

Bill No. SB 1222

Barcode 921722

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
.  
.  
.  
.  
.

---

The Committee on Commerce (Ring) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 1009.893, Florida Statutes, is created to read:

1009.893 Sure Futures Postgraduate Scholarship Program.--

(1) The Sure Futures Postgraduate Scholarship Program is created to establish a scholarship program to match private sector businesses that need employees who have advanced degrees with students who are seeking both advanced degrees and employment. The goals of the program are to provide for a better educated workforce by offering students greater access to advanced degrees and to recruit and retain Florida's best and brightest graduate students by offering them comprehensive financial assistance and employment.

(2) The Sure Futures Foundation is established and

Bill No. SB 1222

Barcode 921722

1 shall seek s. 501(c)(3) Internal Revenue Code designation. The  
 2 foundation shall be governed by the Sure Futures Foundation  
 3 Board, which shall administer the Sure Futures Postgraduate  
 4 Scholarship Program with guidance from the Board of Governors  
 5 and the State Board of Education. Duties of the foundation  
 6 board shall include, but not be limited to:

7       (a) Adoption of policies and procedures for  
 8 implementation of the program, including approval of corporate  
 9 partners and their scholarship criteria.

10       (b) Issuance of certificate letters to corporate  
 11 partners acknowledging their eligibility for tax credits  
 12 against their chapter 220 tax liabilities. The letters of  
 13 certificate shall be in a form developed by rule of the  
 14 Department of Education.

15       (c) Establishment of a process for approval of printed  
 16 materials, marketing, and advertising.

17       (3) The foundation board shall be comprised of the  
 18 following members:

19       (a) The Commissioner of Education as an ex officio  
 20 member.

21       (b) The chair of the Board of Governors as an ex  
 22 officio member.

23       (c) Four state university presidents selected by the  
 24 State University Presidents' Association to serve 2-year  
 25 terms.

26       (d) Four corporate partners participating in the  
 27 program, recommended by the Commissioner of Education and  
 28 selected by the Governor, to serve 2-year terms.

29       (e) One graduate student recommended by the  
 30 Commissioner of Education and selected by the Governor to  
 31 serve a 1-year term.

Bill No. SB 1222

Barcode 921722

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

The Commissioner of Education, the chair of the Board of Governors, the university presidents, and the corporate partners may designate a specific individual to represent them at board meetings. The foundation board members shall serve without compensation, but shall be entitled to receive reimbursement for travel and per diem expenses incurred in the performance of their duties in accordance with s. 112.061. The Department of Education shall provide administrative support and staff to the foundation.

(4)(a) The following students are eligible to obtain a list of Florida corporate partners and the graduate degree programs for which the partners are seeking candidates:

1. A student in his or her senior year who is an undergraduate student at a state university.

2. A student in his or her senior year who is an undergraduate student at an out-of-state university but who would otherwise qualify as a resident for purposes of in-state tuition.

3. A graduate of a state university who intends to pursue a graduate degree program at a state university.

(b) A student shall apply through the program to each individual corporate partner using a standard application form. A predetermined limit shall be established by the foundation board for the maximum number of applications a student may submit in a given scholarship cycle.

(c) After the initial candidate screening and interview phase, a student selected by a corporate partner shall sign a contract agreeing to borrow scholarship funds through the program, with a waiver of payment provision if a 4-year employment obligation is completed. The scholarship

Bill No. SB 1222

Barcode 921722

1 shall cover tuition, fees, and books for the degree program  
2 and room and board based on the university dormitory and meal  
3 plan rate for each year the student is enrolled full time as a  
4 graduate student.

5 (d) A student must maintain a minimum grade point  
6 average as determined by the corporate partner.

7 (e) If a student is unable to take a full course load  
8 during a summer semester, the student may be required by the  
9 corporate partner to participate in an internship program.

