

Tab 1	SB 1186 by Albritton ; (Identical to H 00717) Agritourism
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Tab 2	CS/SB 952 by MS, Gruters ; (Similar to H 01293) Taxation
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Tab 3	SB 1090 by Gruters ; Corporate Income Tax					
246638	D	S	RCS	FT, Gruters	Delete everything after	02/03 10:50 AM

Tab 4	SB 1310 by Rodriguez ; (Similar to H 00247) Florida Main Street Program and Historic Preservation Tax Credits					
887648	D	S	RCS	FT, Rodriguez	Delete everything after	02/03 10:50 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

FINANCE AND TAX
Senator Rodriguez, Chair
Senator Cruz, Vice Chair

MEETING DATE: Thursday, February 3, 2022
TIME: 9:00—11:00 a.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Rodriguez, Chair; Senator Cruz, Vice Chair; Senators Berman, Harrell, Hooper, Jones, Rodrigues, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1186 Albritton (Identical H 717)	Agritourism; Revising legislative intent regarding the promotion of agritourism; prohibiting the denial or revocation of a property's agricultural classification under certain circumstances; requiring certain farm buildings, structures, facilities, or other improvements to be assessed according to specified provisions, etc. AG 01/19/2022 Favorable FT 02/03/2022 Favorable AP	Favorable Yeas 8 Nays 0
2	CS/SB 952 Military and Veterans Affairs, Space, and Domestic Security / Gruters (Similar H 1293)	Taxation; Exempting federal loans related to a state of emergency from the excise tax imposed on documents; increasing the combined total amount of credits which may be granted to business enterprises during any calendar year, etc. MS 01/25/2022 Fav/CS FT 02/03/2022 Favorable AP	Favorable Yeas 8 Nays 0
3	SB 1090 Gruters	Corporate Income Tax; Adopting the 2022 version of the Internal Revenue Code for purposes of the state corporate income tax code; revising the timeframe during which the adjustment of the corporate tax rate based on net collections exceeding adjusted forecasted collections applies; providing for retroactive operation; providing applicability for adjustments taxpayers must make to adjusted federal income with respect to bonus depreciation, etc. FT 02/03/2022 Fav/CS AP	Fav/CS Yeas 5 Nays 3

COMMITTEE MEETING EXPANDED AGENDA

Finance and Tax

Thursday, February 3, 2022, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1310 Rodriguez (Similar H 247)	Florida Main Street Program and Historic Preservation Tax Credits; Citing this act as the "Main Street Historic Tourism and Revitalization Act"; specifying eligibility requirements for receiving specified tax credits for taxpayers that rehabilitate certified historic structures; authorizing the carryforward, sale, and transfer of tax credits; providing the Department of Revenue audit and examination powers for specified purposes related to certified rehabilitation expenses; requiring the return of forfeited tax credits under certain circumstances, etc.	Fav/CS Yeas 8 Nays 0
		CM 01/18/2022 Favorable FT 02/03/2022 Fav/CS AP	

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: SB 1186

INTRODUCER: Senator Albritton

SUBJECT: Agritourism

DATE: February 3, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	<u>Gross</u>	<u>Babin</u>	<u>FT</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1186 revises the Legislature’s intent regarding agritourism and how associated activity affects the assessment of property classified as agricultural.

The bill removes a requirement that agritourism be a secondary stream of revenue for a bona fide agricultural operation. Additionally, it clarifies that an agricultural land classification may not be denied or revoked solely due to the conduct of agritourism on a bona fide farm or due to the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities. However, the buildings, structures, or facilities must be an integral part of the agricultural operation.

The bill does not affect state revenue.

The bill takes effect July 1, 2022.

II. Present Situation:

Agritourism Activity

Current law provides legislative intent that agritourism is a way to support agricultural production by providing a secondary stream of revenue and by educating the general public about the agricultural industry.¹ Local governments may not adopt or enforce a local ordinance, regulation, rule, or policy that limits or prohibits an agritourism activity on agricultural land.²

An “agritourism activity” is defined to mean any agricultural related activity that is consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows the

¹ Section 570.85(1), F.S.

² *Id.*

general public to view or enjoy its activities for recreational, entertainment, or educational purposes. These activities include farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An agritourism activity does not include the building of new or additional structures or facilities that are intended primarily to house, shelter, transport, or otherwise accommodate the general public. An activity is deemed to be an agritourism activity regardless of whether the participant paid to participate in the activity.³

In order to promote and perpetuate agriculture throughout the state, farm operations are encouraged to engage in agritourism. Conducting agritourism activities on a bona fide farm or on agricultural lands does not limit, restrict, or divest the land of that classification as long as such lands remain used primarily for bona fide agricultural purposes.⁴

Property Taxes and the Assessment of Agricultural Lands

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.⁵ The property appraiser annually determines the “just value”⁶ of property within the taxing jurisdiction and then applies relevant exclusions, assessment limitations, and exemptions to determine a property’s “taxable value.”⁷

The Florida Constitution limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁸ The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁹ however, land used primarily for a bona fide agricultural purpose will be assessed based on its current use, rather than the “highest and best use” of the property, which often results in a lower assessment.¹⁰ The term “bona fide agricultural purpose” means good faith commercial agricultural use of the land,¹¹ and property appraisers must reclassify such land if it is diverted from its agricultural use.¹²

Dwellings and nonresidential farm buildings situated on agricultural lands do not automatically disqualify the land from being assessed as agricultural land so long as the improvements are an

³ Section 570.86(1), F.S.

⁴ Section 570.87, F.S.

⁵ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

⁶ Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

⁷ *See* s. 192.001(2) and (16), F.S.

⁸ *See* FLA. CONST. art. VII, s. 4.

⁹ Section 193.011(2), F.S.

¹⁰ Section 193.461, F.S.

¹¹ Section 193.461(3)(b), F.S.

¹² Section 193.461(4), F.S.

integral part of the entire agricultural operation. When there are improvements made to the land, the improvement's value is assessed at just value and added to the agriculturally assessed value.¹³

III. Effect of Proposed Changes:

SB 1186 revises the Legislature's intent regarding agritourism to remove the requirement that agritourism be a secondary stream of revenue for a bona fide agricultural operation.

The bill also prohibits an agricultural land classification from being denied or revoked due to the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities. The land it occupies shall be considered agricultural in nature as long as the building, structure, or facility is an integral part of the agricultural operation. The buildings, structures, and facilities and all other improvements on the land must be assessed at their just value and added to the agriculturally assessed value of the land.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the Florida Constitution provides that, except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,^{14, 15} which is \$2.3 million or less for Fiscal Year 2022-2023.¹⁶

The Revenue Estimating Conference determined that the bill has an insignificant impact. Therefore, this bill is not a mandate subject to the requirements of Art. VII, s. 18(b) of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

¹³ Rule 12D-5.003, F.A.C.

¹⁴ FLA. CONST. art. VII, s. 18(d).

¹⁵ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 15, 2022).

¹⁶ Based on the Demographic Estimating Conference's estimated population adopted on March 3, 2021. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/archives/210303demographic.pdf> (last visited Jan. 15, 2022).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

This bill does not create or raise a state tax or fee. Therefore, the requirements of Art. VII, s. 19 of the Florida Constitution do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference determined that the bill has an insignificant fiscal impact, which may slightly increase or decrease local property tax revenue, depending on property appraiser assessment practices.

B. Private Sector Impact:

The bill will prevent a property appraiser from disqualifying agricultural land due to improvements also used for agritourism activities.

C. Government Sector Impact:

Local governments may experience an insignificant change in property tax revenue.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 570.85 and 570.87 of the Florida Statutes

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Albritton

26-01016-22

20221186__

A bill to be entitled

An act relating to agritourism; amending s. 570.85, F.S.; revising legislative intent regarding the promotion of agritourism; amending s. 570.87, F.S.; prohibiting the denial or revocation of a property's agricultural classification under certain circumstances; requiring certain farm buildings, structures, facilities, or other improvements to be assessed according to specified provisions; providing an effective date.

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

Section 1. Subsection (1) of section 570.85, Florida Statutes, is amended to read:

570.85 Agritourism.—

(1) It is the intent of the Legislature to promote agritourism as a way to support bona fide agricultural production by providing a ~~secondary~~ stream of revenue and by educating the general public about the agricultural industry. It is also the intent of the Legislature to eliminate duplication of regulatory authority over agritourism as expressed in this section. Except as otherwise provided for in this section, and notwithstanding any other ~~provision of~~ law, a local government may not adopt or enforce a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461. This subsection does not limit the powers and duties of a local government to address substantial offsite

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26-01016-22

20221186__

impacts of agritourism activities or an emergency as provided in chapter 252.

Section 2. Subsection (1) of section 570.87, Florida Statutes, is amended to read:

570.87 Agritourism participation impact on land classification.—

(1) In order to promote and perpetuate agriculture throughout ~~this the~~ state, farm operations are encouraged to engage in agritourism. An agricultural classification pursuant to s. 193.461 may not be denied or revoked solely due to the conduct of agritourism activity on a bona fide farm or the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities. So long as the building, structure, or facility is an integral part of the agricultural operation, the land it occupies shall be considered agricultural in nature. However, such buildings, structures, and facilities, and other improvements on the land, must be assessed under s. 193.011 at their just value and added to the agriculturally assessed value of the land ~~on agricultural lands classified as such pursuant to s. 193.461 does not limit, restrict, or divest the land of that classification as long as such lands classified as agricultural remain used primarily for bona fide agricultural purposes.~~

Section 3. This act shall take effect July 1, 2022.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Ana Maria Rodriguez, Chair
Committee on Finance and Tax

Subject: Committee Agenda Request

Date: January 27, 2022

I respectfully request that **Senate Bill #1186**, relating to Agritourism, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Ben Albritton".

Senator Ben Albritton
Florida Senate, District 26

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2-3-22

Meeting Date

F&T

Committee

1186

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lisa Ard

Phone

850-284-5165

Address

6001 Veterans Memorial Dr

Email

lisaard@myfloridalobbyist.com

Street

Tall

City

FL

State

32309

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

The Florida Agritourism Association

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/3/22

The Florida Senate
APPEARANCE RECORD

1186

Meeting Date
FINANCE & TAX

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **LENA JUAREZ** Phone **850 212 8330**

Address **PO BOX 10390** Email **lena.juarez@flsenate.com**
Street

TALLAHASSEE **FL** **32302**
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

02/03/2022

Meeting Date

FINANCE + TAX

Committee

SB 1186

Bill Number or Topic

Amendment Barcode (if applicable)

Name

HOWARD F. "GENE" ADAMS

Phone

850-933-6222

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Street

TALLAHASSEE

City

FLA

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FLA FEED ASSOC.
AG. COALITION

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: CS/SB 952

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Gruters

SUBJECT: Taxation

DATE: February 3, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lloyd</u>	<u>Caldwell</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Covin</u>	<u>Babin</u>	<u>FT</u>	<u>Favorable</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 952 creates a Documentary Stamp Tax exemption for federal loans made in response to a state of emergency declared by executive order or proclamation of the Governor. The bill also increases the combined amount of tax credits which may be awarded to qualified businesses for research and development under s. 220.196, F.S., from \$9 million to \$50 million in any calendar year and provides that the increase first applies to the 2022 allocation of tax credits for expenses incurred in the 2021 calendar year.

