
 265 ~~learning disabled, hospitalized or homebound, or autistic.~~

266 (2) SCHOLARSHIP ELIGIBILITY; PROHIBITIONS.--

267 (a) The parent of a public school student with a
 268 disability who is dissatisfied with the student's progress may
 269 request and receive from the state a John M. McKay Scholarship
 270 for the child to enroll in and attend a private school in
 271 accordance with this section if:

272 1.(a) By assigned school attendance area or by special
 273 assignment, the student has spent the prior school year in
 274 attendance at a Florida public school. Prior school year in
 275 attendance means that the student was enrolled and reported by a
 276 school district for funding during the preceding October and
 277 February Florida Education Finance Program surveys in
 278 kindergarten through grade 12. Prior school year in attendance
 279 does not include the period of time that the student was
 280 enrolled in a school operating for the purposes of providing

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281 educational services to youth in a commitment program of the
282 Department of Juvenile Justice. However, this subparagraph
283 ~~paragraph~~ does not apply to a dependent child of a member of the
284 United States Armed Forces who transfers to a school in this
285 state from out of state or from a foreign country pursuant to a
286 parent's permanent change of station orders. A dependent child
287 of a member of the United States Armed Forces who transfers to a
288 school in this state from out of state or from a foreign country
289 pursuant to a parent's permanent change of station orders must
290 meet all other eligibility requirements to participate in the
291 program.

292 2.(b) The parent has obtained acceptance for admission of
293 the student to a private school that is eligible for the program
294 under subsection (4) and has notified the Department of
295 Education ~~school district~~ of the request for a scholarship at
296 least 60 days prior to the date of the first scholarship
297 payment. The parental notification must be through a
298 communication directly to the ~~district or through the~~ Department
299 of Education ~~to the district~~ in a manner that creates a written
300 or electronic record of the notification and the date of receipt
301 of the notification. The Department of Education must notify the
302 district of the parent's intent, upon receipt of the parent's
303 notification.

304
305 ~~This section does not apply to a student who is enrolled in a~~
306 ~~school operating for the purpose of providing educational~~
307 ~~services to youth in Department of Juvenile Justice commitment~~
308 ~~programs.~~ For purposes of continuity of educational choice, the

309 scholarship shall remain in force until the student returns to a
310 public school or graduates from high school or reaches the age
311 of 22, whichever occurs first. However, at any time, the
312 student's parent may remove the student from the private school
313 and place the student in another private school that is eligible
314 for the program under subsection (4) or in a public school as
315 provided in subsection (3).

316 (b) A student is not eligible to receive a scholarship
317 under this section if he or she:

318 1. Receives a scholarship from an eligible scholarship-
319 funding organization under s. 220.187.

320 2. Receives an opportunity scholarship under s. 1002.38.

321 3. Participates in a home education program as defined in
322 s. 1002.01(1).

323 4. Receives instruction from a correspondence school or a
324 private tutoring program as described in s. 1002.43, or
325 participates in distance learning courses.

326 5. Does not have regular and direct contact with his or
327 her private school teachers at the school's physical location.

328 6. Is enrolled in a school operating for the purpose of
329 providing educational services to youth in commitment programs
330 of the Department of Juvenile Justice.

331
332 Notwithstanding the prohibition set forth in subparagraph 4., a
333 student who receives a John M. McKay Scholarship may participate
334 in a distance learning course, a private tutoring program, or a
335 course offered by a correspondence school, the tuition and other
336 costs of which are not paid by scholarship funds provided under

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337 this section.

338 (3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION
339 OBLIGATIONS.--

340 (a) The Department of Education ~~A school district~~ shall
341 timely notify the parent of each public school ~~the~~ student of
342 all options available pursuant to this section and offer that
343 student's parent an opportunity to enroll the student in another
344 public school within the district. The parent is not required to
345 accept this offer in lieu of requesting a John M. McKay
346 Scholarship to a private school. However, if the parent chooses
347 the public school option, the student may continue attending a
348 public school chosen by the parent until the student graduates
349 from high school. If the parent chooses a public school
350 consistent with the district school board's choice plan under s.
351 1002.31, the school district shall provide transportation to the
352 public school selected by the parent. The parent is responsible
353 to provide transportation to a public school chosen that is not
354 consistent with the district school board's choice plan under s.
355 1002.31. For purposes of this paragraph, timely notification
356 means notification no later than April 1 of each school year.

357 (b)1. For a student with disabilities who does not have a
358 matrix of services under s. 1011.62(1)(e), the school district
359 must complete a matrix that assigns the student to one of the
360 levels of service as they existed prior to the 2000-2001 school
361 year.

362 2.a. The school district must complete the matrix of
363 services for any student who is participating in the John M.
364 McKay Scholarships for Students with Disabilities Program and

365 must notify the Department of Education of the student's matrix
366 level within 30 days after receiving notification by the
367 Department of Education of the parent's ~~the student's parent of~~
368 intent to participate in the scholarship program. The nature and
369 intensity of the services indicated in the matrix must be
370 consistent with the services described in the student's
371 individual education plan.

372 b. A school district may change a matrix of services only
373 if the change is to:

374 (I) Correct a technical, typographical, or calculation
375 error; or

376 (II) Align the matrix of services with the student's
377 individual education plan completed by the public school
378 district for use in the public school prior to the student
379 enrolling in or attending a private school.

380 3. The Department of Education shall notify the private
381 school of the amount of the scholarship within 10 days after
382 receiving the school district's notification of the student's
383 matrix level.

384 4. Within 10 school days after it receives notification of
385 a parent's intent to apply for a McKay Scholarship, a district
386 school board must notify the student's parent if the matrix has
387 not been completed and provide the parent with the date for
388 completion of the matrix required in this paragraph.

389 (c) If the parent chooses the private school option and
390 the student is accepted by the private school pending the
391 availability of a space for the student, the parent of the
392 student must notify the Department of Education ~~school district~~

393 60 days prior to the first scholarship payment and before
 394 entering the private school in order to be eligible for the
 395 scholarship when a space becomes available for the student in
 396 the private school.

397 (d) The parent of a student may choose, as an alternative,
 398 to enroll the student in and transport the student to a public
 399 school in an adjacent school district which has available space
 400 and has a program with the services agreed to in the student's
 401 individual education plan already in place, and that school
 402 district shall accept the student and report the student to the
 403 Department of Education for purposes of the district's funding
 404 pursuant to the Florida Education Finance Program.

405 (e) For a student in the district who participates in the
 406 John M. McKay Scholarships for Students with Disabilities
 407 Program whose parent requests that the student take the
 408 statewide assessments under s. 1008.22, the district shall
 409 provide locations and times to take all statewide assessments.

410 (f) ~~A school district must notify~~ The Department of
 411 Education must notify the school district upon receipt of the
 412 ~~within 10 days after it receives~~ notification of a parent's
 413 intent to apply for a scholarship for a student with a
 414 disability. A school district must provide the student's parent
 415 with the student's matrix level within 10 school days after its
 416 completion.

417 (g) A school district shall, at least every 3 years,
 418 provide notification to parents of the availability of a
 419 reassessment of each student who receives a McKay Scholarship.

420 (4) PRIVATE SCHOOL ELIGIBILITY; REGISTRATION;

421 PROHIBITIONS.--

422 (a) To be eligible to participate in the John M. McKay
 423 Scholarships for Students with Disabilities Program, a private
 424 school must be a Florida private school as defined in s.
 425 1002.01(2), may be sectarian or nonsectarian, and must:

426 1.(a) Demonstrate fiscal soundness by filing with ~~being in~~
 427 ~~operation for 1 school year or provide~~ the Department of
 428 Education ~~with~~ a surety bond for the amount equal to the
 429 scholarship amount for each quarter of the school year. The
 430 purpose of the surety bond is to secure expenditures of
 431 scholarship funds if such funds are found to have been used for
 432 unlawful purposes. The surety bond must be filed at the time of
 433 the private school's initial registration and at each renewal
 434 period thereafter for a total of 3 consecutive years. This
 435 requirement does not apply to an eligible private school that:

436 a. Participates in the program for a total of 3
 437 consecutive years or longer; and

438 b. Has had no action taken by the Department of Education
 439 against the private school for any violation of this section for
 440 3 consecutive years or longer.

