

By Senator Ring

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1 A bill to be entitled
2 An act relating to student financial assistance; creating
3 s. 1009.893, F.S.; creating the Sure Futures Postgraduate
4 Scholarship Program to match private-sector businesses
5 needing employees having advanced degrees with students
6 who are seeking advanced degrees and employment;
7 establishing the Sure Futures Foundation and a foundation
8 board to administer the program; providing membership and
9 duties of the foundation board; providing criteria for
10 student and corporate partner participation in the
11 program; requiring corporate partners to donate funds for
12 scholarships; providing for corporate income tax credits
13 for amounts donated; providing restrictions on tax
14 credits; providing for scholarship conversion to a low-
15 interest loan if certain student or employee obligations
16 are not met; providing duties of the Department of
17 Education and state universities; amending s. 220.02,
18 F.S.; adding the new tax credit to the list of allowable
19 credits; amending s. 220.13, F.S.; incorporating the new
20 tax credit to the list of state corporate income tax
21 credits that must be added to a taxpayer's adjusted
22 federal income; providing rulemaking authority; providing
23 an appropriation; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 1009.893, Florida Statutes, is created
28 to read:

29 1009.893 Sure Futures Postgraduate Scholarship Program.--

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30 (1) The Sure Futures Postgraduate Scholarship Program is
31 created to establish a scholarship program to match private-
32 sector businesses needing employees having advanced degrees with
33 students who are seeking both advanced degrees and employment.
34 The goals of the program are to provide for a better-educated
35 workforce by offering students greater access to advanced degrees
36 and to recruit and retain Florida's best and brightest graduate
37 students by offering them comprehensive financial assistance and
38 employment.

39 (2) The Sure Futures Foundation is established and shall
40 seek tax-exempt status under s. 501(c)(3) of the Internal Revenue
41 Code. The foundation shall be governed by the Sure Futures
42 Foundation Board, which shall administer the Sure Futures
43 Postgraduate Scholarship Program with guidance from the Board of
44 Governors and the State Board of Education. Duties of the
45 foundation board include, but are not limited to:

46 (a) Adoption of policies and procedures for implementation
47 of the program, including approval of corporate partners and
48 their scholarship criteria.

49 (b) Issuance of certificate letters to corporate partners
50 acknowledging their eligibility for tax credits against their
51 chapter 220 tax liabilities. The letters of certificate must be
52 in a form developed by rule of the Department of Education.

53 (c) Establishment of a process for approving printed
54 materials, marketing, and advertising.

55 (3) The foundation board shall be comprised of the
56 following members:

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

58 (b) The chair of the Board of Governors as an ex officio

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59 | member.

60 | (c) Four state university presidents selected by the State
61 | University Presidents' Association to serve 2-year terms.

62 | (d) Four corporate partners participating in the program,
63 | recommended by the Commissioner of Education and selected by the
64 | Governor, to serve 2-year terms.

65 | (e) One graduate student recommended by the Commissioner of
66 | Education and selected by the Governor to serve a 1-year term.

67 |
68 | The Commissioner of Education, the chair of the Board of
69 | Governors, the university presidents, and the corporate partners
70 | may designate a specific individual to represent them at board
71 | meetings. The foundation board members shall serve without
72 | compensation, but are entitled to receive reimbursement for
73 | travel and per diem expenses incurred in the performance of their
74 | duties in accordance with s. 112.061. The Department of Education
75 | shall provide administrative support and staff to the foundation.

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

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

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

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

86 | (b) A student shall apply through the program to each
87 | individual corporate partner using a standard application form. A

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88 predetermined limit shall be established by the foundation board
89 for the maximum number of applications a student may submit in a
90 given scholarship cycle.

91 (c) After the initial candidate screening and interview
92 phase, a student selected by a corporate partner shall sign a
93 contract agreeing to borrow scholarship funds through the
94 program, with a waiver-of-payment provision if a 4-year
95 employment obligation is completed. The scholarship shall cover
96 tuition, fees, and books for the degree program and room and
97 board based on the university dormitory and meal plan rate for
98 each year the student is enrolled full time as a graduate
99 student.

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

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

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

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

113 (h) The contract signed by the corporate partner and the
114 student must clearly state the terms of the loan, the company's
115 expectations for the student's performance, employment
116 requirements, and potential legal remedies if the terms and

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117 conditions of the contract are not met.

118 (5) (a) A corporate partner that desires new employees
119 having advanced degrees shall make a monetary contribution to the
120 program in amounts equal to the scholarship funds necessary for
121 completion of a degree program from which it wishes to draw
122 students. Contributions may be made in one lump sum or on an
123 annual basis.

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

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

130 (d)1. A corporate partner shall receive a credit against
131 its corporate income tax liability equal to the amount of the
132 contribution. For the first 2 years of the program, the total tax
133 credits available to corporate partners shall be limited to \$10
134 million per year. Beginning with the third year of the program,
135 as more corporate partners participate, the total tax credits
136 available to corporate partners shall be increased, as specified
137 by the Legislature. Beginning with the sixth year of the program,
138 a tax credit shall be 75 percent of a contribution and, beginning
139 with the eleventh year of the program, a tax credit shall be 50
140 percent of a contribution.

141 2. A corporate partner shall submit copies of its
142 certificate letter to the Department of Revenue at the time it
143 claims a tax credit against its corporate income tax liabilities.

144 3. If the corporate partner cannot use the entire tax
145 credit in the taxable year or reporting period in which the

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146 credit is awarded because of insufficient tax liability, any
147 excess amount may be carried forward to a succeeding taxable year
148 or reporting period, for up to 10 years, at which time the
149 credits expire.