The Revenue Estimating Conference estimates that the portion of the bill that grants the exemption from Documentary Stamp Tax will reduce General Revenue Fund receipts by zero or an indeterminate amount beginning in Fiscal Year 2022-2023. The portions of the bill that increase the credits allowed for Research and Development Expenditures will reduce General Revenue Fund receipts by \$41 million dollars in Fiscal Year 2022-2023 and by \$41 million in future years.

The bill takes effect upon becoming a law.

II. Present Situation:

Documentary Stamp Tax

Florida levies a Documentary Stamp Tax on certain documents, which is comprised of two taxes imposed on different bases at varying rates. The tax on deeds and other documents related to real property is 70 cents per \$100,¹ and the tax on bonds, debentures, certificates of indebtedness, promissory notes, nonnegotiable notes, and other written obligations to pay money is 35 cents per \$100.^{2,3} Documentary Stamp Taxes levied on promissory notes, nonnegotiable notes, and written obligations may not exceed \$2,450.⁴

Documentary Stamp Tax revenue accounted for approximately 3.3 percent of the state's General Revenue in Fiscal Year 2021-2022.⁵

Certain transactions are exempt from the Documentary Stamp Tax.⁶ Any loan made by the Small Business Emergency Bridge Loan Program in response to a disaster for which the Governor declares a state of emergency and any loan made by the Agricultural Economic Development Program pursuant to s. 570.82, F.S., are exempt from the Documentary Stamp Tax.⁷

Federal CARES Act

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law on March 27, 2020, in response to the COVID-19 pandemic. The CARES Act established, among other programs, the Paycheck Protection Program (PPP), which expanded the scope of both the businesses eligible for – and allowable uses of – loans made under section 7(a) of the Small Business Act.⁸ In addition to businesses which had already been eligible for Small Business Administration (SBA) loans, eligibility was expanded to businesses, nonprofits, veterans' organizations, and tribal businesses with fewer than 500 employees or that meet the size standards based on the business's NAICS code.⁹

COVID-19 State of Emergency

On March 9, 2020, Governor DeSantis issued Executive Order 20-52, which declared that a state of emergency existed in Florida due to the COVID-19 pandemic.¹⁰ On April 6, 2020, Governor DeSantis issued Executive Order 20-95, suspending the collection of Documentary Stamp Taxes

¹ Section 201.02(1)(a), F.S.

² Section 201.07, F.S.

³ Section 201.08(1)(a), F.S.

⁴ *Id.*

⁵ The Florida Legislature, Fiscal Analysis in Brief, 2021 Legislative Sessions Including Special Session A, 32 (July 2021), available at <http://edr.state.fl.us/Content/revenues/reports/fiscal-analysis-in-brief/FiscalAnalysisinBrief2021.pdf> (last visited Jan. 27, 2022).

⁶ Chapter 201, F.S.

⁷ Section 201.25, F.S.

⁸ Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, § 1102, 134 Stat. 286 (2020).

⁹ Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, § 1102, 134 Stat. 288 (2020).

¹⁰ Governor Ron DeSantis, Fla. Exec. Order No. 20-52 (Mar. 9, 2020), available at https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-52.pdf (last visited Jan. 28, 2022).

levied on notes and other written obligations made under Title I of the federal CARES Act.¹¹ The suspension remained in effect until the expiration of Executive Order 20-52 on May 3, 2021, when the Governor issued Executive Orders 20-101 and 102 ending the state of emergency related to COVID-19.^{12,13}

Federal Tax Credit

The U.S. Research and Experimentation Tax Credit¹⁴ was created in 1981 as part of the Economic Recovery Tax Act, a comprehensive package of initiatives designed to boost U.S. business competitiveness and encourage investment and savings by American taxpayers during a period of economic recession.¹⁵ In 2015, the Protecting Americans from Tax Hikes (PATH) Act permanently extended the Research and Experimentation Tax Credit (also known as the Research and Development Tax Credit or R&D) after 16 temporary extensions.¹⁶

In September 2021, the Internal Revenue Service (IRS) issued a *Memorandum* containing new guidance for taxpayers who apply for a refund claim for a research credit. This memorandum describes new requirements for increased documentation and more detailed information, including a declaration under the penalty of perjury verifying that the information and facts provided by the taxpayer are accurate.¹⁷ These changes remained in a grace period until January 10, 2022, and then transitioned to a one-year transition period during which the IRS provides taxpayers 30 days to perfect research credit claims for refund prior to a final determination by the IRS.¹⁸

To qualify as a valid research credit claim request, the taxpayer, at a minimum, must:

- Identify all the business components to which the I.R.C. § 41 research credit claim relates for that year.
- For each business component,
 - Identify all research activities performed;
 - Identify all individuals who performed each research activity; and
 - Identify all the information each individual sought to discover.
- Provide the total qualified employee wage expenses, total qualified supply expenses, and total qualified contract research expenses for the claim year.¹⁹

¹¹ Governor Ron DeSantis, Fla. Exec. Order No. 20-95 (Apr. 6, 2020), available at https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-95.pdf (last visited Jan. 28, 2022).

¹² Section 252.36(2), F.S., provides that states of emergency may not continue for more than 60 days unless renewed by the Governor.

¹³ Governor Ron DeSantis, Fla. Exec. Orders No. 21-101 and 102 (May 3, 2021), available at <https://www.flgov.com/2021-executive-orders/> (last visited Jan. 28, 2022).

¹⁴ The U.S. Research and Experimentation Tax Credit is also known as the Research and Development Tax Credit, 26 U.S.C. § 41, Credit for increasing research activities.

¹⁵ Francisco Moris, *The U.S. Research and Experimentation Tax Credit in the 1990s* (July 2005), National Science Foundation Report, available at <https://wayback.archive-it.org/5902/20150627200929/http://www.nsf.gov/statistics/infbrief/nsf05316/> (last visited on Jan. 28, 2022).

¹⁶ U.S. Department of the Treasury, Office of Tax Analysis, *Research and Experimentation (R&E) Credit*, available at <https://www.treasury.gov/resource-center/tax-policy/tax-analysis/Documents/RE-Credit.pdf> (last visited Jan. 28, 2022).

¹⁷ Internal Revenue Service, Office of the Chief Counsel, *Memorandum Relating to I.R.C. § 41 Research Credit Refund Claims (September 17, 2021)*, available at <https://www.irs.gov/pub/irs-lafa/20214101f.pdf> (last visited Jan. 28, 2022).

¹⁸ *Id.*

¹⁹ *Id.* at 2.

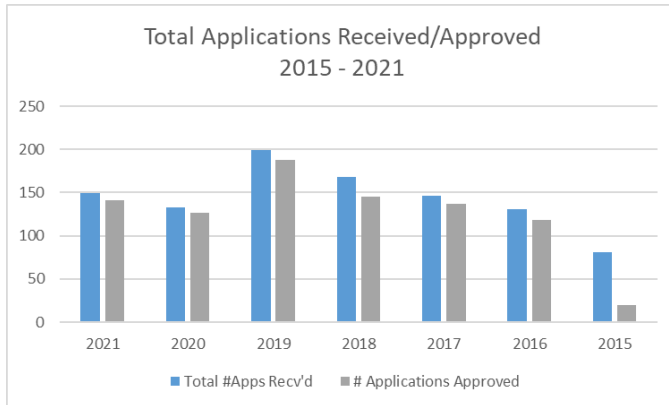


Figure 1: Data source: Florida Department of Revenue Annual Allocation Reports, available at: <https://floridarevenue.com/taxes/Documents/flCitRDCredit.pdf>

research.²¹

A business is eligible for the tax credit if it:

- Has qualified research expenses in Florida in the taxable year exceeding the base amount;²²
- Claims, and is allowed, a research credit for such qualified expenses under federal law for the same taxable year; and
- Is in a qualified target industry,²³ specifically manufacturing, life sciences, information technology, aviation and aerospace, homeland security and defense, cloud information technology, marine sciences, materials sciences, or nanotechnology.²⁴

The tax credit is 10 percent of the difference between the current tax year's R&D expenditures in Florida and the average of R&D expenditures over the previous four tax years. However, if the business has existed for fewer than four years, then the credit amount is reduced by 25 percent for each year the business or predecessor corporation did not exist.²⁵ The state tax credit taken in any taxable year may not exceed 50 percent of the company's remaining net corporate income tax liability under ch. 220, F.S., after all other credits to which the business is entitled have been applied.²⁶ Any unused credits may be carried forward by the business for up to five years following the year in which the qualified research expenses were incurred.²⁷

Currently, the maximum amount of R&D credits that may be approved by the Department of Revenue (DOR) during any calendar year is \$9 million. Applications for the credit may be filed with the DOR on or after March 20 and before March 27 for qualified research expenses incurred

²⁰ Section 220.196. "Qualified research expenses" is defined as research expenses qualifying for the credit under federal law for in-house research expenses incurred in Florida or contract research expenses incurred in Florida.

²¹ See 26 U.S.C. §41(b). Credit for increasing qualified research; qualified research expenses.

²² "Base amount" means the average of the business' qualified research expenses in Florida allowed under 26 U.S.C. s. 41 for the preceding 4 taxable years. Section 220.196(1)(a), F.S.

²³ The Department of Economic Opportunity (DEO) certifies whether a business is a qualified target industry business, pursuant to s. 220.196(2)(a)3., F.S.

²⁴ See s. 220.196(2)(a)3., F.S.

²⁵ See s. 220.196(2)(b), F.S.

²⁶ See s. 220.196(2)(c), F.S.

²⁷ See s. 220.196(2)(d), F.S.

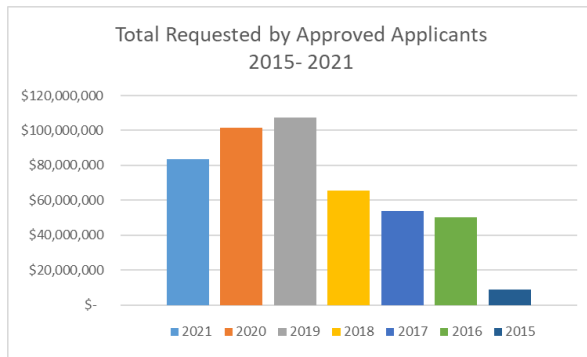
Florida Tax Credit

Florida law authorizes a R&D tax credit against state corporate income taxes for certain businesses with qualified research expenses.²⁰ Under the federal definition, a qualified research expense includes in-house research expenses and contract research expenses, including any wages paid or incurred to employees, supplies used in the conduct of qualified research, and any amounts paid or incurred to another person for the right to use computers in the conduct of qualified

within the preceding calendar year. If the total amount of credits applied for exceeds the annual cap, credits are allocated on a prorated basis.²⁸ Eligible taxpayers are notified of the amount of credit allocated to them and the year for which the credit may be claimed. The chart above illustrates the number of applications received and approved by the DOR since program inception.²⁹

Since the program’s inception, funding requests have annually exceeded the amount of credit available to be allocated as the chart below illustrates. The statutory cap has been more than \$9 million twice: \$16.5 million during the 2017 calendar year and \$23 million in the first program year. Except for the initial year when funds were distributed on a first come, first served basis, all qualified applicants receive a pro-rated amount of their funding request if the application is approved.³⁰

Qualified Target Industry Businesses



The qualified target industry program is used to identify businesses that are eligible for tax refunds and which can create jobs with higher than average wages in industries that are expected to have a positive economic impact.³¹ A target industry business is defined in Florida law as a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to criteria developed by DEO in consultation with Enterprise Florida, Inc. (EFI).³² The criteria

includes future growth, stability, high wage, market and resource independence, industrial base diversification and strengthening, and positive economic impact.³³ EFI lists the recognized qualified target industries as manufacturing, corporate headquarters, research and development, global logistics, cleantech, life sciences, financial and professional services, aviation and aerospace, homeland security and defense, infotech, emerging technologies, and other manufacturing.³⁴ In Fiscal Year 2019-2020, the DEO reported that 74 of its executed agreements were with businesses in qualified target industries. These agreements had a projected capital investment of approximately \$2.2 billion and an average contracted annual wage of \$65,176.³⁵

²⁸ See s. 220.196(2)(e), F.S.