441
 442 However, any private school that was subject to an action taken
 443 by the department for any violation of this section shall,
 444 following the date on which the action was taken against the
 445 private school for a violation of this section, but prior to
 446 receiving the next quarterly payment and for 2 years thereafter,
 447 file a surety bond with the department.

448 2. Annually register with the Department of Education.

449 Each owner or administrator of a private school must provide the
450 following information:

451 a. The legal business and trade name, mailing address, and
452 business location of the private school;

453 b. The full name, address, and telephone number of each
454 owner or administrator of the private school; and

455 c. A notification of the private school's intent to
456 participate in the program under this section. The notice must
457 specify the grade levels and services that the private school
458 has available for students with disabilities who are
459 participating in the scholarship program. ~~statement by a~~
460 ~~certified public accountant confirming that the private school~~
461 ~~desiring to participate is insured and the owner or owners have~~
462 ~~sufficient capital or credit to operate the school for the~~
463 ~~upcoming year serving the number of students anticipated with~~
464 ~~expected revenues from tuition and other sources that may be~~
465 ~~reasonably expected. In lieu of such a statement, a surety bond~~
466 ~~or letter of credit for the amount equal to the scholarship~~
467 ~~funds for any quarter may be filed with the department.~~

468 ~~(b) Notify the Department of Education of its intent to~~
469 ~~participate in the program under this section. The notice must~~
470 ~~specify the grade levels and services that the private school~~
471 ~~has available for students with disabilities who are~~
472 ~~participating in the scholarship program.~~

473 3.(e) Comply with the antidiscrimination provisions of 42
474 U.S.C. s. 2000d.

475 4.(d) Meet state and local health and safety laws and
476 codes.

477 5.(e) Be academically accountable to the parent for
478 meeting the educational needs of the student.

479 6.(f) Employ or contract with teachers who hold
480 baccalaureate or higher degrees, or have at least 3 years of
481 teaching experience in public or private schools, or have
482 special skills, knowledge, or expertise that qualifies them to
483 provide instruction in subjects taught.

484 7.(g) Comply with all state laws relating to general
485 regulation of private schools, including, but not limited to, s.
486 1002.42.

487 8.(h) Publish and adhere to the tenets of its adopted
488 ~~published~~ disciplinary procedures prior to the expulsion of a
489 scholarship student.

490 9. Provide the Department of Education with all
491 documentation required for each scholarship student's
492 participation in the scholarship program, including, but not
493 limited to:

494 a. The private school's fee schedule, including, but not
495 limited to, fees for services, tuition, and instructional
496 materials, and each individual scholarship student's schedule of
497 fees and charges, at least 30 days before the first quarterly
498 scholarship payment is made for the student; and

499 b. The enrollment and attendance information, including an
500 on-line attendance verification form, for each scholarship
501 student at the private school, prior to each scholarship
502 payment.

503

504 The on-line attendance form must be documented each quarter by a

505 notarized statement that is signed by the private school and the
506 parents of each McKay Scholarship student in attendance at the
507 private school. The private school must maintain the completed
508 notarized statements at the private school for each academic
509 year. The completed notarized statements must be open to the
510 Department of Education upon request.

511 10. Maintain in this state a physical location where a
512 scholarship student regularly attends classes.

513 11.a. Advertise or notify potential McKay Scholarship
514 students and parents of the specific types of disabilities
515 served by the school, and provide this information to the
516 Department of Education.

517 b. Review with the parent the student's individual
518 education plan.

519 12. Require each McKay Scholarship student to participate
520 at least annually in a student assessment which, as determined
521 by the private school in consultation with the student's parent
522 or guardian, will demonstrate the student's skill level to the
523 student's parents.

524 13. Notify the student's parent at least annually about
525 the student's skill level on a student assessment that is
526 determined by the private school.

527 14. Notify the Department of Education of any change in
528 the school's registered name or location prior to any such
529 change and notify the Department of Education within 15 days
530 after any other change in the registration information submitted
531 to the department.

532 15. Notify each local health department within 15 days

533 after establishing operations at a physical location or address
534 and within 3 days after discovering any ongoing health code
535 violation that has not yet been remedied in full.

536 16. Annually complete and file with the Department of
537 Education a sworn and notarized compliance statement in a form
538 and by a deadline specified in rules adopted by the State Board
539 of Education.

540 (b) A private school participating in the John M. McKay
541 Scholarships for Students with Disabilities Program must ensure
542 that all personnel who are hired or contracted to provide
543 services to fill positions requiring direct contact with
544 students in the private school, and all owners of a private
545 school, shall, upon employment, engagement to provide services,
546 or assumption of a position of ownership, a position of
547 decisionmaking authority, or a position having access to
548 scholarship funds, undergo background screening pursuant to s.
549 435.04 by filing with the Department of Education a complete set
550 of fingerprints taken by an authorized law enforcement agency or
551 an employee of the private school who is trained to take
552 fingerprints. These fingerprints must be submitted to the
553 Department of Law Enforcement for state processing, which shall
554 in turn submit the fingerprints to the Federal Bureau of
555 Investigation for federal processing. The Department of
556 Education shall screen the background results and report to the
557 private school any person described in this paragraph who fails
558 to meet level 2 screening standards pursuant to s. 435.04 or any
559 person described in this paragraph who has been convicted of a
560 crime involving moral turpitude. Any person described in this

561 paragraph who is found through fingerprint processing to have
562 been convicted of a crime involving moral turpitude or fails to
563 meet level 2 screening standards pursuant to s. 435.04 may not
564 be employed or engaged to provide services in any position in
565 the private school requiring direct contact with students and
566 may not assume an ownership position, a position of
567 decisionmaking authority, or a position having access to
568 scholarship funds. The cost of the background screening may be
569 borne by the private school, the employee, the person engaged to
570 provide services, or the owner.

571 1. Every 5 years each person described in this paragraph
572 must meet level 2 screening requirements as described in s.
573 435.04, at which time the Department of Education shall request
574 the Department of Law Enforcement to forward the fingerprints to
575 the Federal Bureau of Investigation for level 2 screening. If
576 the fingerprints of a person described in this paragraph are not
577 retained by the Department of Law Enforcement under subparagraph
578 2., the person must file a complete set of fingerprints with the
579 Department of Education. Upon submission of fingerprints for
580 this purpose, the Department of Education shall request that the
581 Department of Law Enforcement forward the fingerprints to the
582 Federal Bureau of Investigation for level 2 screening, and the
583 fingerprints must be retained by the Department of Law
584 Enforcement under subparagraph 2. The cost of the state and
585 federal criminal history check required by level 2 screening may
586 be borne by the private school, the employee, the person engaged
587 to provide services, or the owner. Under penalty of perjury,
588 each person described in this paragraph must agree to inform the

589 private school immediately if convicted of any disqualifying
590 offense while in a capacity with the private school as described
591 in this paragraph.

592 2. All fingerprints submitted to the Department of Law
593 Enforcement as required by this paragraph shall be retained by
594 the Department of Law Enforcement in a manner provided by rule
595 and entered in the statewide automated fingerprint
596 identification system authorized by s. 943.05(2)(b). Such
597 fingerprints shall thereafter be available for all purposes and
598 uses authorized for arrest fingerprint cards entered in the
599 statewide automated fingerprint identification system under s.
600 943.051.

601 3. The Department of Law Enforcement shall search all
602 arrest fingerprint cards received under s. 943.051 against the
603 fingerprints retained in the statewide automated fingerprint
604 identification system under subparagraph 2. Any arrest record
605 that is identified with the fingerprints of a person described
606 in this paragraph must be reported to the Department of
607 Education. Each eligible private school shall participate in
608 this search process by paying an annual fee to the Department of
609 Law Enforcement and by informing the Department of Law
610 Enforcement of any change in the status or place of employment
611 or engagement of services of its personnel as described in this
612 paragraph whose fingerprints are retained under subparagraph 2.
613 The Department of Law Enforcement shall adopt a rule setting the
614 amount of the annual fee to be imposed upon each private school
615 for performing these searches and establishing the procedures
616 for the retention of private school personnel fingerprints and

617 the dissemination of search results. The fee may be borne by the
 618 private school, the employee, the person engaged to provide
 619 services, or the owner.

