

By Senator Grant

13-1188-00

See HB

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A bill to be entitled
An act relating to corporate income tax;
creating s. 220.187, F.S.; providing purpose
and intent; providing definitions; providing a
credit against the tax for a portion of
contributions to a nonprofit scholarship
funding organization or a public school for
scholarships; providing limitations; providing
for rules; providing an effective date.

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

Section 1. Section 220.187, Florida Statutes, is
created to read:

220.187 Credits for contributions to scholarship
funding organizations or public schools.--

(1) PURPOSE AND INTENT.--

(a) The purpose of this section is to:

1. Provide a tax credit for certain contributions to a
nonprofit scholarship funding organization or public school.

2. Enable corporations in this state to provide
greater financial resources for public schools.

3. Expand educational opportunities for children of
families that have limited financial resources.

4. Enable children in this state to achieve a greater
level of excellence in their education.

(b) In enacting this section, the Legislature
recognizes diversity among children and affirms that every
child is unique. The Legislature also affirms that children
learn differently from one another and may benefit from
expanded educational opportunities.

1 (c) It is the intent of the Legislature that freedom
2 of religion of all citizens is inviolate and that nothing in
3 this section be construed to cause excessive governmental
4 entanglement with the religious instruction of a nonpublic
5 school. With respect to a nonpublic school, nothing in this
6 section gives a governmental agency authority to regulate,
7 control, supervise, or in any way be involved in the:

8 1. Form, manner, or content of religious instruction,
9 ministry, teaching, or curriculum offered by the nonpublic
10 school.

11 2. Ability of the nonpublic school to select and
12 supervise qualified personnel and otherwise control the terms
13 of employment, including the right to employ individuals who
14 share the religious views of the school.

15 3. Internal self-governance and autonomy of the
16 nonpublic school.

17 4. Religious environment of the nonpublic school, such
18 as symbols, art, icons, and scripture.

19 (2) DEFINITIONS.--As used in this section:

20 (a) "Eligible contribution" means a contribution to a
21 public school or nonprofit scholarship funding organization
22 if:

23 1. The contribution is used to provide scholarships
24 for tuition, transportation, or textbook expenses to children
25 enrolled in an eligible school.

26 2. The taxpayer making the contribution does not
27 designate a specific child as the beneficiary of the
28 contribution.

29 3. The contribution is used to provide scholarships of
30 which at least 50 percent are given to children who have been
31 enrolled in a public school during a previous year.

1 4. The amount of any scholarship provided to a child
2 does not exceed 50 percent of the "calculated amount" that
3 would be computed for that child pursuant to s.
4 229.0537(6)(a)1. for the school year in which the contribution
5 is given; if the child is not attending a public school, the
6 calculated amount shall be based on the public school to which
7 the child would normally have been assigned.

8 (b) "Eligible school" means a public or nonpublic
9 primary or secondary school located in this state that offers
10 a general education to primary or secondary students and does
11 not discriminate on the basis of race, color, or national
12 origin.

13 (c) "Nonprofit scholarship funding organization" means
14 a charitable organization that is exempt from federal income
15 tax pursuant to s. 501(c)(3) of the Internal Revenue Code and
16 that allocates at least 90 percent of its annual revenue to
17 providing scholarships for tuition, transportation, and
18 textbook expenses to children enrolled in an eligible school,
19 giving priority to children who demonstrate a need for the
20 scholarships.

21 (3) CREDIT AUTHORIZED.--There shall be allowed a
22 credit equal to 65 percent of all eligible contributions made
23 by a taxpayer during a taxable year against any tax due for
24 that taxable year under this chapter. However:

25 (a) For credits claimed for contributions to nonprofit
26 scholarship funding organizations, such credits shall not
27 exceed 75 percent of the tax due under this chapter for the
28 taxable year after the application of any other allowable
29 credits by the taxpayer.

30 (b) For credits claimed for contributions to public
31 schools, such credits shall not exceed 5 percent of the tax

1 due under this chapter for the taxable year after the
2 application of any other allowable credits by the taxpayer.

3 (4) ADMINISTRATION; RULES.--

4 (a) If the credit granted pursuant to this section is
5 not fully used in any one year, the unused amount may not be
6 carried forward. A taxpayer may not convey, assign, or
7 transfer the credit authorized by this section to another
8 entity unless all of the assets of the taxpayer are conveyed,
9 assigned, or transferred in the same transaction.

10 (b) An application for a tax credit pursuant to this
11 section shall be submitted to the department on forms
12 established by rule of the department.

13 (c) The department shall adopt rules necessary to
14 administer this section, including rules establishing
15 application procedures and requirements and rules establishing
16 procedures and requirements for determining eligibility for
17 the credit.

18 Section 2. This act shall take effect January 1, 2001.

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21 LEGISLATIVE SUMMARY

22 Provides a credit against the corporate income tax in an
23 amount equal to 65 percent of contributions made by a
24 taxpayer to a nonprofit scholarship funding organization
25 or a public school to fund scholarships. Provides
26 limitations. Prohibits carryover or transfer of the
27 credit.
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