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LEGISLATIVE ACTION

Senate

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House

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Senator Lee moved the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 202 - 307

and insert:

students annually ~~on a first-come, first-served basis~~ beginning  
in with the 2019-2020 school year. Beginning in the 2020-2021  
school year, the maximum number of students participating in the  
scholarship program under this section shall ~~may~~ annually  
increase by 1.0 ~~0.25~~ percent of the state's total public school  
student enrollment.

(b) The scholarship amount provided to a student for any



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12 single school year shall be for tuition and fees for an eligible  
13 private school, not to exceed annual limits, which shall be  
14 determined in accordance with this paragraph. The calculated  
15 amount for a student to attend an eligible private school shall  
16 be based upon the grade level and school district in which the  
17 student was assigned as 95 percent of the funds per unweighted  
18 full-time equivalent in the Florida Education Finance Program  
19 for a student in the basic program established pursuant to s.  
20 1011.62(1)(c)1., plus a per-full-time equivalent share of funds  
21 for all categorical programs, except for the Exceptional Student  
22 Education Guaranteed Allocation and the Teacher Salary Increase  
23 Allocation.

24 Section 2. Subsection (3), paragraphs (e) and (f) of  
25 subsection (6), and paragraph (a) of subsection (11) of section  
26 1002.395, Florida Statutes, are amended to read:

27 1002.395 Florida Tax Credit Scholarship Program.—

28 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

29 (a) The Florida Tax Credit Scholarship Program is  
30 established.

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

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

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

40 ~~3. The student's household income level is greater than 185~~



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41 ~~percent of the federal poverty level but does not exceed 260~~  
42 ~~percent of the federal poverty level.~~

43  
44 Priority must be given to a student whose household income level  
45 does not exceed 185 percent of the federal poverty level or who  
46 is in foster care or out-of-home care. A student who initially  
47 receives a scholarship based on eligibility under this paragraph  
48 ~~subparagraph (b)2.~~ remains eligible to participate until he or  
49 she ~~the student~~ graduates from high school or attains the age of  
50 21 years, whichever occurs first, regardless of the student's  
51 household income level. ~~A student who initially received a~~  
52 ~~scholarship based on income eligibility before the 2019-2020~~  
53 ~~school year remains eligible to participate until he or she~~  
54 ~~graduates from high school, attains the age of 21 years, or the~~  
55 ~~student's household income level exceeds 260 percent of the~~  
56 ~~federal poverty level, whichever occurs first.~~ A sibling of a  
57 student who is participating in the scholarship program under  
58 this subsection is eligible for a scholarship if the student  
59 resides in the same household as the sibling.

60 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
61 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
62 organization:

63 (e) Must give first priority to eligible renewal students  
64 who received a full-time scholarship from an eligible nonprofit  
65 scholarship-funding organization or from the State of Florida  
66 during the previous school year. The eligible nonprofit  
67 scholarship-funding organization must fully apply and exhaust  
68 all funds available under this section and s. 1002.40(11)(i) for  
69 renewal scholarship awards before awarding any initial



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70 ~~scholarships Beginning in the 2016-2017 school year, an eligible~~  
71 ~~nonprofit scholarship-funding organization shall give priority~~  
72 ~~to new applicants whose household income levels do not exceed~~  
73 ~~185 percent of the federal poverty level or who are in foster~~  
74 ~~care or out-of-home care.~~

75 (f) Must provide a renewal or initial scholarship to an  
76 eligible student on a first-come, first-served basis unless the  
77 student qualifies for priority pursuant to paragraph (e). Each  
78 eligible nonprofit scholarship-funding organization must refer  
79 any student eligible for a scholarship pursuant to this section  
80 who did not receive a renewal or initial scholarship based  
81 solely on the lack of available funds under this section and s.  
82 1002.40(11)(i) to another eligible nonprofit scholarship-funding  
83 organization that may have funds available.

84  
85 Information and documentation provided to the Department of  
86 Education and the Auditor General relating to the identity of a  
87 taxpayer that provides an eligible contribution under this  
88 section shall remain confidential at all times in accordance  
89 with s. 213.053.

90 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

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

96 1. For a student who received a scholarship in the 2018-  
97 2019 school year, who remains eligible, and who is enrolled in  
98 an eligible private school, the amount shall be the greater



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99 amount calculated pursuant to subparagraph 2. or a percentage of  
100 the unweighted FTE funding amount for the 2018-2019 state fiscal  
101 year and thereafter as follows:

102 a. Eighty-eight percent for a student enrolled in  
103 kindergarten through grade 5.

104 b. Ninety-two percent for a student enrolled in grade 6  
105 through grade 8.

106 c. Ninety-six percent for a student enrolled in grade 9  
107 through grade 12.

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

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

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

125 1002.40 The Hope Scholarship Program.—

126 (11) FUNDING AND PAYMENT.—

127 (a) For students initially eligible in the 2019-2020 school



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128 year or thereafter, the calculated amount for a student to  
129 attend an eligible private school shall be based upon the grade  
130 level and school district in which the student was assigned as  
131 95 percent of the funds per unweighted full-time equivalent in  
132 the Florida Education Finance Program for a student in the basic  
133 program established pursuant to s. 1011.62(1)(c)1., plus a per-  
134 full-time equivalent share of funds for all categorical  
135 programs, except for the Exceptional Student Education  
136 Guaranteed Allocation and the Teacher Salary Increase  
137 Allocation.

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



157 amounts received by an eligible nonprofit scholarship-funding  
158 organization must be separately disclosed in the annual  
159 financial audit requirement under s. 1002.395(6)(m). If no other  
160 eligible nonprofit scholarship-funding organization participates  
161 in the Hope Scholarship Program, net eligible contributions in  
162 excess of the 5 percent may be used to fund scholarships for  
163 students eligible under s. 1002.395 only after fully exhausting  
164 all contributions made in support of scholarships under that  
165 section in accordance with the priority established in s.  
166 1002.395(6)(e) before awarding any initial scholarships ~~s.~~  
167 ~~1002.395(3).~~

168  
169 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

170 And the directory clause is amended as follows:  
171       Delete line 45  
172 and insert:  
173 and (7), paragraph (c) of subsection (8), and paragraphs (a) and  
174 (b) of

175  
176 ===== T I T L E A M E N D M E N T =====

177 And the title is amended as follows:  
178       Delete lines 21 - 35  
179 and insert:  
180       creating a new exception for scholarship funding for  
181       the Family Empowerment Scholarship; amending s.  
182       1002.395, F.S.; revising eligibility criteria for the  
183       Florida Tax Credit Scholarship Program and applying  
184       the criteria only to initial eligibility; requiring  
185       that priority be given to students whose household



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186 income levels do not exceed a specified amount or who  
187 are in foster care or out-of-home care; requiring  
188 scholarship-funding organizations to prioritize  
189 renewal scholarships over initial scholarships;  
190 requiring a scholarship-funding organization to refer  
191 students who did not receive a scholarship because of  
192 lack of funds to another scholarship-funding  
193 organization; providing an exception from a funding  
194 formula under the Florida Tax Credit Scholarship  
195 Program; amending s. 1002.40, F.S.; providing an  
196 exception from funding formulas under the Hope  
197 Scholarship Program; requiring scholarship-funding  
198 organizations to use excess contributions to fund  
199 scholarships for specified students under certain  
200 conditions; providing