²⁹ Department of Revenue, *Research and Development Tax Credit for Florida Corporate Income Tax (2015-2021)*, <https://floridarevenue.com/taxes/Documents/flCitRDCredit.pdf> (last visited Jan. 28, 2022).

³⁰ *Id.*

³¹ Florida Department of Economic Opportunity and Enterprise Florida, *2020 Incentives Report*, 12, available at https://floridajobs.org/docs/default-source/reports-and-legislation/2019-2020-annual-incentives-report-final.pdf?sfvrsn=af674ab0_2 (last visited Jan. 28, 2022).

³² See s. 288.106(2)(n), F.S.

³³ See s. 288.106(2)(q), F.S.

³⁴ *Supra* note 31.

³⁵ Florida Department of Economic Opportunity and Enterprise Florida, *2020 Incentives Report*, p. 13, available at https://floridajobs.org/docs/default-source/reports-and-legislation/2019-2020-annual-incentives-report-final.pdf?sfvrsn=af674ab0_2 (last visited Jan. 28, 2022).

III. Effect of Proposed Changes:

Section 1 amends s. 201.25, F.S., to exempt from the Documentary Stamp Tax, any federal loans relating to a state of emergency declared through either an executive order or a proclamation from the Governor pursuant to s. 252.36, F.S.

Section 2 amends s. 220.196, F.S., to increase the total amount of annual Research and Development Tax Credits available each calendar year from \$9 million to \$50 million and to remove obsolete language relating to the 2018 calendar year.

Section 3 provides that the amendment made to s. 220.196, F.S. in the bill first applies to the 2022 allocation of tax credits for expenses incurred in the 2021 calendar year.

Section 4 provides the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature to pass legislation requiring counties and municipalities to spend funds, limit their ability to raise revenue, or reduce the percentage of a state tax shared with them. This bill does not require counties and municipalities to spend funds, limit their ability to raise revenue, or reduce the percentage of a shared state tax. Therefore, the provisions of Article VII, section 18 of the Florida Constitution do not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill does not create or raise a state tax or fee. Therefore, the requirements of Art. VII, s. 19 of the Florida Constitution do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference estimates that the portion of the bill that grants the exemption from Documentary Stamp Tax will reduce General Revenue Fund receipts by zero or an indeterminate amount beginning in Fiscal Year 2022-2023. The portions of the bill that increase the credits allowed for Research and Development Expenditures will reduce General Revenue Fund receipts by \$41 million dollars in Fiscal Year 2022-2023 and by \$41 million in future years.³⁶

B. Private Sector Impact:

For eligible taxpayers, the bill would provide tax savings.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 201.25 and 220.196, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Military and Veterans Affairs, Space, and Domestic Security on January 25, 2022:**

The committee substitute changed the effective date of the bill from July 1, 2022, to upon becoming a law.

B. Amendments:

None.

³⁶ The Revenue Estimating Conference, *2022 Regular Session Revenue Estimating Conference: Impact Conference Results*, p. 273-274 (Jan. 28, 2022), available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2022/_pdf/Impact0128.pdf (last visited Jan. 28, 2022).

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Gruters

583-02296-22

2022952c1

1 A bill to be entitled
 2 An act relating to taxation; amending s. 201.25, F.S.;
 3 exempting federal loans related to a state of
 4 emergency from the excise tax imposed on documents;
 5 amending s. 220.196, F.S.; increasing the combined
 6 total amount of credits which may be granted to
 7 business enterprises during any calendar year;
 8 deleting obsolete language; providing applicability;
 9 providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:
 12

13 Section 1. Present subsection (2) of section 201.25,
 14 Florida Statutes, is redesignated as subsection (3), and a new
 15 subsection (2) is added to that section, to read:

16 201.25 Tax exemptions for certain loans.—There shall be
 17 exempt from all taxes imposed by this chapter:

18 (2) Any federal loans that are related to a state of
 19 emergency declared by executive order or proclamation of the
 20 Governor pursuant to s. 252.36.

21 Section 2. Paragraph (e) of subsection (2) of section
 22 220.196, Florida Statutes, is amended to read:

23 220.196 Research and development tax credit.—

24 (2) TAX CREDIT.—

25 (e) The combined total amount of tax credits which may be
 26 granted to all business enterprises under this section during
 27 any calendar year is \$50 ~~\$9~~ million, ~~except that the total~~
 28 ~~amount that may be awarded in the 2018 calendar year is \$16.5~~
 29 ~~million~~. Applications may be filed with the department on or

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

583-02296-22

2022952c1

30 after March 20 and before March 27 for qualified research
 31 expenses incurred within the preceding calendar year. If the
 32 total credits for all applicants exceed the maximum amount
 33 allowed under this paragraph, the credits shall be allocated on
 34 a prorated basis.

35 Section 3. The amendment made by this act to s. 220.196,
 36 Florida Statutes, first applies to the 2022 allocation of tax
 37 credits for expenses incurred in calendar year 2021.

38 Section 4. This act shall take effect upon becoming a law.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Ana Maria Rodriguez, Chair
Committee on Finance and Tax

Subject: Committee Agenda Request

Date: January 27, 2022

I respectfully request that **Senate Bill #952**, relating to Taxation, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Joe Gruters".

Joe Gruters

Cc: Robert Babin, Staff Director
Stephanie Bell-Parke, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

2-3-22

Meeting Date

The Florida Senate APPEARANCE RECORD

952 Taxation

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Finance + Tax

Committee

Amendment Barcode (if applicable)

Name Megan Betcher

Phone 440-225-1981

Address 821 Grand Regency Pt. Unit 200

Email mbetcher@gmail.com

Altamonte Spgs FL 32714

Street

City

State

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB0952

2-3-2022

Meeting Date

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Finance and Tax

Committee

Amendment Barcode (if applicable)

Name Genette Keely

Phone 813-431-2441

Address 1877 Greenridge Rd

Email gbuend@aol.com

Street

Tampa

FL

33619

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

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2/3/22

Meeting Date

Finance & Tax

Committee

952

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

Address

134 E Colonial Dr

Email

Street

Orlando

City

FL

State

32801

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Florida Rising

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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SB0952

Bill Number or Topic

2/3/22

Meeting Date

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name J Ferguson

Phone (813) 962-6572

Address 5102 Belmere Pkwy # 1207

Email

Street

Tampa

City

FL

State

33624

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

2-3-2022

Meeting Date

The Florida Senate APPEARANCE RECORD

SB0952

Bill Number or Topic

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Senate professional staff conducting the meeting

FINANCE + TRX

Committee

Amendment Barcode (if applicable)

Name STEVE POLADIAN

Phone 239-940-4085

Address 1422 NE 1ST STREET

Email POLADS1@GMAIL.COM

Street

CAPE CORAL FL 33909

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

2-3-22

Meeting Date

Finance + Tax

Committee

SB0952

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Elizabeth Rasmussen

Phone

227-418-9840

Address

6449 Evergreen Park Dr.
Street

Email

erasmussen2007@gmail.com

Lakeland
City

FL
State

33813
Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/3/22

Meeting Date

952

Bill Number or Topic

Finance and Tax

Committee

Amendment Barcode (if applicable)

Name Joseph D'Elia

Phone 786 208 2683

Address 19377 NE 10 ave #501

Email guido2845@gmail.com

Street

Miami

City

FL

State

33179

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

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S-001 (08/10/2021)

2-3-22

Meeting Date

The Florida Senate APPEARANCE RECORD

0952

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Finance and Tax

Committee

Amendment Barcode (if applicable)

Name André Brown

Phone _____

Address 19031 N.W. 7 Ct.

Email _____

Street

Miami

FL

33169

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

2/3 / 22

Meeting Date

The Florida Senate APPEARANCE RECORD

0952

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Finance & Taxation

Committee

Amendment Barcode (if applicable)

Name Shawntrel Jackson

Phone 786 217 5363

Address 15455 N.W. 6 Ave C319

Email shawntrelj12@gmail.com

Street

MIAMI

FL

33162

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/22

Meeting Date

SB 0952

Bill Number or Topic

FINANCE & TAX

Committee

Amendment Barcode (if applicable)

Name

DOWDALL, ANGELA

Phone

305 824 6502

Address

5135 N.W. 19 AVE

Email

ADOWDALL@WU291@GMAIL.COM

Street

MIAMI

FL

33142

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

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The Florida Senate

APPEARANCE RECORD

2-3-22

Meeting Date

952

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Tax + Finance

Committee

Amendment Barcode (if applicable)

Name David Bryant

Phone 904-928-3744

Address 8853 Atter Lane
Street

Email davidbryant177@gmail.com

Jacksonville
City

FL
State

32216
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules. df.flsenate.gov

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/22

Meeting Date

952

Bill Number or Topic

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1200

Address 134 S Bronaugh St

Email cjohnson@flchamber.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FL Chamber of Commerce

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules: df.flisenate.gov

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S-001 (08/10/2021)

2/3/2022

Meeting Date

The Florida Senate APPEARANCE RECORD

SB0952

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name Matthew Nelson

Phone 386-295-4006

Address 1172 Tracy Drive

Street

Email MSNelson779@gmail.com

Port Orange FL. 32129

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 0952

2/3/22
Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee
Name Carol Gamble - Buckman

Amendment Barcode (if applicable)
Phone (904) 614-8581

Address 13525 Bartram PK Blvd Apt 326
Street

Email carolgamble169@gmail.com

Jacksonville FL 32258
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

Feb 3, 2022

The Florida Senate
APPEARANCE RECORD

SB 0952

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name

Joanne Houghton (Houghton)

Phone

352-226-7373

Address

711 NE 45 St

Email

houghton.joanne@gmail.com

Street

Ocala

FL

34479

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 0952

Bill Number or Topic

2/3/2022

Meeting Date

FINANCE + TAX

Committee

Amendment Barcode (if applicable)