620 4. If it is found that a person described in this
 621 paragraph does not meet the level 2 requirements, the eligible
 622 private school shall be immediately suspended from participating
 623 in the program and shall remain suspended until final resolution
 624 of any appeals. An eligible private school that employs or
 625 engages to provide services with a person described in this
 626 paragraph who fails to meet level 2 screening standards or has
 627 been convicted of a crime involving moral turpitude may not
 628 participate in this program.

629 (c) A private school participating in the John M. McKay
 630 Scholarships for Students with Disabilities Program may not:

631 1. Act as attorney in fact for parents of a scholarship
 632 student under the authority of a power of attorney executed by
 633 such parents, or under any other authority, to endorse
 634 scholarship warrants on behalf of parents.

635 2. Send or direct McKay Scholarship funds to parents of a
 636 scholarship student who receives instruction at home.

637 3. Be a correspondence school or distance learning school.

638 4. Operate as a private tutoring program as defined in s.
 639 1002.43.

640 5. Accept a McKay Scholarship student until the sworn and
 641 notarized compliance statement has been completed, submitted to,
 642 and independently verified by the Department of Education.

643 (d) A participating private school may request that the
 644 school be listed by the Department of Education with a closed-

645 enrollment status in the McKay Scholarship program if the school
 646 is no longer accepting new students with McKay Scholarships. As
 647 used in this paragraph, the term "closed-enrollment status"
 648 means that the private school is no longer accepting any new
 649 student with a McKay Scholarship. However, the private school is
 650 subject to all the requirements under this section and all
 651 applicable rules adopted by the State Board of Education if the
 652 private school is serving a student with a McKay Scholarship.
 653 The private school must provide a written request for closed-
 654 enrollment status to the Department of Education. The Department
 655 of Education may grant closed-enrollment status to a
 656 participating private school. However, closed-enrollment status
 657 may not be granted for longer than 1 school year.

658 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--

659 (a) A parent who applies for a John M. McKay Scholarship
 660 is exercising his or her parental option to place his or her
 661 child in a private school. The parent must select the private
 662 school and apply for the admission of his or her child.

663 (b) The parent must have requested the scholarship at
 664 least 60 days prior to the date of the first scholarship
 665 payment.

666 (c) Any student participating in the scholarship program
 667 must remain in attendance throughout the school year, unless
 668 excused by the school for illness or other good cause, and must
 669 comply fully with the school's code of conduct.

670 (d) The parent of each student participating in the
 671 scholarship program must comply fully with the private school's
 672 parental involvement requirements, unless excused by the school

673 for illness or other good cause.

674 (e) If the parent requests that the student participating
 675 in the scholarship program take all statewide assessments
 676 required pursuant to s. 1008.22, the parent is responsible for
 677 transporting the student to the assessment site designated by
 678 the school district.

679 (f) Upon receipt of a scholarship warrant, the parent to
 680 whom the warrant is made must restrictively endorse the warrant
 681 to the private school for deposit into the account of the
 682 private school.

683 (g) The parent of a student participating in the
 684 scholarship program may not designate any participating private
 685 school as the parent's attorney in fact to sign a scholarship
 686 warrant.

687 (h)(g) A participant who fails to comply with this
 688 subsection forfeits the scholarship.

689 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

690 (d) The school district shall report to the Department of
 691 Education all students who are attending a private school under
 692 this program. The students with disabilities attending private
 693 schools on John M. McKay Scholarships shall be reported
 694 separately from other students reported for purposes of the
 695 Florida Education Finance Program.

696 (e) Following notification on July 1, September 1,
 697 December 1, or February 1 of the number of program participants,
 698 the Department of Education shall transfer, from General Revenue
 699 funds only, the amount calculated under paragraph (b) from the
 700 school district's total funding entitlement under the Florida

701 Education Finance Program and from authorized categorical
 702 accounts to a separate account for the scholarship program for
 703 quarterly disbursement to the parents of participating students.
 704 When a student enters the scholarship program, the Department of
 705 Education must receive all documentation required for the
 706 student's participation, including, but not limited to, the
 707 private school's and student's fee schedules, at least 30 days
 708 before the first quarterly scholarship payment is made for the
 709 student. The Department of Education may not make any
 710 retroactive payments.

711 (7) OBLIGATIONS OF THE DEPARTMENT OF EDUCATION.--

712 (a) The Department of Education shall perform the
 713 following duties:

714 1. Review for compliance all documentation required for
 715 each scholarship student's participation, including, without
 716 limitation, the private school's schedule and the student's fee
 717 schedule.

718 2. Verify the admission acceptance of each scholarship
 719 student to an eligible private school prior to the initial
 720 scholarship payment.

721 3. Verify, prior to each scholarship payment, the
 722 enrollment and attendance of each scholarship student at the
 723 private school and that the scholarship student is not:

724 a. Receiving a scholarship under s. 220.187 or s. 1002.38.

725 b. Participating in a home education program as defined in
 726 s. 1002.01(1).

727 c. Participating in instruction delivered by a
 728 correspondence school, private tutoring program as defined in s.

729 1002.43, or distance learning courses, except as specifically
730 permitted in paragraph (2)(b).

731 d. Enrolled in a school operating for the purpose of
732 providing education services to youth in commitment programs of
733 the Department of Juvenile Justice.

734 e. Currently enrolled in a public school in the state, if
735 the student has a scholarship to attend a private school.

736 4. Administer and prescribe an annual sworn and notarized
737 compliance statement for each participating private school and
738 independently verify the information provided by each
739 participating private school.

740 5. Review all results of the background checks performed
741 pursuant to subsection (4).

742 6. Determine the eligibility of a private school to accept
743 McKay Scholarship students, based upon independent verification
744 that the private school meets all the requirements in this
745 section and all applicable rules adopted by the State Board of
746 Education.

747 7. Publish a current, on-line list of eligible private
748 schools.

749 8. Include each eligible private school on the on-line
750 list of eligible private schools within 10 days after the
751 private school is determined to be eligible to participate in
752 the McKay Scholarship program.

753 9. Remove immediately from the on-line list of eligible
754 private schools any school that is determined by the Department
755 of Education to be an ineligible private school, as provided for
756 in paragraph (b).

757 10. Remove immediately from the on-line list of eligible
 758 private schools any school that is determined by the Department
 759 of Education to be an ineligible school, as provided for in
 760 paragraphs (b) and (c).

761 (b) The Department of Education shall deny or refuse to
 762 allow the participation of any private school if it determines
 763 that the private school or any of its owners or administrators
 764 has failed to meet the requirements for initial application or
 765 renewal as provided in this section.

766 (c) The Department of Education shall issue a notice of
 767 noncompliance pursuant to s. 120.695 to any participating
 768 private school that violates any of the provisions of this
 769 section or the rules of the State Board of Education, if the
 770 violation is a minor violation as defined in s. 120.695. If a
 771 private school fails to satisfy the requirements specified in
 772 the notice of noncompliance within 30 days after its receipt by
 773 the school, the Department of Education shall issue an emergency
 774 order revoking the registration of the participating private
 775 school. The Department of Education shall issue an emergency
 776 order to immediately revoke the registration of a participating
 777 private school for a violation that is not a minor violation as
 778 defined in s. 120.695.

779 (d) The Department of Education shall revoke the
 780 scholarship for a participant who fails to comply with the
 781 requirements in subsection (5) or who:

- 782 1. Receives a scholarship under s. 220.187 or s. 1002.38.
- 783 2. Participates in a home education program as defined in
 784 s. 1002.01(1).

785 3. Participates in instruction delivered by a
786 correspondence school, a private tutoring program as defined in
787 s. 1002.43, or distance learning courses, except as specifically
788 permitted in paragraph (2)(b).

789 4. Does not have regular and direct contact with the
790 student's private school teachers at the school's physical
791 location.

792 5. Enrolls in a school operating for the purpose of
793 providing educational services to youth in commitment programs
794 of the Department of Juvenile Justice.

795 (e) The Department of Education shall conduct an
796 investigation of any written complaint of a violation of this
797 section if the complaint is signed by the complainant and is
798 legally sufficient. A complaint is legally sufficient if it
799 contains ultimate facts that show that a violation of this
800 section or any rule adopted by the State Board of Education has
801 occurred. In order to determine legal sufficiency, the
802 Department of Education may require supporting information or
803 documentation. The Department of Education may investigate any
804 complaint, including, but not limited to, anonymous complaints.

