

By Senator Flores

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1 A bill to be entitled
2 An act relating to the Department of Revenue; amending
3 s. 213.053, F.S.; authorizing the department to
4 release certain taxpayers' names and addresses to
5 certain scholarship-funding organizations; amending s.
6 220.1875, F.S.; deleting a limitation on the amount of
7 tax credit allowable for contributions made to certain
8 scholarship-funding organizations; amending s.
9 1002.395, F.S.; extending the carry-forward period for
10 the use of certain tax credits resulting from
11 contributions to the Florida Tax Credit Scholarship
12 Program; deleting a restriction on a taxpayer's
13 ability to rescind certain tax credits resulting from
14 contributions to the program; providing an effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Present paragraph (cc) of subsection (8) of
20 section 213.053, Florida Statutes, is redesignated as paragraph
21 (dd), and a new paragraph (cc) is added to that subsection, to
22 read:

23 213.053 Confidentiality and information sharing.—

24 (8) Notwithstanding any other provision of this section,
25 the department may provide:

26 (cc) To an eligible nonprofit scholarship-funding
27 organization that provides scholarships under s. 1002.395 to
28 10,000 or more eligible students, names and addresses of the 100
29 taxpayers having the greatest tax liabilities during the most

38-01085A-11

20111388

30 recent calendar year for which information is available for each
31 tax identified in subparagraphs 1., 2., and 4., and for the tax
32 identified in subparagraph 3., names and addresses of the 100
33 taxpayers having the greatest tax liability for the most recent
34 taxable years for which information is available. An eligible
35 organization may request the information for any tax identified
36 in subparagraphs 1. through 4., but may not make more than one
37 request for each tax in any 12-month period. The department
38 shall provide such information within 45 days after a request is
39 made by an eligible organization. The information may be used by
40 the organization only to notify the taxpayer of the opportunity
41 to make an eligible contribution to the Florida Tax Credit
42 Scholarship Program under s. 1002.395. This paragraph applies to
43 information relating to taxes under:

44 1. Sections 211.02 and 211.025.

45 2. Chapter 212 from a direct pay permit holder as a result
46 of the direct-pay permit held pursuant to s. 212.183.

47 3. Chapter 220, unless disclosure of the names and
48 addresses would violate the terms of any information-sharing
49 agreement between the department and an agency of the Federal
50 Government.

51 4. Section 624.509(1).

52
53 Disclosure of information under this subsection shall be
54 pursuant to a written agreement between the executive director
55 and the agency. Such agencies, governmental or nongovernmental,
56 shall be bound by the same requirements of confidentiality as
57 the Department of Revenue. Breach of confidentiality is a
58 misdemeanor of the first degree, punishable as provided by s.

38-01085A-11

20111388

59 775.082 or s. 775.083.

60 Section 2. Subsection (1) of section 220.1875, Florida
61 Statutes, is amended to read:

62 220.1875 Credit for contributions to eligible nonprofit
63 scholarship-funding organizations.—

64 (1) There is allowed a credit of 100 percent of an eligible
65 contribution made to an eligible nonprofit scholarship-funding
66 organization under s. 1002.395 against any tax due for a taxable
67 year under this chapter. ~~However, such a credit may not exceed~~
68 ~~75 percent of the tax due under this chapter for the taxable~~
69 ~~year, after the application of any other allowable credits by~~
70 the taxpayer. The credit granted by this section shall be
71 reduced by the difference between the amount of federal
72 corporate income tax taking into account the credit granted by
73 this section and the amount of federal corporate income tax
74 without application of the credit granted by this section.

75 Section 3. Paragraphs (c) and (e) of subsection (5) of
76 section 1002.395, Florida Statutes, are amended to read:

77 1002.395 Florida Tax Credit Scholarship Program.—

78 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

79 (c) If a tax credit approved under paragraph (b) is not
80 fully used within the specified state fiscal year for credits
81 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes
82 due for the specified taxable year for credits under s. 220.1875
83 or s. 624.51055 because of insufficient tax liability on the
84 part of the taxpayer, the unused amount may be carried forward
85 for a period not to exceed 5 ~~3~~ years. However, any taxpayer that
86 seeks to carry forward an unused amount of tax credit must
87 submit an application to the department for approval of the

38-01085A-11

20111388

88 carryforward tax credit in the year that the taxpayer intends to
89 use the carryforward. The department must obtain the division's
90 approval prior to approving the carryforward of a tax credit
91 under s. 561.1211.

92 (e) Within any state fiscal year, a taxpayer may rescind
93 all or part of a tax credit approved under paragraph (b). The
94 amount rescinded shall become available for that state fiscal
95 year to another eligible taxpayer as approved by the department
96 if the taxpayer receives notice from the department that the
97 rescindment has been accepted by the department ~~and the taxpayer~~
98 ~~has not previously rescinded any or all of its tax credits~~
99 ~~approved under paragraph (b) more than once in the previous 3~~
100 ~~tax years~~. The department must obtain the division's approval
101 prior to accepting the rescindment of a tax credit under s.
102 561.1211. Any amount rescinded under this paragraph shall become
103 available to an eligible taxpayer on a first-come, first-served
104 basis based on tax credit applications received after the date
105 the rescindment is accepted by the department.

106 Section 4. This act shall take effect July 1, 2011.