Name BRITNI WEGMANN

Phone 941-539-9036

Address 611 BEACH BLVD #3306

Street

Email

JACKSONVILLE BEACH, FL 32280

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flisenate.gov](#))

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S-001 (08/10/2021)

2/3/22

Meeting Date

The Florida Senate APPEARANCE RECORD

SB0952

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name MARtha STEVENS

Phone 813 482 2048

Address West Central Florida Federation Central Labor Council

Email mstevens1947@aol.com

Address 3405 E. Jean St

Street

Tampa

City

FL

State

33610

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/3/2022

Meeting Date

SB0952

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Finance Tax Committee

Committee

Amendment Barcode (if applicable)

Name

Donia Johnson

Phone

561-602-1599

Address

8480 Winnipesaukee Wy

Email

Street

Lake Worth, FL 33467

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

~~SB0952~~ 2/3/2022
Meeting Date

SB0952
Bill Number or Topic

Finance & Tax Committee
Committee

Amendment Barcode (if applicable)

Name Matthew Tomko Phone 610-202-2390

Address 3938 W. Sandpiper Dr. Apt 3 Email Tomkeary@gmail.com
Street

Bayton Beach FL 33436
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

- I am appearing without compensation or sponsorship.
- I am a registered lobbyist, representing:
- I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

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2/3/2022 Meeting Date

SB0952 Bill Number or Topic

Finance + TAX Committee

Amendment Barcode (if applicable)

Name Eleana Valencia-Knight Phone (561) 460-9075

Address 4313 Althea way Email elevknight@gmail.com
PBG, FL 33410
Street City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [X] I am appearing without compensation or sponsorship.
[] I am a registered lobbyist, representing:
[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf flsenate.gov

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The Florida Senate

APPEARANCE RECORD

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2/3/22

Meeting Date

SB 952

Bill Number or Topic

Finance and Tax

Committee

Amendment Barcode (if applicable)

Name Cheyne Seleski

Phone (561) 254-9123

Address 48 SE Sedona Circle

Email CSeleski@gmail.com

Street

Stuart

City

FL

State

34994

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

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2/3/22

Meeting Date

SB 952

Bill Number or Topic

Finance + Tax

Committee

Amendment Barcode (if applicable)

Name Kenneth Pratt

Phone 850-509-8020

Address 1001 Thomasville Rd Ste 201

Email kpratt@floridabankers.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Bankers Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-3-2022

Meeting Date

952

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Senate Finance + Tax

Committee

Amendment Barcode (if applicable)

Name Rick Myers

Phone 904 610-5609

Address 940 17th Ave N

Email

Street

JAX

City

FL

State

32250

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

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5-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-3-2022

Meeting Date

SB 0952

Bill Number or Topic

FINANCE AND TAX COMMITTEE

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name FRANK ANGEL

Phone

Address 21180 VIA EDEN

Street

Email

BOCA RATON FL

City

State

33433

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-3-22

Meeting Date

SB 0952

Bill Number or Topic

Finance and Tax

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Jeffrey Mitchem

Phone 786-586-7851

Address 15731 SW 92nd Ave

Email jaynemitch@live.com

Street

Palmto Bay FL 33157

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: CS/SB 1090

INTRODUCER: Finance and Tax Committee and Senator Gruters

SUBJECT: Corporate Income Tax

DATE: February 3, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Covin	Babin	FT	Fav/CS
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1090 updates Florida's Corporate Income Tax Code by adopting the federal Internal Revenue Code in effect on January 1, 2022. Additionally, the bill:

- Adopts the changes originally made in the Tax Cuts and Jobs Act of 2017 to s. 174 of the Internal Revenue Code, relating to the treatment of research and development expenditures.
- Allows taxpayers to use the bonus depreciation deduction for property placed in service in taxable years beginning on or after January 1, 2023.
- Revises the calculation of the business interest expense deduction for Florida tax purposes for taxable years beginning on or after January 1, 2023, to allow taxpayers to deduct the amount that would have been allowed prior to the federal Tax Cuts and Jobs Act of 2017.

The Revenue Estimating Conference estimates that the bill will reduce General Revenue Fund receipts by \$232.8 million in Fiscal Year 2022-2023 with a recurring reduction of \$58.6 million. Additional information regarding the fiscal impact of the bill is provided in Section V. below.

Except as otherwise provided, the bill is effective upon becoming law.

II. Present Situation:

Florida Corporate Income Tax

Florida imposes a tax on the taxable income of corporations and financial institutions doing business in Florida.¹ The tax rate effective January 1, 2022, is 5.5 percent of a taxpayer's net income for its taxable year (the calendar or fiscal year or period upon which its net income is computed).² The determination of taxable income for Florida tax purposes begins with the taxable income used for federal income tax purposes.³ Additional adjustments are then made to determine Florida's taxable income. By starting with federal taxable income, Florida eases the administrative burden on Florida taxpayers because they receive the same treatment in Florida as is allowed in determining their federal taxable income.

Florida maintains this relationship with the federal Internal Revenue Code (IRC) each year by adopting the IRC as it exists on January 1 of the year. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income.

Conformity with Federal Income Tax Statutes

Florida conforms to the Internal Revenue Code and other United States statutes relating to federal income taxes by adopting the same meanings of terms used in the Florida corporate income tax code as when used in a comparable context in federal income tax statutes. This includes, as mentioned above, using federal taxable income as the starting point for calculating Florida net income. State corporate income tax systems conform to the Internal Revenue Code to varying degrees and share a large body of common concepts and doctrines. The reasons for "piggybacking" or conforming to federal income tax statutes, rather than developing an entirely separate tax system, include substantial administrative savings, uniformity, and reduction in compliance costs.

Florida conforms to federal income tax statutes as they exist on a certain fixed date (referred to as "static" or "fixed date" conformity), meaning that legislative action is required to incorporate any changes made to such federal statutes since the last date of conformity. The Florida corporate income tax code currently adopts the Internal Revenue Code and other federal income tax statutes as they existed on January 1, 2021.

In conforming to federal income tax statutes, a state may choose not to adopt ("decouple" from) a federal amendment because of its impact to state revenues or its inapplicability to the state tax system, and instead specify its own treatment of the issue.

The Tax Cuts and Jobs Act of 2017

On December 22, 2017, President Trump signed into law the Tax Cuts and Jobs Act of 2017 (TCJA).⁴ The TCJA made significant changes to federal income tax provisions that affect Florida

¹ Sections 220.11 and 220.63, F.S.

² Sections 220.11(2) and 220.63(2), F.S.

³ See generally s. 220.13(2), F.S.

⁴ Pub. Law No. 115-97 (Dec. 22, 2017).

corporations. The unique structure of the TCJA resulted in corporate taxpayers generally having more income subjected to tax (higher taxable income), but ultimately paying less federal tax. This situation occurred because although the TCJA increased federal taxable income by limiting deductions and creating new items of income, the TCJA also lowered the federal corporate tax rate from 35 percent to 21 percent.

Since Florida begins its corporate income tax calculation with federal taxable income, the TCJA has resulted in an increase of Florida taxable income. However, unlike the federal tax rate reduction, Florida's tax rate was not affected by the TCJA, and thus, the TCJA has resulted in an increase in Florida's corporate income tax collections.

Automatic Refunds and Tax Rate Reduction

During the 2018 Regular Session, in an attempt to reduce the additional Corporate Income Tax revenue that Florida would receive as a result to changes made in the TCJA, the Legislature created section 220.1105, F.S. This section compares Florida's estimated revenues prior to the TCJA with actual receipts after the TCJA and requires excess revenues to be refunded to eligible corporate taxpayers. Section 220.1105, F.S. also requires a proportionate automatic downward adjustment of the corporate income tax rate, and this process was in effect in fiscal years 2018-2019 through 2020-2021.

For Fiscal Year 2018-2019, this process resulted in a refund of \$543.2 million, which was paid in May 2020, and a tax rate reduction from the historic corporate income tax rate of 5.5 percent to 4.458 percent.⁵ For Fiscal Year 2019-2020, this process did not result in any additional refunds or rate reduction, and for Fiscal Year 2020-2021, this process resulted in an additional refund of \$623.9 million, which is scheduled to be paid in April 2022, along with a tax rate reduction from the temporary rate of 4.458 percent to 3.535 percent.⁶ The temporary 3.535 percent tax rate expired on December 31, 2021; taxable years that begin on or after January 1, 2022, are now subject again to the 5.5 percent corporate income tax rate.⁷

Additions and Subtractions

To calculate the Florida corporate income tax due, the federal taxable income is adjusted by applying certain additions and subtractions.⁸ These adjustments are intended to adjust taxable income for Florida tax purposes and to remove federal provisions or treatments that the state has elected not to accept. Some of the items that are added back to the federal taxable income, pursuant to s. 220.13(1), F.S., include federal deductions taken for business interest expense⁹ and certain deductions taken for depreciation.¹⁰ Section 220.13(1)(b), F.S., provides for certain items

⁵ Revenue Estimating Conference for the General Revenue Fund & Financial Outlook Statement, Aug. 14, 2019, Table 17, Corporate Income Tax, <http://edr.state.fl.us/Content/conferences/generalrevenue/archives/190814gr.pdf> (last accessed Jan. 6, 2022). See column "Refunds (\$ Millions)," row "August 2019 Adj."

⁶ General Revenue Consensus Estimating Conference Comparison Report, Aug. 17, 2021, Table 17, Corporate Income Tax, <http://edr.state.fl.us/Content/conferences/generalrevenue/grpackage.pdf> (last accessed Jan. 6, 2022). See column "Refunds (\$ Millions)," row "August 2021 Adj."

⁷ Section 220.1105(5), F.S.

⁸ Section 220.13, F.S.

⁹ Section 220.13(1)(e)4., F.S.

¹⁰ Section 220.13 (1)(e)1., F.S.

to be subtracted from the taxable income. Some of these items include net operating losses,¹¹ foreign source dividends,¹² and foreign income.¹³ After the additions and subtractions are applied, the amount of adjusted federal income attributable to Florida is determined and income that is apportioned to Florida is subject to Florida corporate income tax.¹⁴

Bonus Depreciation

When a corporation makes a business purchase, the corporation is generally able to deduct the cost of the item from its income. If the item purchased will be consumed within a year, the corporation can fully deduct the cost in the year that it made the purchase.¹⁵ However, if the item purchased will be used in service for longer than a year, the corporation must capitalize the cost of item and recover the cost over the useful life of the asset through annual deductions for depreciation or amortization.¹⁶

Since 2008, the federal government has allowed for bonus depreciation, which allows a corporation to take an enhanced depreciation deduction during the first year that certain qualified property is placed into service. Depending on the year involved, the taxpayer could deduct 50 percent or 100 percent of the cost of the item in the first year the qualified property was placed into service.

Florida has consistently “decoupled” from the federal bonus depreciation treatment. Rather than allowing those deductions to occur in the first year, Florida law requires those deductions to be added back for Florida purposes and then spread out over a 7-year period.