805 (f) The Department of Education may not change a matrix of
806 services completed by a school district. However, the department
807 may make the following changes for a matrix for a student if the
808 school district has identified the error but has failed to make
809 a correction in a timely manner:

810 1. A correction to a technical, typographical, or
811 calculation error; or

812 2. A change to align the matrix of services with the

813 student's individual education plan completed by the school
 814 district for use in the public school prior to the student's
 815 enrolling in or attending a private school.

816
 817 The department must report any change made under this paragraph
 818 to the school district and the parent of the student.

819 (8) OBLIGATIONS OF THE AUDITOR GENERAL.--Notwithstanding
 820 any other law to the contrary, the Auditor General must include
 821 in the operational audit of the Department of Education the John
 822 M. McKay Scholarships for Students with Disabilities Program.
 823 The Auditor General must include in the audit a review of a
 824 sample of the warrants used to pay for the scholarships, as well
 825 as random site visits to private schools participating in the
 826 John M. McKay Scholarships for Students with Disabilities
 827 Program, in order to verify student enrollment and other
 828 information reported by the private schools as required by rules
 829 of the State Board of Education.

830 (9)(7) LIABILITY.--No liability shall arise on the part of
 831 the state based on the award or use of a John M. McKay
 832 Scholarship.

833 (10)(8) RULES.--The State Board of Education shall adopt
 834 rules pursuant to ss. 120.536(1) and 120.54 to administer this
 835 section, including rules that school districts must use to
 836 expedite the development of a matrix of services based on a
 837 current individual education plan from another state or a
 838 foreign country for a transferring student with a disability who
 839 is a dependent child of a member of the United States Armed
 840 Forces. The rules must identify the appropriate school district

841 personnel who must complete the matrix of services. For
842 purposes of these rules, a transferring student with a
843 disability is one who was previously enrolled as a student with
844 a disability in an out-of-state or an out-of-country public or
845 private school or agency program and who is transferring from
846 out of state or from a foreign country pursuant to a parent's
847 permanent change of station orders. The rules must include
848 provisions for:

849 (a) Administering the annual sworn and notarized
850 compliance statement to all participating private schools;

851 (b) Establishing procedures for schools to request closed-
852 enrollment and active status;

853 (c) Establishing forms for changes to a matrix by a school
854 district and the department;

855 (d) Implementing the requirement that a private school
856 timely notify the Department of Education of material changes to
857 the school's registration information;

858 (e) Establishing attendance-verification procedures and
859 forms; and

860 (f) Establishing procedures for determining student
861 eligibility and approving scholarships.

862
863 The rules related to the annual sworn and notarized compliance
864 statement shall establish a deadline for the receipt of the
865 initial sworn and notarized compliance statement from the
866 private school and shall enumerate the items to be included in
867 the statement. The rules shall enumerate the items to be
868 included in a subsequent annual sworn and notarized compliance

869 statement that is required in January of each year from the
870 private school. However, the inclusion of eligible private
871 schools within options available to Florida public school
872 students does not expand the regulatory authority of the state,
873 its officers, or any school district to impose any additional
874 regulation of private schools beyond those reasonably necessary
875 to enforce requirements expressly set forth in this section.

876 Section 2. The State Board of Education shall initiate the
877 adoption of rules required by this act 10 days after the
878 effective date of this act. The State Board of Education shall
879 report to the presiding officers of the Legislature by December
880 1, 2005, on the status of the rulemaking required by this act.

881 Section 3. (1) A private school that meets the following
882 requirements on June 1, 2005, is not required to file the surety
883 bond as required in section 1002.39(4)(a)1., Florida Statutes:

884 (a) The private school is participating in the McKay
885 Scholarship Program under section 1002.39, Florida Statutes; and

886 (b) The private school is determined by the Department of
887 Education to be in compliance with section 1002.39, Florida
888 Statutes.

889 (2) Notwithstanding section 1002.39(4)(b)4., Florida
890 Statutes, a private school that meets the requirements in
891 paragraphs (1)(a) and (b) may accept a McKay Scholarship
892 student.

893 (3) Notwithstanding subsections (1) and (2), if the
894 private school becomes, after June 1, 2005, subject to an action
895 taken by the Department of Education for any violation of
896 section 1002.39, Florida Statutes, the private school:

897 (a) Shall file a surety bond with the Department of
 898 Education following the date on which the action was taken
 899 against the private school for a violation of section 1002.39,
 900 Florida Statutes, but prior to receiving the next quarterly
 901 payment;

902 (b) Shall file a surety bond with the Department of
 903 Education for 2 additional consecutive years thereafter; and

904 (c) May not accept new McKay Scholarship students until
 905 the private school complies with all the requirements in section
 906 1002.39, Florida Statutes, and all applicable rules of the State
 907 Board of Education, as determined by the Department of
 908 Education.

909 Section 4. Section 220.187, Florida Statutes, is amended
 910 to read:

911 220.187 Credits for contributions to nonprofit
 912 scholarship-funding organizations.--

913 (1) This section may be cited as the "Corporate
 914 Scholarship Program."

915 (2)~~(1)~~ PURPOSE.--The purpose of this section is to:

916 (a) Encourage private, voluntary contributions to
 917 nonprofit scholarship-funding organizations.

918 (b) Expand educational opportunities for children of
 919 families that have limited financial resources.

920 (c) Enable children in this state to achieve a greater
 921 level of excellence in their education.

922 (3)~~(2)~~ DEFINITIONS.--As used in this section, the term:

923 ~~(a) "Department" means the Department of Revenue.~~

924 (a)~~(b)~~ "Eligible contribution" means a monetary

925 contribution from a taxpayer, subject to the restrictions
 926 provided in this section, to an eligible nonprofit scholarship-
 927 funding organization. The taxpayer making the contribution may
 928 not designate a specific child as the beneficiary of the
 929 contribution. The taxpayer may not contribute more than \$5
 930 million to any single eligible nonprofit scholarship-funding
 931 organization.

932 (b)(e) "Eligible private nonpublic school" means a private
 933 nonpublic school, as defined in s. 1002.01(2), located in
 934 Florida which ~~that~~ offers an education to students in any grades
 935 K-12 and ~~that~~ meets the requirements in subsection (7)(6). An
 936 eligible private school:

937 1. Must maintain a physical location in this state where
 938 each scholarship student regularly attends classes.

939 2. May not be a correspondence school or distance learning
 940 school.

941 3. May not direct or provide scholarship funds to a parent
 942 of a scholarship student who receives instruction under the
 943 program at home.

944 4. May not be a home education program as defined in s.
 945 1002.01(1).

946 5. May not be a private tutoring program as described in
 947 s. 1002.43.

948 (c)(d) "Eligible nonprofit scholarship-funding
 949 organization" means a charitable organization that is exempt
 950 from federal income tax pursuant to s. 501(c)(3) of the Internal
 951 Revenue Code, is incorporated under laws of this state, has its
 952 principal office located in the state, and ~~that~~ complies with

953 ~~the provisions of subsection (5)(4).~~

954 (d) "Owner" means the owner, president, chairperson of the
 955 board of directors, superintendent, principal, or person with
 956 equivalent decisionmaking authority who owns, operates, or
 957 administers an eligible nonprofit scholarship-funding
 958 organization or eligible private school. In addition, the term
 959 "owner" means an individual who has access to or processes
 960 scholarship funds or eligible contributions at an eligible
 961 nonprofit scholarship-funding organization or eligible private
 962 school.

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

966 1. Was counted as a full-time equivalent student during
 967 the previous state fiscal year for purposes of state per-student
 968 funding;

969 2. Received a scholarship from an eligible nonprofit
 970 scholarship-funding organization during the previous school
 971 year; or

972 3. Is eligible to enter kindergarten or first grade.