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

153 5. A corporation may not convey, assign, or transfer the
154 credit authorized by this section to another entity unless all of
155 the assets of the corporation are conveyed, assigned, or
156 transferred in the same transaction.

157 (e) If a corporate partner terminates a scholarship
158 employee for reasons other than malfeasance, misfeasance, or
159 nonfeasance before the employee completes the 4-year obligation,
160 the employee is not required to repay the scholarship. A
161 corporate partner is encouraged to establish protocols to retain
162 an employee prior to his or her termination.

163 (6) (a) The Office of Student Financial Assistance of the
164 Department of Education shall establish a central database of
165 corporate partners, the graduate degree programs for which the
166 partners are seeking candidates, and student applicants and their
167 profiles. The office shall establish a standard application for
168 use by all state universities.

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

173 (7) Prepared documentation regarding the program shall be
174 made available through the appropriate office at each state

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175 university. As deemed appropriate by its administration, a state
176 university may provide additional information or activities, such
177 as providing one-on-one discussions with advisors, conducting
178 seminars on the program, or working with companies in its service
179 area to create scholarships through the program.

180 (8) State agencies, local workforce boards, chambers of
181 commerce, and Enterprise Florida, Inc., shall be encouraged to
182 promote corporate partner and student participation in the
183 program.

184 (9) The Department of Education shall adopt rules necessary
185 to administer this section, including rules establishing
186 application forms and procedures governing the certification of
187 eligibility of corporate partners for tax credits under this
188 section.

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

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

194 220.02 Legislative intent.--

195 (8) It is the intent of the Legislature that credits
196 against either the corporate income tax or the franchise tax be
197 applied in the following order: those enumerated in s. 631.828,
198 those enumerated in s. 220.191, those enumerated in s. 220.181,
199 those enumerated in s. 220.183, those enumerated in s. 220.182,
200 those enumerated in s. 220.1895, those enumerated in s. 221.02,
201 those enumerated in s. 220.184, those enumerated in s. 220.186,
202 those enumerated in s. 220.1845, those enumerated in s. 220.19,
203 those enumerated in s. 220.185, those enumerated in s. 220.187,

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204 those enumerated in s. 220.192, ~~and~~ those enumerated in s.
205 220.193, and those enumerated in s. 1009.893.

206 Section 3. Paragraph (a) of subsection (1) of section
207 220.13, Florida Statutes, is amended to read:

208 220.13 "Adjusted federal income" defined.--

209 (1) The term "adjusted federal income" means an amount
210 equal to the taxpayer's taxable income as defined in subsection
211 (2), or such taxable income of more than one taxpayer as provided
212 in s. 220.131, for the taxable year, adjusted as follows:

213 (a) Additions.--There shall be added to such taxable
214 income:

215 1. The amount of any tax upon or measured by income,
216 excluding taxes based on gross receipts or revenues, paid or
217 accrued as a liability to the District of Columbia or any state
218 of the United States which is deductible from gross income in the
219 computation of taxable income for the taxable year.

220 2. The amount of interest which is excluded from taxable
221 income under s. 103(a) of the Internal Revenue Code or any other
222 federal law, less the associated expenses disallowed in the
223 computation of taxable income under s. 265 of the Internal
224 Revenue Code or any other law, excluding 60 percent of any
225 amounts included in alternative minimum taxable income, as
226 defined in s. 55(b)(2) of the Internal Revenue Code, if the
227 taxpayer pays tax under s. 220.11(3).

228 3. In the case of a regulated investment company or real
229 estate investment trust, an amount equal to the excess of the net
230 long-term capital gain for the taxable year over the amount of
231 the capital gain dividends attributable to the taxable year.

232 4. That portion of the wages or salaries paid or incurred

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233 | for the taxable year which is equal to the amount of the credit
234 | allowable for the taxable year under s. 220.181. This
235 | subparagraph shall expire on the date specified in s. 290.016 for
236 | the expiration of the Florida Enterprise Zone Act.

237 | 5. That portion of the ad valorem school taxes paid or
238 | incurred for the taxable year which is equal to the amount of the
239 | credit allowable for the taxable year under s. 220.182. This
240 | subparagraph shall expire on the date specified in s. 290.016 for
241 | the expiration of the Florida Enterprise Zone Act.

242 | 6. The amount of emergency excise tax paid or accrued as a
243 | liability to this state under chapter 221 which tax is deductible
244 | from gross income in the computation of taxable income for the
245 | taxable year.

246 | 7. That portion of assessments to fund a guaranty
247 | association incurred for the taxable year which is equal to the
248 | amount of the credit allowable for the taxable year.

249 | 8. In the case of a nonprofit corporation which holds a
250 | pari-mutuel permit and which is exempt from federal income tax as
251 | a farmers' cooperative, an amount equal to the excess of the
252 | gross income attributable to the pari-mutuel operations over the
253 | attributable expenses for the taxable year.

254 | 9. The amount taken as a credit for the taxable year under
255 | s. 220.1895.

256 | 10. Up to nine percent of the eligible basis of any
257 | designated project which is equal to the credit allowable for the
258 | taxable year under s. 220.185.

259 | 11. The amount taken as a credit for the taxable year under
260 | s. 220.187.

261 | 12. The amount taken as a credit for the taxable year under

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262 | s. 220.192.

263 | 13. The amount taken as a credit for the taxable year under

264 | s. 220.193.

265 | 14. The amount taken as a credit for the taxable year under

266 | s. 1009.893.

267 | Section 4. There is appropriated from nonrecurring general

268 | revenue a sum not to exceed \$200,000 to the Department of

269 | Education to pay for costs associated with administering the Sure

270 | Futures Foundation and the Sure Futures Postgraduate Scholarship

271 | Program.

272 | Section 5. This act shall take effect July 1, 2008.