The TCJA continued the first year bonus depreciation deduction. The TCJA’s bonus depreciation deduction was equal to 100 percent for long term assets placed in service after September 27, 2017. The act also allows bonus depreciation to be taken for purchases of both new and used property. The 100 percent deduction is scheduled to remain in effect until January 1, 2023, and will phase down in later years as follows:

- 80 percent for property placed in service after December 31, 2022 and before January 1, 2024.
- 60 percent for property placed in service after December 31, 2023 and before January 1, 2025.
- 40 percent for property placed in service after December 31, 2024 and before January 1, 2026.
- 20 percent for property placed in service after December 31, 2025 and before January 1, 2027.

After enactment of the TCJA, Florida treated TCJA bonus depreciation just as it had the bonus depreciation provisions for the prior 10 years. Corporate taxpayers are required to add-back the

¹¹ Section 220.13(1)(b)1., F.S.

¹² Section 220.13(1)(b)2.a., F.S.

¹³ Section 220.13(1)(b)2.b., F.S.

¹⁴ Section 220.15, F.S. Section 220.14(1), F.S, provides that the first \$50,000 of net income is exempt from Florida corporate income tax.

¹⁵ IRC s. 179.

¹⁶ IRC ss. 167 and 263(a).

bonus depreciation deduction amount to the taxpayer's taxable income.¹⁷ The taxpayer is then permitted to subtract from income one-seventh (1/7) of the deduction for the current taxable year and the following six taxable years.¹⁸

Interest Deductions

Business interest was generally deductible in the taxable year in which the interest was paid or accrued, subject to certain limitations.¹⁹ The TCJA restricted larger businesses, those with average gross receipts of \$25 million or more, from deducting interest payments in excess of 30 percent of their adjusted taxable income. Any interest amounts that are disallowed may be carried forward to the succeeding five taxable years. Businesses with gross receipts of less than \$25 million are not subject to this limitation and may continue to deduct all of their interest payments. Adjusted taxable income for this purpose is the taxable income of the taxpayer computed without regard to (1) any item of income, gain, deduction, or loss which is not properly allocable to a trade or business; (2) any business interest or business interest income; (3) the amount of any net operating loss deduction; and (4) any deduction allowable for depreciation, amortization, or depletion.

After enactment of the TCJA, Florida adopted updates to the Internal Revenue Code as in effect on January 1, 2018.²⁰ This included the changes made in the TCJA. Current Florida law requires taxpayers, for taxable years beginning after December 31, 2018, and before January 1, 2021, to add-back the business interest expense deduction amount as calculated in statute to the taxpayer's taxable income.²¹

Amortization of Research and Development Expenditures

The TCJA included a provision which provided that businesses treating research or experimental (R&E) expenditures as deductible expenses will no longer be able to recover the costs in the year in which the costs are incurred.²² Instead, R&E expenditures are required to be capitalized and amortized ratably over a five-year period, beginning with the midpoint of the taxable year in which the expenditure is paid or incurred.²³ This provision applies to amounts paid or incurred in taxable years after December 31, 2021.²⁴ Costs for research conducted outside of the U.S. must be amortized over a 15-year period. Expenditures for the development of software will also be treated as R&E expenditures.

III. Effect of Proposed Changes:

Section 1 amends s. 220.03, F.S., to adopt the Internal Revenue Code in effect on January 1, 2022, for use by corporations subject to Florida's Corporate Income Tax. The section adopts the

¹⁷ Section 220.13(1)(e)1.a., F.S.

¹⁸ Section 220.13(1)(e)1.b., F.S.

¹⁹ IRC s. 163.

²⁰ See HB 7093, Chapter 2018-119, Laws of Florida.

²¹ Section 220.13(1)(e)4., F.S.

²² Pub. Law No. 115-97, s. 13206 (Dec. 22, 2017).

²³ IRC s. 174.

²⁴ *Supra* note 31.

changes originally made in the Tax Cuts and Jobs Act of 2017 to s. 174 of the Internal Revenue Code, relating to the treatment of research and development expenditures. The section applies retroactively to January 1, 2022.

Section 2 amends s. 220.13, F.S., effective January 1, 2023, to revise the definition of “adjusted federal income.” The section provides that the required adjustments for bonus depreciation for Florida tax purposes (adding back bonus depreciation taken on the federal return and then subtracting 1/7 of that amount) do not apply to property placed in service in taxable years beginning on or after January 1, 2023. This change allows Florida taxpayers to take bonus depreciation for Florida tax purposes.

The section also revises the calculation of business interest expense for taxable years beginning on or after January 1, 2023, and requires taxpayers to add an amount equal to the amount of business interest taken as a deduction for federal tax purposes to taxable income and to subtract the amount of business interest paid or accrued within the taxable year which would have deductible at the federal level as s. 163 of the IRC existed and applied immediately before the enactment of the TCJA. The section deletes language that was applicable for taxable years beginning after December 31, 2018, and before January 1, 2021.

Section 3 provides an effective date of upon becoming a law, except as otherwise expressly provided in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature to pass legislation requiring counties and municipalities to spend funds, limit their ability to raise revenue, or reduce the percentage of a state tax shared with them.²⁵ This bill does not require counties and municipalities to spend funds, limit their ability to raise revenue, or reduce the percentage of a shared state tax. Therefore, the provisions of Article VII, section 18 of the Florida Constitution do not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Laws that create or raise state taxes or fees must be passed by two-thirds vote of the membership of each house of the Legislature in a separate bill that contains no other

²⁵ See FLA. CONST., art. VII, s. 18.

subject.²⁶ The bill does not increase any taxes or fees; therefore, the increased tax or fee requirements do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference estimates that the bill will reduce General Revenue Fund receipts by \$232.8 million in Fiscal Year 2022-2023 with a recurring reduction of \$58.6 million.²⁷

General Revenue Impact (Millions) of Amendment 246638								
	Research Exp.		Business Interest		Bonus Depreciation		Total	
SB 1090	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
Fiscal Year								
2022-23	43.7	225.7	(50.1)	(284.3)	(226.4)	-	(232.8)	(58.6)
2023-24	282.0	282.0	(333.1)	(333.1)	(1,421.7)	-	(1,472.8)	(51.1)
2024-25	220.7	220.7	(331.1)	(331.1)	(843.8)	-	(954.2)	(110.4)
2025-26	157.3	157.3	(356.6)	(356.6)	(293.8)	-	(493.1)	(199.3)
2026-27	94.1	94.1	(387.5)	(387.5)	650.2	-	356.8	(293.4)

B. Private Sector Impact:

By adopting recent changes to the Internal Revenue Code, Florida provides ease of administration for Florida corporate taxpayers. The revisions to calculating bonus depreciation, business interest expense, and research and development expenditures may result in a decrease in taxable income of Florida corporate taxpayers.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

²⁶ See FLA. CONST., art. VII, s. 19.

²⁷ The Revenue Estimating Conference, 2022 Regular Session Revenue Estimating Conference: Impact Conference Results, p. 265-272 (Jan. 28, 2022), available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2022/pdf/Impact0128.pdf> (last visited Feb. 3, 2022).

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 220.03 and 220.13.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Committee on Finance and Tax on February 3, 2022:

The committee substitute:

- Removes the repeal of the corporate income tax refund scheduled for April 2022 from the bill.
- Revises the bonus depreciation provision to allow Florida businesses to begin taking bonus depreciation for assets placed in service on or after January 1, 2023 rather than be retroactive to January 1, 2020.

B. Amendments:

None.



246638

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2022	.	
	.	
	.	
	.	

The Committee on Finance and Tax (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective upon becoming a law and operating
retroactively to January 1, 2022, paragraph (n) of subsection
(1) and paragraph (c) of subsection (2) of section 220.03,
Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not



11 otherwise distinctly expressed or manifestly incompatible with
12 the intent thereof, the following terms shall have the following
13 meanings:

14 (n) "Internal Revenue Code" means the United States
15 Internal Revenue Code of 1986, as amended and in effect on
16 January 1, 2022 ~~2021~~, except as provided in subsection (3).

17 (2) DEFINITIONAL RULES.—When used in this code and neither
18 otherwise distinctly expressed nor manifestly incompatible with
19 the intent thereof:

20 (c) Any term used in this code has the same meaning as when
21 used in a comparable context in the Internal Revenue Code and
22 other statutes of the United States relating to federal income
23 taxes, as such code and statutes are in effect on January 1,
24 2022 ~~2021~~. However, if subsection (3) is implemented, the
25 meaning of a term shall be taken at the time the term is applied
26 under this code.

27 Section 2. Effective January 1, 2023, paragraph (e) of
28 subsection (1) of section 220.13, Florida Statutes, is amended
29 to read:

30 220.13 "Adjusted federal income" defined.—

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

36 (e) *Adjustments related to federal acts.*—Taxpayers shall be
37 required to make the adjustments prescribed in this paragraph
38 for Florida tax purposes with respect to certain tax benefits
39 received pursuant to the Economic Stimulus Act of 2008; the



40 American Recovery and Reinvestment Act of 2009; the Small
41 Business Jobs Act of 2010; the Tax Relief, Unemployment
42 Insurance Reauthorization, and Job Creation Act of 2010; the
43 American Taxpayer Relief Act of 2012; the Tax Increase
44 Prevention Act of 2014; the Consolidated Appropriations Act,
45 2016; the Tax Cuts and Jobs Act of 2017; and the Coronavirus
46 Aid, Relief, and Economic Security Act of 2020.

47 1.a. There shall be added to such taxable income an amount
48 equal to 100 percent of any amount deducted for federal income
49 tax purposes as bonus depreciation for the taxable year pursuant
50 to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as
51 amended by s. 103 of Pub. L. No. 110-185; s. 1201 of Pub. L. No.
52 111-5; s. 2022 of Pub. L. No. 111-240; s. 401 of Pub. L. No.
53 111-312; s. 331 of Pub. L. No. 112-240; s. 125 of Pub. L. No.
54 113-295; s. 143 of Division Q of Pub. L. No. 114-113; and s.
55 13201 of Pub. L. No. 115-97, for property placed in service
56 after December 31, 2007, and before January 1, 2027.

57 b. For the taxable year and for each of the 6 subsequent
58 taxable years, there shall be subtracted from such taxable
59 income an amount equal to one-seventh of the amount by which
60 taxable income was increased pursuant to this subparagraph,
61 notwithstanding any sale or other disposition of the property
62 that is the subject of the adjustments and regardless of whether
63 such property remains in service in the hands of the taxpayer.

64 c. ~~The provisions of Sub-subparagraph b.~~ does ~~de~~ not apply
65 to amounts by which taxable income was increased pursuant to
66 this subparagraph for amounts deducted for federal income tax
67 purposes as bonus depreciation for qualified improvement
68 property as defined in s. 168(e)(6) of the Internal Revenue Code



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69 of 1986, as amended by s. 13204 of Pub. L. No. 115-97.

70

71 This subparagraph does not apply to property placed in service
72 in taxable years beginning on or after January 1, 2023.