973
 974 However, a student who was enrolled in a school operating for
 975 the purpose of providing educational services to youth in a
 976 commitment program of the Department of Juvenile Justice shall
 977 not be counted as a full-time equivalent student for the
 978 previous state fiscal year for purposes of state per-student
 979 funding under this program. A student is not eligible to receive
 980 a scholarship under this section if the student is participating

981 in the Opportunity Scholarship Program under s. 1002.38, the
 982 John M. McKay Scholarships for Students with Disabilities
 983 Program under s. 1002.39, or a home education program as defined
 984 in s. 1002.01(1) or is enrolled in a school operating for the
 985 purpose of providing educational services to youth in commitment
 986 programs of the Department of Juvenile Justice. A student is not
 987 eligible to receive a scholarship from more than one eligible
 988 nonprofit scholarship-funding organization at the same time.

989 (4)(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX
 990 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

991 (a) There is allowed a credit of 100 percent of an
 992 eligible contribution against any tax due for a taxable year
 993 under this chapter. However, such a credit may not exceed 75
 994 percent of the tax due under this chapter for the taxable year,
 995 after the application of any other allowable credits by the
 996 taxpayer. ~~However, at least 5 percent of the total statewide~~
 997 ~~amount authorized for the tax credit shall be reserved for~~
 998 ~~taxpayers who meet the definition of a small business provided~~
 999 ~~in s. 288.703(1) at the time of application.~~ The credit granted
 1000 by this section shall be reduced by the difference between the
 1001 amount of federal corporate income tax taking into account the
 1002 credit granted by this section and the amount of federal
 1003 corporate income tax without application of the credit granted
 1004 by this section.

1005 (b) The total amount of tax credits and carryforward of
 1006 tax credits which may be granted each state fiscal year under
 1007 this section is \$88 million. Effective for tax years beginning
 1008 January 1, 2005, 1 percent of the total statewide amount

1009 authorized for the tax credit must be reserved for taxpayers
 1010 that are small businesses as defined in s. 288.703(1) at the
 1011 time of application.

1012 (c) A taxpayer who files a Florida consolidated return as
 1013 a member of an affiliated group pursuant to s. 220.131(1) may be
 1014 allowed the credit on a consolidated return basis; however, the
 1015 total credit taken by the affiliated group is subject to the
 1016 limitation established under paragraph (a).

1017 (d) Effective for the tax years beginning January 1, 2005,
 1018 a taxpayer may rescind its application for tax credit under this
 1019 section, and the amount approved in the application for tax
 1020 credit shall become available for purposes of the cap for that
 1021 state fiscal year under this section to an eligible taxpayer as
 1022 approved by the Department of Revenue, if the taxpayer receives
 1023 notice from the Department of Revenue that the rescindment
 1024 application has been accepted by the Department of Revenue, the
 1025 taxpayer has not previously rescinded its application for tax
 1026 credit under this section more than once in the previous 3 tax
 1027 years, the taxpayer rescinds prior to the end of the taxpayer's
 1028 tax year, and the taxpayer has not made a contribution pursuant
 1029 to its approved application for tax credit under this section.
 1030 Any amount rescinded under this paragraph shall become available
 1031 to an eligible taxpayer on a first-come, first-served basis
 1032 based on tax credit applications received after the date the
 1033 rescindment is accepted by the Department of Revenue.

1034 ~~(5)(4)~~ OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-
 1035 FUNDING ORGANIZATIONS.--

1036 (a) An eligible nonprofit scholarship-funding organization

1037 shall provide scholarships, from eligible contributions, to
 1038 qualified students for:

1039 1. Tuition or textbook expenses for, or transportation to,
 1040 an eligible private ~~nonpublic~~ school. At least 75 percent of
 1041 each ~~the~~ scholarship ~~funding~~ must be used to pay tuition
 1042 expenses; or

1043 2. Transportation expenses to a Florida public school that
 1044 is located outside the district in which the student resides.

1045 (b) An eligible nonprofit scholarship-funding organization
 1046 shall give priority to qualified students who received a
 1047 scholarship from an eligible nonprofit scholarship-funding
 1048 organization during the previous school year.

1049 (c) The amount of a scholarship provided to any child for
 1050 any single school year by one or more ~~all~~ eligible nonprofit
 1051 scholarship-funding organizations from eligible contributions
 1052 may ~~shall~~ not exceed the following annual limits:

1053 1. Three thousand five hundred dollars for a scholarship
 1054 awarded to a student enrolled in an eligible private ~~nonpublic~~
 1055 school.

1056 2. Five hundred dollars for a scholarship awarded to a
 1057 student enrolled in a Florida public school that is located
 1058 outside the district in which the student resides.

1059 (d) The amount of an eligible contribution which may be
 1060 accepted by an eligible nonprofit scholarship-funding
 1061 organization is limited to the amount needed to provide
 1062 scholarships for qualified students whom ~~which~~ the organization
 1063 has identified and for whom ~~which~~ vacancies in eligible private
 1064 ~~nonpublic~~ schools have been identified.

1065 (e) An eligible nonprofit scholarship-funding organization
 1066 that receives an eligible contribution must spend 100 percent of
 1067 the eligible contribution to provide scholarships in the same
 1068 state fiscal year in which the contribution was received. No
 1069 portion of eligible contributions may be used for administrative
 1070 expenses. All interest accrued from contributions must be used
 1071 for scholarships.

1072 (f) An eligible nonprofit scholarship-funding organization
 1073 that receives eligible contributions must, within 180 days after
 1074 the end of the organization's fiscal year, provide to the
 1075 Auditor General and the Department of Education an annual
 1076 financial and compliance audit of its accounts and records
 1077 conducted by an independent certified public accountant and in
 1078 accordance with rules adopted by the Auditor General. The
 1079 Auditor General shall review all audit reports submitted
 1080 pursuant to this section. The Auditor General shall request any
 1081 significant items that were omitted in violation of a rule
 1082 adopted by the Auditor General. The items must be provided
 1083 within 45 days after the date of the request. If the eligible
 1084 nonprofit scholarship-funding organization does not comply with
 1085 the Auditor General's request, the Auditor General shall notify
 1086 the Legislative Auditing Committee. The Legislative Auditing
 1087 Committee may schedule a hearing. If a hearing is scheduled, the
 1088 committee shall determine if the eligible nonprofit scholarship-
 1089 funding organization should be subject to further state action.
 1090 If the committee determines that the eligible nonprofit
 1091 scholarship-funding organization should be subject to further
 1092 state action, the committee shall notify the Department of

1093 Education, which shall terminate the eligibility of the eligible
 1094 nonprofit scholarship-funding organization to participate in the
 1095 program under this section.

1096 (g) An eligible nonprofit scholarship-funding organization
 1097 shall make payment of the scholarship, at a minimum, on a
 1098 quarterly basis. Payment of the scholarship by the eligible
 1099 nonprofit scholarship-funding organization shall be by
 1100 individual warrant or check made payable to the student's
 1101 parent. If the parent chooses for his or her child to attend an
 1102 eligible private ~~nonpublic~~ school, the warrant or check must be
 1103 mailed by the eligible nonprofit scholarship-funding
 1104 organization to the private ~~nonpublic~~ school of the parent's
 1105 choice, and the parent shall restrictively endorse the warrant
 1106 or check to the private ~~nonpublic~~ school. An eligible nonprofit
 1107 scholarship-funding organization shall ensure that, upon receipt
 1108 of a scholarship warrant or check, the parent to whom the
 1109 warrant or check is made restrictively endorses the warrant or
 1110 check to the private ~~nonpublic~~ school of the parent's choice for
 1111 deposit into the account of the private ~~nonpublic~~ school.

1112 (h) An eligible nonprofit scholarship-funding organization
 1113 may not commingle scholarship funds with any other funds and
 1114 must maintain a separate account for scholarship funds.

1115 (i) An eligible nonprofit scholarship-funding organization
 1116 shall obtain verification from a private school of each
 1117 student's continued attendance at the private school prior to
 1118 each scholarship payment.

1119 (j) An eligible nonprofit scholarship-funding organization
 1120 must verify the income of all scholarship applicants

1121 participating in the program at least once each school year
 1122 through independent income documentation as provided in rules of
 1123 the State Board of Education.

1124 (k) An eligible nonprofit scholarship-funding organization
 1125 must prepare and submit quarterly reports to the Department of
 1126 Education pursuant to subsection (8). In addition, an eligible
 1127 nonprofit scholarship-funding organization must timely submit to
 1128 the Department of Education any information requested by the
 1129 Department of Education relating to the scholarship program.