10 (f) Upon graduation with an advanced degree, a  
11 graduate shall begin working for the corporate partner and  
12 must remain employed in Florida by the partner for a minimum  
13 of 4 years as stipulated in the contract.

14 (g) If a student fails to maintain the required grade  
15 point average or the graduate terminates his or her employment  
16 before completing the 4-year obligation, a prorated portion of  
17 the scholarship shall convert to a low-interest loan.

18 (h) The contract signed by the corporate partner and  
19 the student shall clearly state the terms of the loan, the  
20 company's expectations for the student's performance,  
21 employment requirements, and potential legal remedies if the  
22 terms and conditions of the contract are not met.

23 (5)(a) A corporate partner that desires new employees  
24 who have advanced degrees shall make a monetary contribution  
25 to the program in amounts equal to the scholarship funds  
26 necessary for completion of a degree program from which it  
27 wishes to draw students. Contributions may be made in one lump  
28 sum or on an annual basis.

29 (b) A corporate partner may establish criteria,  
30 including, but not limited to, the degree sought and minimum  
31 grade point average and extracurricular activity requirements.

Bill No. SB 1222

Barcode 921722

1       (c) A corporate partner may select the state  
 2 universities at which students may enroll or it may allow its  
 3 scholarships to be available for study at any state  
 4 university.

5       (d)1. A corporate partner shall receive a credit  
 6 against its corporate income tax liability equal to the amount  
 7 of the contribution. For the first 2 years of the program, the  
 8 total tax credits available to corporate partners shall be  
 9 limited to \$10 million per year. Beginning with the third year  
 10 of the program, as more corporate partners participate, the  
 11 total tax credits available to corporate partners shall be  
 12 increased, as specified by the Legislature. Beginning with the  
 13 sixth year of the program, a tax credit shall be 75 percent of  
 14 a contribution and, beginning with the eleventh year of the  
 15 program, a tax credit shall be 50 percent of a contribution.

16       2. Corporate partners shall submit copies of their  
 17 certificate letters to the Department of Revenue at the time  
 18 they claim their tax credits against their corporate income  
 19 tax liabilities.

20       3. If the corporate partner cannot use the entire tax  
 21 credit in the taxable year or reporting period in which the  
 22 credit is awarded because of insufficient tax liability, any  
 23 excess amount may be carried forward to a succeeding taxable  
 24 year or reporting period, for up to 10 years, at which time  
 25 the credits expire.

26       4. A corporation who files a Florida consolidated  
 27 return as a member of an affiliated group pursuant to s.  
 28 220.131(1) may be allowed the credit on a consolidated return  
 29 basis.

30       5. A corporation may not convey, assign, or transfer  
 31 the credit authorized by this section to another entity unless

Bill No. SB 1222

Barcode 921722

1 all of the assets of the corporation are conveyed, assigned,  
2 or transferred in the same transaction.

3 (e) If a corporate partner terminates a scholarship  
4 employee for reasons other than malfeasance, misfeasance, or  
5 nonfeasance prior to the employee's completion of the 4-year  
6 obligation, the employee shall not be required to repay the  
7 scholarship. A corporate partner is encouraged to establish  
8 protocols to retain an employee prior to his or her  
9 termination.

10 (6)(a) The Office of Student Financial Assistance of  
11 the Department of Education shall establish a central database  
12 of corporate partners, the graduate degree programs for which  
13 the partners are seeking candidates, and student applicants  
14 and their profiles. The office shall establish a standard  
15 application for use by all state universities.

16 (b) On an annual basis, the Department of Education  
17 shall establish the amount necessary to cover the costs for  
18 degree programs for which corporate partners may make  
19 contributions and receive tax credits.

20 (7) Prepared documentation regarding the program shall  
21 be made available through the appropriate office at each state  
22 university. As deemed appropriate by its administration, a  
23 state university may provide additional information or  
24 activities, such as providing one-on-one discussions with  
25 advisors, conducting seminars on the program, or working with  
26 companies in its service area to create scholarships through  
27 the program.