73 2. There shall be added to such taxable income an amount
74 equal to 100 percent of any amount in excess of \$128,000
75 deducted for federal income tax purposes for the taxable year
76 pursuant to s. 179 of the Internal Revenue Code of 1986, as
77 amended by s. 102 of Pub. L. No. 110-185; s. 1202 of Pub. L. No.
78 111-5; s. 2021 of Pub. L. No. 111-240; s. 402 of Pub. L. No.
79 111-312; s. 315 of Pub. L. No. 112-240; and s. 127 of Pub. L.
80 No. 113-295, for taxable years beginning after December 31,
81 2007, and before January 1, 2015. For the taxable year and for
82 each of the 6 subsequent taxable years, there shall be
83 subtracted from such taxable income one-seventh of the amount by
84 which taxable income was increased pursuant to this
85 subparagraph, notwithstanding any sale or other disposition of
86 the property that is the subject of the adjustments and
87 regardless of whether such property remains in service in the
88 hands of the taxpayer.

89 3. There shall be added to such taxable income an amount
90 equal to the amount of deferred income not included in such
91 taxable income pursuant to s. 108(i)(1) of the Internal Revenue
92 Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5. There
93 shall be subtracted from such taxable income an amount equal to
94 the amount of deferred income included in such taxable income
95 pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986,
96 as amended by s. 1231 of Pub. L. No. 111-5.

97 4. For taxable years beginning on or after January 1, 2023,



98 there shall be added to such taxable income an amount equal to
99 the amount of business interest taken as a deduction for federal
100 tax purposes subject to the limitation provided in s. 163(j) of
101 the Internal Revenue Code. There shall be subtracted from such
102 taxable income the amount of business interest paid or accrued
103 within the taxable year which would have been deductible at the
104 federal level consistent with s. 163 of the Internal Revenue
105 Code as it existed and applied immediately before the enactment
106 of the Tax Cuts and Jobs Act of 2017, Pub. L. No. 115-97 ~~For~~
107 ~~taxable years beginning after December 31, 2018, and before~~
108 ~~January 1, 2021, there shall be added to such taxable income an~~
109 ~~amount equal to the excess, if any, of:~~

110 ~~a. One hundred percent of any amount deducted for federal~~
111 ~~income tax purposes as business interest expense for the taxable~~
112 ~~year pursuant to s. 163(j) of the Internal Revenue Code of 1986,~~
113 ~~as amended by s. 2306 of Pub. L. No. 116-136; over~~

114 ~~b. One hundred percent of the amount that would be~~
115 ~~deductible for federal income tax purposes as business interest~~
116 ~~expense for the taxable year if calculated pursuant to s. 163(j)~~
117 ~~of the Internal Revenue Code of 1986, as amended by s. 13301 of~~
118 ~~Pub. L. No. 115-97.~~

119
120 ~~Any expense added back pursuant to this subparagraph shall be~~
121 ~~treated as a disallowed business expense carryforward from prior~~
122 ~~years for the year or years following the addition, until such~~
123 ~~time as the expense has been used.~~

124 ~~5. With respect to qualified improvement property as~~
125 ~~defined in s. 168(e)(6) of the Internal Revenue Code of 1986, as~~
126 ~~amended by s. 13204 of Pub. L. No. 115-97, that was placed in~~



127 service on or after January 1, 2018:

128 a. There shall be added to such taxable income an amount
129 equal to 100 percent of any amount deducted for federal income
130 tax purposes under s. 167(a) of the Internal Revenue Code of
131 1986. There shall be subtracted an amount equal to the amount of
132 depreciation that would have been deductible pursuant to s.
133 167(a) of the Internal Revenue Code of 1986 in effect on January
134 1, 2020, and without regard to s. 2307 of Pub. L. No. 116-136,
135 notwithstanding any sale or other disposition of the property
136 that is the subject of the adjustments and regardless of whether
137 such property remains in service in the hands of the taxpayer.

138 b. The department may adopt rules necessary to administer
139 the provisions of this subparagraph, including rules, forms, and
140 guidelines for computing depreciation on qualified improvement
141 property, as defined in s. 168(e)(6) of the Internal Revenue
142 Code of 1986.

143 6. For taxable years beginning after December 31, 2020, and
144 before January 1, 2026, the changes made to the Internal Revenue
145 Code by Pub. L. No. 116-260, Division EE, Title I, s. 116 and
146 Title II, s. 210 shall not apply to this chapter. Taxable income
147 under this section shall be calculated as though changes made by
148 those sections were not made to the Internal Revenue Code. The
149 Department of Revenue may adopt rules necessary to administer
150 the provisions of this subparagraph, including rules, forms, and
151 guidelines for treatment of expenses and depreciation related to
152 these changes.

153 7. Subtractions available under this paragraph may be
154 transferred to the surviving or acquiring entity following a
155 merger or acquisition and used in the same manner and with the



156 same limitations as specified by this paragraph.

157 8. The additions and subtractions specified in this
158 paragraph are intended to adjust taxable income for Florida tax
159 purposes, and, notwithstanding any other provision of this code,
160 such additions and subtractions shall be permitted to change a
161 taxpayer's net operating loss for Florida tax purposes.

162 Section 3. Except as otherwise expressly provided in this
163 act, this act shall take effect upon becoming a law.

164

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

166 And the title is amended as follows:

167 Delete everything before the enacting clause
168 and insert:

169 A bill to be entitled
170 An act relating to the corporate income tax; amending
171 s. 220.03, F.S.; adopting the 2022 version of the
172 Internal Revenue Code for purposes of the state
173 corporate income tax code; providing for retroactive
174 operation; amending s. 220.13, F.S.; providing
175 applicability for adjustments taxpayers must make to
176 adjusted federal income with respect to bonus
177 depreciation; revising the adjustments taxpayers must
178 make to adjusted federal income with respect to
179 business interest; providing effective dates.

By Senator Gruters

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1 A bill to be entitled
 2 An act relating to the corporate income tax; amending
 3 s. 220.03, F.S.; adopting the 2022 version of the
 4 Internal Revenue Code for purposes of the state
 5 corporate income tax code; providing for retroactive
 6 operation; amending s. 220.1105, F.S.; revising the
 7 timeframe during which the adjustment of the corporate
 8 tax rate based on net collections exceeding adjusted
 9 forecasted collections applies; revising the
 10 definition of the term "eligible taxpayer" for certain
 11 purposes; providing for retroactive operation;
 12 amending s. 220.13, F.S.; providing applicability for
 13 adjustments taxpayers must make to adjusted federal
 14 income with respect to bonus depreciation; providing
 15 for retroactive operation; revising the adjustments
 16 taxpayers must make to adjusted federal income with
 17 respect to business interest; providing effective
 18 dates.
 19
 20 Be It Enacted by the Legislature of the State of Florida:
 21
 22 Section 1. Effective upon becoming a law and operating
 23 retroactively to January 1, 2022, paragraph (n) of subsection
 24 (1) and paragraph (c) of subsection (2) of section 220.03,
 25 Florida Statutes, are amended to read:
 26 220.03 Definitions.—
 27 (1) SPECIFIC TERMS.—When used in this code, and when not
 28 otherwise distinctly expressed or manifestly incompatible with
 29 the intent thereof, the following terms shall have the following

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30 meanings:
 31 (n) "Internal Revenue Code" means the United States
 32 Internal Revenue Code of 1986, as amended and in effect on
 33 January 1, 2022 ~~2021~~, except as provided in subsection (3).
 34 (2) DEFINITIONAL RULES.—When used in this code and neither
 35 otherwise distinctly expressed nor manifestly incompatible with
 36 the intent thereof:
 37 (c) Any term used in this code has the same meaning as when
 38 used in a comparable context in the Internal Revenue Code and
 39 other statutes of the United States relating to federal income
 40 taxes, as such code and statutes are in effect on January 1,
 41 2022 ~~2021~~. However, if subsection (3) is implemented, the
 42 meaning of a term shall be taken at the time the term is applied
 43 under this code.
 44 Section 2. Effective upon becoming a law and operating
 45 retroactively to June 30, 2021, subsection (4) of section
 46 220.1105, Florida Statutes, is amended to read:
 47 220.1105 Tax imposed; automatic refunds and downward
 48 adjustments to tax rates.—
 49 (4) For fiscal years 2018-2019 and 2019-2020 ~~through 2020-~~
 50 ~~2021~~, any amount by which net collections for a fiscal year
 51 exceed adjusted forecasted collections for that fiscal year
 52 shall only be used to provide refunds to corporate income tax
 53 payers as follows:
 54 (a) For purposes of this subsection, the term:
 55 1. "Eligible taxpayer" means:
 56 a. For fiscal year 2018-2019, a taxpayer whose taxable year
 57 begins between April 1, 2017, and March 31, 2018, and whose
 58 final tax liability for such taxable year is greater than zero;

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59 or

60 b. For fiscal year 2019-2020, a taxpayer whose taxable year
61 begins between April 1, 2018, and March 31, 2019, and whose
62 final tax liability for such taxable year is greater than zero~~+~~

63 ~~or~~

64 ~~e. For fiscal year 2020-2021, a taxpayer whose taxable year
65 begins between April 1, 2019, and March 31, 2020, and whose
66 final tax liability for such taxable year is greater than zero.~~

67 2. "Excess collections" for a fiscal year means the amount
68 by which net collections for a fiscal year exceeds adjusted
69 forecasted collections for that fiscal year.

70 3. "Final tax liability" means the taxpayer's amount of tax
71 due under this chapter for a taxable year, reported on a return
72 filed with the department, plus the amount of any credit taken
73 on such return under s. 220.1875.

74 4. "Total eligible tax liability" for a fiscal year means
75 the sum of final tax liabilities of all eligible taxpayers for a
76 fiscal year as such liabilities are shown on the latest return
77 filed with the department as of February 1 immediately following
78 that fiscal year.

79 5. "Taxpayer refund share" for a fiscal year means an
80 eligible taxpayer's final tax liability as a percentage of the
81 total eligible tax liability for that fiscal year.

82 6. "Taxpayer refund" for a fiscal year means the taxpayer
83 refund share for a fiscal year multiplied by the excess
84 collections for a fiscal year.

85 (b) No later than April 15 following a fiscal year, the
86 department shall determine total eligible tax liability for that
87 fiscal year, the taxpayer refund share for that fiscal year for

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88 each eligible taxpayer, and the taxpayer refund for that fiscal
89 year for each eligible taxpayer.

90 (c) No later than May 1 following a fiscal year, the
91 department shall refund a taxpayer refund for that fiscal year
92 to each eligible taxpayer.

93 Section 3. Effective upon becoming a law and operating
94 retroactively to January 1, 2020, paragraph (e) of subsection
95 (1) of section 220.13, Florida Statutes, is amended to read:

96 220.13 "Adjusted federal income" defined.—

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

102 (e) *Adjustments related to federal acts.*—Taxpayers shall be
103 required to make the adjustments prescribed in this paragraph
104 for Florida tax purposes with respect to certain tax benefits
105 received pursuant to the Economic Stimulus Act of 2008; the
106 American Recovery and Reinvestment Act of 2009; the Small
107 Business Jobs Act of 2010; the Tax Relief, Unemployment
108 Insurance Reauthorization, and Job Creation Act of 2010; the
109 American Taxpayer Relief Act of 2012; the Tax Increase
110 Prevention Act of 2014; the Consolidated Appropriations Act,
111 2016; the Tax Cuts and Jobs Act of 2017; and the Coronavirus
112 Aid, Relief, and Economic Security Act of 2020.