1130 (l) All owners of an eligible nonprofit scholarship-
 1131 funding organization shall, upon employment or engagement to
 1132 provide services, undergo background screening pursuant to s.
 1133 435.04 by filing with the Department of Education a complete set
 1134 of fingerprints taken by an authorized law enforcement agency or
 1135 an employee of the eligible nonprofit scholarship-funding
 1136 organization who is trained to take fingerprints. These
 1137 fingerprints shall be submitted to the Department of Law
 1138 Enforcement for state processing, which shall in turn submit the
 1139 fingerprints to the Federal Bureau of Investigation for federal
 1140 processing. The Department of Education shall screen the
 1141 background results and report to the eligible nonprofit
 1142 scholarship-funding organization any owner who fails to meet
 1143 level 2 screening standards pursuant to s. 435.04 or any owner
 1144 who has been convicted of a crime involving moral turpitude.
 1145 Owners found through fingerprint processing to have been
 1146 convicted of a crime involving moral turpitude or failing to
 1147 meet level 2 screening standards pursuant to s. 435.04 may not
 1148 be employed or engaged to provide services in any position with

1149 the eligible nonprofit scholarship-funding organization. The
1150 cost of the background screening may be borne by the eligible
1151 nonprofit scholarship-funding organization or the owner.

1152 1. Every 5 years following employment or engagement to
1153 provide services with an eligible nonprofit scholarship-funding
1154 organization, each owner must meet level 2 screening
1155 requirements as described in s. 435.04, at which time the
1156 Department of Education shall request the Department of Law
1157 Enforcement to forward the fingerprints to the Federal Bureau of
1158 Investigation for level 2 screening. If the fingerprints of an
1159 owner are not retained by the Department of Law Enforcement
1160 under subparagraph 2., the owner must file a complete set of
1161 fingerprints with the Department of Education. Upon submission
1162 of fingerprints for this purpose, the Department of Education
1163 shall request the Department of Law Enforcement to forward the
1164 fingerprints to the Federal Bureau of Investigation for level 2
1165 screening, and the fingerprints shall be retained by the
1166 Department of Law Enforcement under subparagraph 2. The cost of
1167 the state and federal criminal history check required by level 2
1168 screening may be borne by the eligible nonprofit scholarship-
1169 funding organization or the owner. Under penalty of perjury,
1170 each owner must agree to inform the eligible nonprofit
1171 scholarship-funding organization immediately if convicted of any
1172 disqualifying offense while he or she is employed or engaged to
1173 provide services with the eligible nonprofit scholarship-funding
1174 organization.

1175 2. All fingerprints submitted to the Department of Law
1176 Enforcement as required by this paragraph shall be retained by

1177 the Department of Law Enforcement in a manner provided by rule
1178 and entered in the statewide automated fingerprint
1179 identification system authorized by s. 943.05(2)(b). Such
1180 fingerprints shall thereafter be available for all purposes and
1181 uses authorized for arrest fingerprint cards entered in the
1182 statewide automated fingerprint identification system pursuant
1183 to s. 943.051.

1184 3. The Department of Law Enforcement shall search all
1185 arrest fingerprint cards received under s. 943.051 against the
1186 fingerprints retained in the statewide automated fingerprint
1187 identification system under subparagraph 2. Any arrest record
1188 that is identified with an owner's fingerprints shall be
1189 reported to the Department of Education. Each eligible nonprofit
1190 scholarship-funding organization shall participate in this
1191 search process by paying an annual fee to the Department of Law
1192 Enforcement and by informing the Department of Law Enforcement
1193 of any change in the employment or engagement status or place of
1194 employment or engagement of its owners whose fingerprints are
1195 retained under subparagraph 2. The Department of Law Enforcement
1196 shall adopt a rule setting the amount of the annual fee to be
1197 imposed upon each eligible nonprofit scholarship-funding
1198 organization for performing these searches and establishing the
1199 procedures for the retention of owner fingerprints and the
1200 dissemination of search results. The fee may be borne by the
1201 eligible nonprofit scholarship-funding organization or by the
1202 owner.

1203 4. If it is found that an owner of an eligible nonprofit
1204 scholarship-funding organization does not meet level 2

1205 requirements, the eligible nonprofit scholarship-funding
 1206 organization shall be immediately suspended from participating
 1207 in the program and shall remain suspended until final resolution
 1208 of any appeals. An eligible nonprofit scholarship-funding
 1209 organization the owner of which fails to meet level 2 screening
 1210 standards or has been convicted of a crime involving moral
 1211 turpitude may not participate in this program.

1212 (m) If the owner of an eligible nonprofit scholarship-
 1213 funding organization has in the immediately preceding 7 years
 1214 filed for personal bankruptcy or owned 20 percent or more of a
 1215 corporation that filed for corporate bankruptcy in the
 1216 immediately preceding 7 years, the eligible nonprofit
 1217 scholarship-funding organization may not participate in this
 1218 program.

1219 (n) An eligible nonprofit scholarship-funding organization
 1220 must comply with the antidiscrimination provisions of 42 U.S.C.
 1221 s. 2000d.

1222 (o) An eligible nonprofit scholarship-funding organization
 1223 or an owner of an eligible nonprofit scholarship-funding
 1224 organization may not own, operate, or administer an eligible
 1225 private school participating in the program.

1226 (p) An eligible nonprofit scholarship-funding organization
 1227 must report to the Department of Education any eligible private
 1228 school participating in the scholarship program under this
 1229 section which does not comply with the requirements of this
 1230 program. The eligible nonprofit scholarship-funding organization
 1231 may not provide additional scholarship funds for a qualified
 1232 student to attend an eligible private school until the State

1233 Board of Education determines that the school is in compliance
 1234 with this section.

1235 (q) An eligible nonprofit scholarship-funding organization
 1236 must allow a qualified student to attend any eligible private
 1237 school and must allow the parent to transfer the scholarship
 1238 during the school year to another eligible private school of the
 1239 parent's choice.

1240 (r) An eligible nonprofit scholarship-funding organization
 1241 must provide a scholarship to a qualified student on a first-
 1242 come, first-served basis unless the student qualifies for
 1243 priority pursuant to paragraph (5)(b). An eligible nonprofit
 1244 scholarship-funding organization may not target scholarships to
 1245 a particular private school or provide scholarships to a child
 1246 of an owner.

1247 (s) An eligible nonprofit scholarship-funding organization
 1248 may not transfer scholarship funds to another eligible nonprofit
 1249 scholarship-funding organization.

1250 (t) An eligible nonprofit scholarship-funding organization
 1251 may not secure a promissory note, a line of credit, or other
 1252 financing to fund a scholarship in anticipation of an eligible
 1253 contribution. An eligible scholarship-funding organization may
 1254 only fund scholarships through eligible contributions received
 1255 under the scholarship program.

1256 (u) An eligible nonprofit scholarship-funding organization
 1257 that fails to comply with this section may not participate in
 1258 the scholarship program.

1259 (6)-(5) PARENT OBLIGATIONS.--

1260 (a) As a condition for scholarship payment ~~pursuant to~~

1261 ~~paragraph (4)(g)~~, if the parent chooses for his or her child to
 1262 attend an eligible private ~~nonpublic~~ school, the parent must
 1263 inform the child's school district within 15 days after the such
 1264 decision has been made.

1265 (b) Any student participating in the scholarship program
 1266 must remain in attendance throughout the school year, unless
 1267 excused by the school for illness or other good cause, and must
 1268 comply fully with the school's code of conduct.

1269 (c) The parent of each student participating in the
 1270 scholarship program must comply fully with the eligible private
 1271 school's parental-involvement requirements unless excused by the
 1272 school for good cause.

1273 (d) Upon receipt of scholarship funds from an eligible
 1274 nonprofit scholarship-funding organization, the parent to whom
 1275 the warrant is made must restrictively endorse the warrant to
 1276 the eligible private school for deposit into the account of the
 1277 private school. If a parent refuses to restrictively endorse a
 1278 warrant to which an eligible private school is lawfully
 1279 entitled, that student's scholarship shall be forfeited. The
 1280 parent may not authorize the eligible private school, its
 1281 owners, or employees to act as an attorney in fact for purposes
 1282 of endorsing scholarship warrants.

1283 (e) The parent of each qualified student participating in
 1284 the scholarship program must ensure that the student
 1285 participates in the required testing pursuant to this section.