28 (8) State agencies, local workforce boards, chambers  
29 of commerce, and Enterprise Florida, Inc., shall be encouraged  
30 to promote corporate partner and student participation in the  
31 program.

Bill No. SB 1222

Barcode 921722

1           (9) The Department of Education shall adopt rules  
 2 necessary to implement this section, including rules  
 3 establishing application forms and procedures governing the  
 4 certification of eligibility of corporate partners for tax  
 5 credits under this section.

6           (10) The Department of Education and the Department of  
 7 Revenue shall develop a cooperative agreement to assist each  
 8 other in implementing the tax credits created under this  
 9 section.

10           Section 2. Subsection (8) of section 220.02, Florida  
 11 Statutes, is amended to read:

12           220.02 Legislative intent.--

13           (8) It is the intent of the Legislature that credits  
 14 against either the corporate income tax or the franchise tax  
 15 be applied in the following order: those enumerated in s.  
 16 631.828, those enumerated in s. 220.191, those enumerated in  
 17 s. 220.181, those enumerated in s. 220.183, those enumerated  
 18 in s. 220.182, those enumerated in s. 220.1895, those  
 19 enumerated in s. 221.02, those enumerated in s. 220.184, those  
 20 enumerated in s. 220.186, those enumerated in s. 220.1845,  
 21 those enumerated in s. 220.19, those enumerated in s. 220.185,  
 22 those enumerated in s. 220.187, those enumerated in s.  
 23 220.192, ~~and~~ those enumerated in s. 220.193, and those  
 24 enumerated in s. 1009.893.

25           Section 3. Subparagraph 14. is added to paragraph (a)  
 26 of subsection (1) of section 220.13, Florida Statutes, to  
 27 read:

28           220.13 "Adjusted federal income" defined.--

29           (1) The term "adjusted federal income" means an amount  
 30 equal to the taxpayer's taxable income as defined in  
 31 subsection (2), or such taxable income of more than one

Bill No. SB 1222

Barcode 921722

1 taxpayer as provided in s. 220.131, for the taxable year,  
2 adjusted as follows:

3 (a) Additions.--There shall be added to such taxable  
4 income:

5 14. The amount taken as a credit for the taxable year  
6 under section 1009.893.

7 Section 4. There is appropriated from non-recurring  
8 general revenue a sum not to exceed \$200,000 to the Department  
9 of Education to pay for costs associated with administering  
10 the foundation and the Sure Futures Postgraduate Scholarship  
11 Program.

12 Section 5. This act shall take effect July 1, 2007.

13  
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete everything before the enacting clause

18

19 and insert:

20 A bill to be entitled  
21 An act relating to student financial  
22 assistance; creating s. 1009.893, F.S.;  
23 creating the Sure Futures Postgraduate  
24 Scholarship Program to match private sector  
25 businesses that need employees who have  
26 advanced degrees with students who are seeking  
27 advanced degrees and employment; establishing  
28 the Sure Futures Foundation and a foundation  
29 board to administer the program; providing  
30 membership and duties of the foundation board;  
31 providing criteria for student and corporate

Bill No. SB 1222

Barcode 921722

1 partner participation in the program; providing  
2 that corporate partners shall donate funds for  
3 scholarships and receive corporate income tax  
4 credits for amounts donated; providing  
5 restrictions on tax credits; providing for  
6 scholarship conversion to a low-interest loan  
7 if certain student or employee obligations are  
8 not met; providing duties of the Department of  
9 Education and state universities; amending s.  
10 220.02, F.S.; adding the new tax credit to the  
11 list of allowable credits; amending s. 220.13,  
12 F.S., incorporating the new tax credit to the  
13 list of state corporate income tax credits that  
14 must be added to a taxpayer's adjusted federal  
15 income; providing rulemaking authority;  
16 providing an appropriation; providing an  
17 effective date.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31