113 1.a. There shall be added to such taxable income an amount
114 equal to 100 percent of any amount deducted for federal income
115 tax purposes as bonus depreciation for the taxable year pursuant
116 to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as

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 117 amended by s. 103 of Pub. L. No. 110-185; s. 1201 of Pub. L. No.
 118 111-5; s. 2022 of Pub. L. No. 111-240; s. 401 of Pub. L. No.
 119 111-312; s. 331 of Pub. L. No. 112-240; s. 125 of Pub. L. No.
 120 113-295; s. 143 of Division Q of Pub. L. No. 114-113; and s.
 121 13201 of Pub. L. No. 115-97, for property placed in service
 122 after December 31, 2007, and before January 1, 2027.

b. For the taxable year and for each of the 6 subsequent
 124 taxable years, there shall be subtracted from such taxable
 125 income an amount equal to one-seventh of the amount by which
 126 taxable income was increased pursuant to this subparagraph,
 127 notwithstanding any sale or other disposition of the property
 128 that is the subject of the adjustments and regardless of whether
 129 such property remains in service in the hands of the taxpayer.

c. ~~The provisions of~~ Sub-subparagraph b. does ~~de~~ not apply
 131 to amounts by which taxable income was increased pursuant to
 132 this subparagraph for amounts deducted for federal income tax
 133 purposes as bonus depreciation for qualified improvement
 134 property as defined in s. 168(e)(6) of the Internal Revenue Code
 135 of 1986, as amended by s. 13204 of Pub. L. No. 115-97.

This subparagraph does not apply to property placed in service
 138 in taxable years beginning on or after January 1, 2020.

2. There shall be added to such taxable income an amount
 140 equal to 100 percent of any amount in excess of \$128,000
 141 deducted for federal income tax purposes for the taxable year
 142 pursuant to s. 179 of the Internal Revenue Code of 1986, as
 143 amended by s. 102 of Pub. L. No. 110-185; s. 1202 of Pub. L. No.
 144 111-5; s. 2021 of Pub. L. No. 111-240; s. 402 of Pub. L. No.
 145 111-312; s. 315 of Pub. L. No. 112-240; and s. 127 of Pub. L.

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 146 No. 113-295, for taxable years beginning after December 31,
 147 2007, and before January 1, 2015. For the taxable year and for
 148 each of the 6 subsequent taxable years, there shall be
 149 subtracted from such taxable income one-seventh of the amount by
 150 which taxable income was increased pursuant to this
 151 subparagraph, notwithstanding any sale or other disposition of
 152 the property that is the subject of the adjustments and
 153 regardless of whether such property remains in service in the
 154 hands of the taxpayer.

3. There shall be added to such taxable income an amount
 156 equal to the amount of deferred income not included in such
 157 taxable income pursuant to s. 108(i)(1) of the Internal Revenue
 158 Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5. There
 159 shall be subtracted from such taxable income an amount equal to
 160 the amount of deferred income included in such taxable income
 161 pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986,
 162 as amended by s. 1231 of Pub. L. No. 111-5.

4. For taxable years beginning after December 31, 2018, and
 164 before January 1, 2021, there shall be added to such taxable
 165 income an amount equal to the excess, if any, of:

a. One hundred percent of any amount deducted for federal
 167 income tax purposes as business interest expense for the taxable
 168 year pursuant to s. 163(j) of the Internal Revenue Code of 1986,
 169 as amended by s. 2306 of Pub. L. No. 116-136; over

b. One hundred percent of the amount that would be
 171 deductible for federal income tax purposes as business interest
 172 expense for the taxable year if calculated pursuant to s. 163(j)
 173 of the Internal Revenue Code of 1986, as amended by s. 13301 of
 174 Pub. L. No. 115-97.

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175
176 Any expense added back pursuant to this subparagraph shall be
177 treated as a disallowed business expense carryforward from prior
178 years for the year or years following the addition, until such
179 time as the expense has been used.

180 5. With respect to qualified improvement property as
181 defined in s. 168(e)(6) of the Internal Revenue Code of 1986, as
182 amended by s. 13204 of Pub. L. No. 115-97, that was placed in
183 service on or after January 1, 2018:

184 a. There shall be added to such taxable income an amount
185 equal to 100 percent of any amount deducted for federal income
186 tax purposes under s. 167(a) of the Internal Revenue Code of
187 1986. There shall be subtracted an amount equal to the amount of
188 depreciation that would have been deductible pursuant to s.
189 167(a) of the Internal Revenue Code of 1986 in effect on January
190 1, 2020 and without regard to s. 2307 of Pub. L. No. 116-136,
191 notwithstanding any sale or other disposition of the property
192 that is the subject of the adjustments and regardless of whether
193 such property remains in service in the hands of the taxpayer.

194 b. The department may adopt rules necessary to administer
195 the provisions of this subparagraph, including rules, forms, and
196 guidelines for computing depreciation on qualified improvement
197 property, as defined in s. 168(e)(6) of the Internal Revenue
198 Code of 1986.

199 6. For taxable years beginning after December 31, 2020, and
200 before January 1, 2026, the changes made to the Internal Revenue
201 Code by Pub. L. No. 116-260, Division EE, Title I, s. 116 and
202 Title II, s. 210 shall not apply to this chapter. Taxable income
203 under this section shall be calculated as though changes made by

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204 those sections were not made to the Internal Revenue Code. The
205 Department of Revenue may adopt rules necessary to administer
206 the provisions of this subparagraph, including rules, forms, and
207 guidelines for treatment of expenses and depreciation related to
208 these changes.

209 7. Subtractions available under this paragraph may be
210 transferred to the surviving or acquiring entity following a
211 merger or acquisition and used in the same manner and with the
212 same limitations as specified by this paragraph.

213 8. The additions and subtractions specified in this
214 paragraph are intended to adjust taxable income for Florida tax
215 purposes, and, notwithstanding any other provision of this code,
216 such additions and subtractions shall be permitted to change a
217 taxpayer's net operating loss for Florida tax purposes.

218 Section 4. The amendment made to s. 220.13(1)(e), Florida
219 Statutes, in section 3 of this act applies to taxable years
220 beginning on or after January 1, 2020.

221 Section 5. Effective January 1, 2023, paragraph (e) of
222 subsection (1) of section 220.13, Florida Statutes, as amended
223 by this act, is amended to read:

224 220.13 "Adjusted federal income" defined.—

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

230 (e) *Adjustments related to federal acts.*—Taxpayers shall be
231 required to make the adjustments prescribed in this paragraph
232 for Florida tax purposes with respect to certain tax benefits

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233 received pursuant to the Economic Stimulus Act of 2008; the
 234 American Recovery and Reinvestment Act of 2009; the Small
 235 Business Jobs Act of 2010; the Tax Relief, Unemployment
 236 Insurance Reauthorization, and Job Creation Act of 2010; the
 237 American Taxpayer Relief Act of 2012; the Tax Increase
 238 Prevention Act of 2014; the Consolidated Appropriations Act,
 239 2016; the Tax Cuts and Jobs Act of 2017; and the Coronavirus
 240 Aid, Relief, and Economic Security Act of 2020.

241 1.a. There shall be added to such taxable income an amount
 242 equal to 100 percent of any amount deducted for federal income
 243 tax purposes as bonus depreciation for the taxable year pursuant
 244 to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as
 245 amended by s. 103 of Pub. L. No. 110-185; s. 1201 of Pub. L. No.
 246 111-5; s. 2022 of Pub. L. No. 111-240; s. 401 of Pub. L. No.
 247 111-312; s. 331 of Pub. L. No. 112-240; s. 125 of Pub. L. No.
 248 113-295; s. 143 of Division Q of Pub. L. No. 114-113; and s.
 249 13201 of Pub. L. No. 115-97, for property placed in service
 250 after December 31, 2007, and before January 1, 2027.

251 b. For the taxable year and for each of the 6 subsequent
 252 taxable years, there shall be subtracted from such taxable
 253 income an amount equal to one-seventh of the amount by which
 254 taxable income was increased pursuant to this subparagraph,
 255 notwithstanding any sale or other disposition of the property
 256 that is the subject of the adjustments and regardless of whether
 257 such property remains in service in the hands of the taxpayer.

258 c. Sub-subparagraph b. does not apply to amounts by which
 259 taxable income was increased pursuant to this subparagraph for
 260 amounts deducted for federal income tax purposes as bonus
 261 depreciation for qualified improvement property as defined in s.

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262 168(e)(6) of the Internal Revenue Code of 1986, as amended by s.
 263 13204 of Pub. L. No. 115-97.

264
 265 This subparagraph does not apply to property placed in service
 266 in taxable years beginning on or after January 1, 2020.

267 2. There shall be added to such taxable income an amount
 268 equal to 100 percent of any amount in excess of \$128,000
 269 deducted for federal income tax purposes for the taxable year
 270 pursuant to s. 179 of the Internal Revenue Code of 1986, as
 271 amended by s. 102 of Pub. L. No. 110-185; s. 1202 of Pub. L. No.
 272 111-5; s. 2021 of Pub. L. No. 111-240; s. 402 of Pub. L. No.
 273 111-312; s. 315 of Pub. L. No. 112-240; and s. 127 of Pub. L.
 274 No. 113-295, for taxable years beginning after December 31,
 275 2007, and before January 1, 2015. For the taxable year and for
 276 each of the 6 subsequent taxable years, there shall be
 277 subtracted from such taxable income one-seventh of the amount by
 278 which taxable income was increased pursuant to this
 279 subparagraph, notwithstanding any sale or other disposition of
 280 the property that is the subject of the adjustments and
 281 regardless of whether such property remains in service in the
 282 hands of the taxpayer.

283 3. There shall be added to such taxable income an amount
 284 equal to the amount of deferred income not included in such
 285 taxable income pursuant to s. 108(i)(1) of the Internal Revenue
 286 Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5. There
 287 shall be subtracted from such taxable income an amount equal to
 288 the amount of deferred income included in such taxable income
 289 pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986,
 290 as amended by s. 1231 of Pub. L. No. 111-5.