1286 (f) A student or parent who fails to comply with this
 1287 subsection forfeits the scholarship.

1288 (7)(6) ELIGIBLE PRIVATE ~~NONPUBLIC~~ SCHOOL OBLIGATIONS.--An

1289 eligible private ~~nonpublic~~ school must:

1290 (a) Demonstrate fiscal soundness by filing with ~~being in~~
 1291 ~~operation for one school year or provide~~ the Department of
 1292 Education ~~with~~ a surety bond for the amount equal to the
 1293 scholarship amount for each quarter of the school year. The
 1294 purpose of the surety bond is to secure expenditures of
 1295 scholarship funds if the Department of Education determines that
 1296 the funds have been used for unlawful purposes. The surety bond
 1297 must be filed at the time of the eligible private school's
 1298 initial registration to participate in the program under this
 1299 section with the Department of Education and at each annual
 1300 registration period thereafter for a total of 3 consecutive
 1301 years. This requirement does not apply to an eligible private
 1302 school that:

- 1303 1. Has participated in the program for 3 consecutive years
- 1304 or longer; and
- 1305 2. Has had no action taken by the Department of Education
- 1306 against the eligible private school for any violation of this
- 1307 section for 3 consecutive years or longer.

1308

1309 However, any eligible private school that was subject to an
 1310 action taken by the Department of Education for any violation of
 1311 this section shall, following the date on which action was taken
 1312 against the eligible private school for a violation of this
 1313 section, but prior to receiving the next quarterly payment, and
 1314 for 2 additional consecutive years thereafter, file a surety
 1315 bond with the Department of Education. ~~statement by a certified~~
 1316 ~~public accountant confirming that the nonpublic school desiring~~

1317 ~~to participate is insured and the owner or owners have~~
 1318 ~~sufficient capital or credit to operate the school for the~~
 1319 ~~upcoming year serving the number of students anticipated with~~
 1320 ~~expected revenues from tuition and other sources that may be~~
 1321 ~~reasonably expected. In lieu of such a statement, a surety bond~~
 1322 ~~or letter of credit for the amount equal to the scholarship~~
 1323 ~~funds for any quarter may be filed with the department.~~

1324 (b) Comply with the antidiscrimination provisions of 42
 1325 U.S.C. s. 2000d.

1326 (c) Meet state and local health and safety laws and codes.

1327 (d) Comply with all state laws relating to general
 1328 regulation of private ~~nonpublic~~ schools.

1329 (e) Employ or contract with teachers who have regular and
 1330 direct contact with each student receiving a scholarship under
 1331 this section at the school's physical location. All teachers
 1332 must hold at least a baccalaureate degree or have at least 3
 1333 years' teaching experience in public or private schools and have
 1334 special skills, knowledge, or expertise that qualifies them to
 1335 provide instruction in subjects taught. As part of the sworn-
 1336 compliance form authorized under subsection (8), an eligible
 1337 private school must report to the Department of Education the
 1338 number of teachers employed or under contract with the eligible
 1339 private school, along with the manner in which the teacher meets
 1340 the requirements of this paragraph.

1341 (f) Annually register with the Department of Education.
 1342 Each eligible private school must annually provide the following
 1343 information to the Department of Education:

1344 1. The legal business and trade names, mailing address,

1345 and business location of the eligible private school;
 1346 2. The legal name, mailing address, and telephone numbers
 1347 of an owner of the eligible private school;
 1348 3. A list of students at the eligible private school
 1349 receiving a scholarship under this section; and
 1350 4. A notification of the eligible private school's intent
 1351 to participate in the program under this section.
 1352 (g) Ensure that all personnel who are hired or contracted
 1353 to provide services to fill positions requiring direct contact
 1354 with students in the eligible private school, and all owners of
 1355 an eligible private school shall, upon employment or engagement
 1356 to provide services, undergo background screening pursuant to s.
 1357 435.04 by filing with the Department of Education a complete set
 1358 of fingerprints taken by an authorized law enforcement agency or
 1359 an employee of the eligible private school who is trained to
 1360 take fingerprints. These fingerprints shall be submitted to the
 1361 Department of Law Enforcement for state processing, which shall
 1362 in turn submit the fingerprints to the Federal Bureau of
 1363 Investigation for federal processing. The Department of
 1364 Education shall screen the background results and report to the
 1365 eligible private school any person described in this paragraph
 1366 who fails to meet level 2 screening standards pursuant to s.
 1367 435.04 or any person described in this paragraph who has been
 1368 convicted of a crime involving moral turpitude. Any person
 1369 described in this paragraph who is found through fingerprint
 1370 processing to have been convicted of a crime involving moral
 1371 turpitude or fails to meet level 2 screening standards pursuant
 1372 to s. 435.04 may not be employed or engaged to provide services

1373 in any position in the eligible private school requiring direct
1374 contact with students and may not assume an ownership position.
1375 The cost of the background screening may be borne by the
1376 eligible private school, the employee, the person engaged to
1377 provide services, or the owner.

1378 1. Every 5 years each person described in this paragraph
1379 must meet level 2 screening requirements as described in s.
1380 435.04, at which time the Department of Education shall request
1381 the Department of Law Enforcement to forward the fingerprints to
1382 the Federal Bureau of Investigation for level 2 screening. If
1383 the fingerprints of a person described in this paragraph are not
1384 retained by the Department of Law Enforcement under subparagraph
1385 2., the person must file a complete set of fingerprints with the
1386 Department of Education. Upon submission of fingerprints for
1387 this purpose, the Department of Education shall request the
1388 Department of Law Enforcement to forward the fingerprints to the
1389 Federal Bureau of Investigation for level 2 screening, and the
1390 fingerprints shall be retained by the Department of Law
1391 Enforcement under subparagraph 2. The cost of the state and
1392 federal criminal history check required by level 2 screening may
1393 be borne by the eligible private school, the employee, the
1394 person engaged to provide services, or the owner. Under penalty
1395 of perjury, each person described in this paragraph must agree
1396 to inform the eligible private school immediately if convicted
1397 of any disqualifying offense while in a capacity with the
1398 eligible private school as described in this paragraph.

1399 2. All fingerprints submitted to the Department of Law
1400 Enforcement as required by this paragraph shall be retained by

1401 the Department of Law Enforcement in a manner provided by rule
1402 and entered in the statewide automated fingerprint
1403 identification system authorized by s. 943.05(2)(b). Such
1404 fingerprints shall thereafter be available for all purposes and
1405 uses authorized for arrest fingerprint cards entered in the
1406 statewide automated fingerprint identification system pursuant
1407 to s. 943.051.

1408 3. The Department of Law Enforcement shall search all
1409 arrest fingerprint cards received under s. 943.051 against the
1410 fingerprints retained in the statewide automated fingerprint
1411 identification system under subparagraph 2. Any arrest record
1412 that is identified with the fingerprints of a person described
1413 in this paragraph shall be reported to the Department of
1414 Education. Each eligible private school shall participate in
1415 this search process by paying an annual fee to the Department of
1416 Law Enforcement and by informing the Department of Law
1417 Enforcement of any change in the status or place of employment
1418 or engagement of services of its personnel as described in this
1419 paragraph whose fingerprints are retained under subparagraph 2.
1420 The Department of Law Enforcement shall adopt a rule setting the
1421 amount of the annual fee to be imposed upon each eligible
1422 private school for performing these searches and establishing
1423 the procedures for the retention of eligible private school
1424 personnel fingerprints and the dissemination of search results.
1425 The fee may be borne by the eligible private school, the
1426 employee, the person engaged to provide services, or the owner.

1427 4. If it is found that a person described in this
1428 paragraph does not meet the level 2 requirements, the eligible

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1429 private school shall be immediately suspended from participating
1430 in the program and shall remain suspended until final resolution
1431 of any appeals. An eligible private school that employs or
1432 engages to provide services with a person described in this
1433 paragraph who fails to meet level 2 screening standards or has
1434 been convicted of a crime involving moral turpitude may not
1435 participate in this program.

1436 (h) Annually administer or make provisions for scholarship
1437 students to take one of the nationally norm-referenced tests
1438 identified by the State Board of Education under subsection (8).
1439 An eligible private school must report a student's scores to the
1440 parent and to the Department of Education.

1441 (i) Annually comply with the Department of Education's
1442 affidavit requirements as provided in subsection (9).

1443 (j) Timely notify in writing the Department of Education
1444 and the eligible nonprofit scholarship-funding organization if a
1445 qualified student is ineligible to participate in the
1446 scholarship program.

1447 (k) Report annually to the Department of Education and the
1448 scholarship applicants of the eligible private school if the
1449 eligible private school has been in existence for 3 years or
1450 less.

1451 (l) Report annually to the Department of Education and the
1452 scholarship applicants of the eligible private school:

1453 1. Whether the eligible private school is accredited by an
1454 in state or regional accrediting association that is validated
1455 by a third-party accreditor at the state or national level which
1456 has been in existence at least 3 years;

1457 2. The name of the accrediting association that accredits
 1458 the eligible private school; and

1459 3. Whether the eligible private school is in the process
 1460 of receiving candidate status.

1461
 1462 The Department of Education shall make the annual list of
 1463 accredited and nonaccredited eligible private schools available
 1464 to the public and shall make that list available by county.

1465 (m) Comply with this section's requirements. An eligible
 1466 private school that fails to comply with this section is
 1467 ineligible to participate in the scholarship program under this
 1468 section.

1469 (8) DEPARTMENT OF EDUCATION; RESPONSIBILITIES.--The
 1470 Department of Education shall:

1471 (a) Annually submit, by March 15, to the Department of
 1472 Revenue a list of eligible nonprofit scholarship-funding
 1473 organizations that meet the requirements of this section.

1474 (b) Annually determine the eligibility of nonprofit
 1475 scholarship-funding organizations that meet the requirements of
 1476 this section. The Department of Education must determine the
 1477 eligibility of the nonprofit scholarship-funding organization
 1478 within 90 days after the nonprofit scholarship-funding
 1479 organization's application for approval to participate in the
 1480 program. The Department of Education must provide written notice
 1481 of approval or denial to participate in the program to the
 1482 nonprofit scholarship-funding organization. The notice must
 1483 contain the specific reasons for approval or denial.

1484 (c) Annually determine the eligibility of private schools

1485 that meet the requirements of this section. The Department of
 1486 Education must maintain a list of eligible private schools, and
 1487 that list must be made accessible to the public.

1488 (d) Annually verify the eligibility of students that meet
 1489 the requirements of this section. The Department of Education
 1490 must maintain a database of students participating in the
 1491 program. The Department of Education must, at least quarterly,
 1492 update its database to ensure that a student continues to meet
 1493 the requirements of this section. The Department of Education
 1494 must timely notify an eligible nonprofit scholarship-funding
 1495 organization of any student that fails to meet the requirements
 1496 of this section.

1497 (e) Annually account for and verify the eligibility of
 1498 expenditures under this section.

1499 (f) Annually review all audit reports of eligible
 1500 nonprofit scholarship-funding organizations for compliance with
 1501 this section.

1502 (g) Annually submit, administer, and retain records of
 1503 affidavits from private schools certifying compliance with this
 1504 section.

1505 (h) Identify and select the nationally norm-referenced
 1506 tests that are comparable to the norm-referenced provisions of
 1507 the Florida Comprehensive Assessment Test. The State Board of
 1508 Education may not identify more than three norm-referenced tests
 1509 for use in meeting the requirements of this section. The State
 1510 Board of Education may select the Florida Comprehensive
 1511 Assessment Test for use in meeting the requirements of this
 1512 section. The Department of Education must report annually on the

1513 year-to-year improvements of the qualified students and must
1514 analyze and report student performance data, including student
1515 scores by grade level, in a manner that protects the rights of
1516 students and parents as mandated in 20 U.S.C. s. 1232g and must
1517 not disaggregate data to a level that will disclose the identity
1518 of students.

1519 (i) The Department of Education shall conduct an
1520 investigation of any written complaint of a violation of this
1521 section if the complaint is signed by the complainant and is
1522 legally sufficient. A complaint is legally sufficient if it
1523 contains ultimate facts that show that a violation of this
1524 section or any rule adopted by the State Board of Education has
1525 occurred. In order to determine legal sufficiency, the
1526 Department of Education may require supporting information or
1527 documentation. The Department of Education may investigate any
1528 complaint, including, but not limited to, anonymous complaints.

1529 (j) Revoke the eligibility of a nonprofit scholarship-
1530 funding organization, private school, or student to participate
1531 in the program for noncompliance with this section.

1532 (k) Annually report, by December 15, to the Governor, the
1533 President of the Senate, and the Speaker of the House of
1534 Representatives the Department of Education's actions with
1535 respect to implementing accountability in the scholarship
1536 program under this section, including, but not limited to, any
1537 substantiated allegations or violations of law or rule by an
1538 eligible nonprofit scholarship-funding organization or eligible
1539 private school under this program and the corrective action
1540 taken by the Department of Education.

1541 (9)~~(7)~~ ADMINISTRATION; RULES.--

1542 (a) If the credit granted pursuant to this section is not
 1543 fully used in any one year because of insufficient tax liability
 1544 on the part of the corporation, the unused amount may be carried
 1545 forward for a period not to exceed 3 years; however, any
 1546 taxpayer that seeks to carry forward an unused amount of tax
 1547 credit must submit an application for allocation of tax credits
 1548 or carryforward credits as required in paragraph (d) in the year
 1549 that the taxpayer intends to use the carryforward. The total
 1550 amount of tax credits and carryforward of tax credits granted
 1551 each state fiscal year under this section is \$88 million. This
 1552 carryforward applies to all approved contributions made after
 1553 January 1, 2002. A taxpayer may not convey, assign, or transfer
 1554 the credit authorized by this section to another entity unless
 1555 all of the assets of the taxpayer are conveyed, assigned, or
 1556 transferred in the same transaction.

1557 (b) An application for a tax credit pursuant to this
 1558 section shall be submitted to the Department of Revenue on forms
 1559 established by rule of the Department of Revenue.

1560 (c) The Department of Revenue and the Department of
 1561 Education shall develop a cooperative agreement to assist in the
 1562 administration of this section. ~~The Department of Education~~
 1563 ~~shall be responsible for annually submitting, by March 15, to~~
 1564 ~~the department a list of eligible nonprofit scholarship funding~~
 1565 ~~organizations that meet the requirements of paragraph (2)(d) and~~
 1566 ~~for monitoring eligibility of nonprofit scholarship funding~~
 1567 ~~organizations that meet the requirements of paragraph (2)(d),~~
 1568 ~~eligibility of nonpublic schools that meet the requirements of~~

1569 ~~paragraph (2)(c), and eligibility of expenditures under this~~
 1570 ~~section as provided in subsection (4).~~

1571 (d) The Department of Revenue shall adopt rules necessary
 1572 to administer this section, including rules establishing
 1573 application forms and procedures and governing the allocation of
 1574 tax credits and carryforward credits under this section on a
 1575 first-come, first-served basis.

1576 (e) The State Board of Education ~~Department of Education~~
 1577 shall adopt rules under ss. 120.536(1) and 120.54 to administer
 1578 this section, including, but not limited to, rules:

1579 1. Determining necessary to determine eligibility of
 1580 nonprofit scholarship-funding organizations and private schools;

1581 2. Identifying as defined in paragraph (2)(d) and
 1582 ~~according to the provisions of subsection (4) and identify~~
 1583 qualified students; as defined in paragraph (2)(e).

1584 3. Requiring documentation to establish eligibility for
 1585 nonprofit scholarship-funding organizations;

1586 4. Requiring an affidavit, which comports with this
 1587 section's requirements for private schools that participate in
 1588 the scholarship program; and

1589 5. Requiring independent income-verification documentation
 1590 to establish student eligibility under this section.

1591 (f) The State Board of Education may delegate its
 1592 authority under this section to the Commissioner of Education
 1593 with the exception of rulemaking authority.

1594 ~~(10)(8)~~ DEPOSITS OF ELIGIBLE CONTRIBUTIONS.--All eligible
 1595 contributions received by an eligible nonprofit scholarship-
 1596 funding organization shall be deposited in a manner consistent

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1597 | with s. 17.57(2).

1598 | Section 5. This act shall take effect upon becoming a law.