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291 4. For taxable years beginning on or after January 1, 2023,
 292 there shall be added to such taxable income an amount equal to
 293 the amount of business interest taken as a deduction for federal
 294 tax purposes subject to the limitation provided in s. 163(j) of
 295 the Internal Revenue Code. There shall be subtracted from such
 296 taxable income the amount of business interest paid or accrued
 297 within the taxable year which would have been deductible at the
 298 federal level consistent with s. 163 of the Internal Revenue
 299 Code as it existed and applied immediately before the enactment
 300 of the Tax Cuts and Jobs Act of 2017, Pub. L. No. 115-97 For
 301 taxable years beginning after December 31, 2018, and before
 302 January 1, 2021, there shall be added to such taxable income an
 303 amount equal to the excess, if any, of:

304 a. ~~One hundred percent of any amount deducted for federal~~
 305 ~~income tax purposes as business interest expense for the taxable~~
 306 ~~year pursuant to s. 163(j) of the Internal Revenue Code of 1986,~~
 307 ~~as amended by s. 2306 of Pub. L. No. 116-136; over~~

308 b. ~~One hundred percent of the amount that would be~~
 309 ~~deductible for federal income tax purposes as business interest~~
 310 ~~expense for the taxable year if calculated pursuant to s. 163(j)~~
 311 ~~of the Internal Revenue Code of 1986, as amended by s. 13301 of~~
 312 ~~Pub. L. No. 115-97.~~

313 ~~Any expense added back pursuant to this subparagraph shall be~~
 314 ~~treated as a disallowed business expense carryforward from prior~~
 315 ~~years for the year or years following the addition, until such~~
 316 ~~time as the expense has been used.~~

317
 318 5. With respect to qualified improvement property as
 319 defined in s. 168(e)(6) of the Internal Revenue Code of 1986, as

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320 amended by s. 13204 of Pub. L. No. 115-97, that was placed in
 321 service on or after January 1, 2018:

322 a. There shall be added to such taxable income an amount
 323 equal to 100 percent of any amount deducted for federal income
 324 tax purposes under s. 167(a) of the Internal Revenue Code of
 325 1986. There shall be subtracted an amount equal to the amount of
 326 depreciation that would have been deductible pursuant to s.
 327 167(a) of the Internal Revenue Code of 1986 in effect on January
 328 1, 2020 and without regard to s. 2307 of Pub. L. No. 116-136,
 329 notwithstanding any sale or other disposition of the property
 330 that is the subject of the adjustments and regardless of whether
 331 such property remains in service in the hands of the taxpayer.
 332 b. The department may adopt rules necessary to administer
 333 the provisions of this subparagraph, including rules, forms, and
 334 guidelines for computing depreciation on qualified improvement
 335 property, as defined in s. 168(e)(6) of the Internal Revenue
 336 Code of 1986.

337 6. For taxable years beginning after December 31, 2020, and
 338 before January 1, 2026, the changes made to the Internal Revenue
 339 Code by Pub. L. No. 116-260, Division EE, Title I, s. 116 and
 340 Title II, s. 210 shall not apply to this chapter. Taxable income
 341 under this section shall be calculated as though changes made by
 342 those sections were not made to the Internal Revenue Code. The
 343 Department of Revenue may adopt rules necessary to administer
 344 the provisions of this subparagraph, including rules, forms, and
 345 guidelines for treatment of expenses and depreciation related to
 346 these changes.

347 7. Subtractions available under this paragraph may be
 348 transferred to the surviving or acquiring entity following a

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349 merger or acquisition and used in the same manner and with the
350 same limitations as specified by this paragraph.

351 8. The additions and subtractions specified in this
352 paragraph are intended to adjust taxable income for Florida tax
353 purposes, and, notwithstanding any other provision of this code,
354 such additions and subtractions shall be permitted to change a
355 taxpayer's net operating loss for Florida tax purposes.

356 Section 6. Except as otherwise expressly provided in this
357 act, this act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Ana Maria Rodriguez, Chair
Committee on Finance and Tax

Subject: Committee Agenda Request

Date: January 27, 2022

I respectfully request that **Senate Bill #1090**, relating to Corporate Income Tax, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Joe Gruters".

Joe Gruters

Cc: Robert Babin, Staff Director
Stephanie Bell-Parke, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/3/22

Meeting Date

Finance + Tax

Committee

1090

Bill Number or Topic

246638

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Phone _____

Address 134 E. Colonial Dr

Email _____

Street

Orlando

City

FL

State

32801

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Rising

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2-3-22

Meeting Date

The Florida Senate APPEARANCE RECORD

1090 Corp. Income

Bill Number or Topic Tax

Deliver both copies of this form to
Senate professional staff conducting the meeting

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name Megan Betche

Phone 407-225-1981

Address 821 Grand Regency Pt ^{Unit} 200

Email mbetche@gmail.com

Altamonte Spgs FL 32714

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-3-2022

Meeting Date

1090

Bill Number or Topic

Finance + TAX

Committee

Amendment Barcode (if applicable)

Name Richard Myers

Phone 904 610-5609

Address 940 17th Ave N
Street

Email _____

SAX
City

FL
State

32250
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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5-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

213122

Meeting Date

SB1090

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Shannon Charles

Phone 305-281-9689

Address 21050 SW 87th Ave

Email ShannonCatalyst@miami.org

Street

Miami

FL

33189

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Catalyst Miami

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-3-22

Meeting Date

1090

Bill Number or Topic

Finance + Tax

Committee

Amendment Barcode (if applicable)

Name Justin Thames

Phone 850-521-5955

Address 113 E. College Ave.

Email justin@flcpa.org

Street

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Florida Institute of CPAs

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-3-2023

Meeting Date

SB 1090

Bill Number or Topic

Finance and Tax

Committee

Amendment Barcode (if applicable)

Name Genette Keely

Phone 813-431-2441

Address 1811 Greenridge Rd

Email gboard@aol

Street

Tampa

City

FL

State

33619

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/3/22

Meeting Date

Finance & Tax

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1090

Bill Number or Topic

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Phone

Address 134 E. Colonial Dr

Email

Orlando FL 32801

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Rising

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flisenate.gov](#))

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/3/2022 Meeting Date

SB 1090 Bill Number or Topic

F&T Committee

Amendment Barcode (if applicable)

Name Karen Woodall Phone 850-321-9386

Address 579 E. Call St. Email fcfepeg@yahoo.com

Tallahassee, FL 32301 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: FI Center for Fiscal & Economic Policy

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf flsenate.gov

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/3/22

Meeting Date

1090

Bill Number or Topic

Finance + Tax

Committee

Amendment Barcode (if applicable)

Name David Bryant

Phone 904-928-3744

Address 8853 After Lane
Street

Email davidbryant177@gmail.com

Jacksonville
City

FL
State

32216
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [iflisenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB1090

2-3-2022

Meeting Date

Bill Number or Topic

FINANCE + TAX

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name STEVE POLADIAN

Phone 239-940-4085

Address 1422 NE 1 ST STREET

Email POLADS1@GMAIL.COM

Street

CAPE CORAL FL 33909

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1090

2/3/2022

Meeting Date

Bill Number or Topic

Finance and Tax

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Greg Black**

Phone **509-8022**

Address **PO Box 838**

Email **greg@waypointstrat.com**

Street

TLH

FL

32302

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

International Council of Shopping Centers (ICSC)

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-3-22

Meeting Date

SB 1090

Bill Number or Topic

Finance + Tax

Committee

Amendment Barcode (if applicable)

Name

Elizabeth Rasmussen

Phone

727-418-9840

Address

6449 Evergreen Park Dr

Street

Email

erass2007@gmail.com

Lakeland

City

FL

State

33813

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1090

Meeting Date

1090

Bill Number or Topic

Finance & TAX

Committee

Amendment Barcode (if applicable)

Name

Shawntrel Jackson

Phone

786 2175363

Address

15455 N.E. 6 Ave C319

Email

shawntrelj12@gmail.com

Street

MIAMI

FL

33162

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/3/22

Meeting Date

SB 1090

Bill Number or Topic

FINANCE & TAX

Committee

Amendment Barcode (if applicable)

Name: DOWTIN, ANGELA

Phone: 305.824.10502

Address: 5135 N.W. 19 AVE

Email: ADOWTIN@TWU291@GMAIL.COM

Street

Miami

City

FL

State

33142

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/3/22

Meeting Date

1090

Bill Number or Topic

Finance and Tax

Committee

Amendment Barcode (if applicable)

Name Joseph D'Elia

Phone 786 208 2683

Address 19377 NE 10 ave, 501

Email guide2895@gmail.com

City Miami

State FL

Zip 33179

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules. df.flisenate.gov

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S-001 (08/10/2021)

2-3-22

The Florida Senate
APPEARANCE RECORD

1090

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Finance and Tax

Committee

Amendment Barcode (if applicable)

Name André Brown

Phone _____

Address 19031 N.W. 9th

Email _____

Street

Miami

FL

33169

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/3/22

Meeting Date

1090

Bill Number or Topic

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1200

Address 136 S Bronough St

Street

Email cjohnson@fichamber.com

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL chamber of Commerce

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/3/2022

Meeting Date

SB1090

Bill Number or Topic

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name Matthew Nelson

Phone 386-295-4006

Address 1172 Tracy Dr.

Street

Email MSELSON779@GMAIL

Port Orange FL.

City

State

32129

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf flsenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/3/22 Meeting Date

SB 1090 Bill Number or Topic

Finance Committee

Amendment Barcode (if applicable)

Name Carol Gramble Burtman Phone 904 614 8581

Address 13525 Bartram Pk Blvd #326 Email carogramble69@gmail.com

Jax FL 32258 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf | fsenate.gov

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/3/2022

Meeting Date

SB 1090

Bill Number or Topic

FINANCE + TAX

Committee

Amendment Barcode (if applicable)

Name BRITNI WEGMANN

Phone 941-539-9036

Address 611 BEACH BLVD #3306

Street

Email

JACKSONVILLE BEACH FL 32250

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

feb 3, 2022

Meeting Date

finance & tax

Committee

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1090

Bill Number or Topic

Amendment Barcode (if applicable)

Name Joanne Houghton (How-ten)

Phone 352-220-7373

Address 711 Ne 45th St

Email houghton.joanne@gmail.com

Ocala FL 324179
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate
APPEARANCE RECORD

SB

1090

Deliver both copies of this form to
Senate professional staff conducting the meeting.

2/3/2022
Meeting Date
Finance+Tax
Committee

Bill Number or Topic

Amendment Barcode (if applicable)

Name Eleana Valencia-Knight Phone (561) 462-9875

Address 4313 Atthea Way Email elevknight@gmail.com
Street

PBG FL 33410
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

- I am appearing without compensation or sponsorship.
- I am a registered lobbyist, representing:
- I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

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The Florida Senate

APPEARANCE RECORD

2/3/2022

Meeting Date

SB 1090

Bill Number or Topic

Finance & Tax Committee

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Matthew Tomko

Phone 610-202-2390

Address 3938 W. Sandpiper Dr Apt 3

Email Tomkeazy@yahoo.com

Baynton Beach FL

33476

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/3/2022

Meeting Date

SB 1090

Bill Number or Topic

Finance & Tax Committee

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Sonia Johnson

Phone 561-602-1599

Address 8480 Winnipisaukee Way

Email

Lake Worth, FL 33467

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/3/22

Meeting Date

Finance + TAX

Committee

SB 1090

Bill Number or Topic

Amendment Barcode (if applicable)

Name

MARtha STEVENs

Phone

813 482 2048

Address

West Central Florida Federation Central

LABOR Council

3405 E. JEAN St

Email

mstevens1947@aol.com

Street

Tampa

City

FL

State

33610

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/3/22

Meeting Date

SB 1090

Bill Number or Topic

Finance and Tax

Committee

Amendment Barcode (if applicable)

Name Cheyne Seleski

Phone (561) 254-9123

Address 48 SE Sedona Circle

Email cseleski@gmail.com

Stuart
City

FL
State

34994
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Feb. 3, 2022

Meeting Date

Finance & Tax

Committee

1090

Bill Number or Topic

Amendment Barcode (if applicable)

Name Grace Lovett

Phone 850.222.4084

Address 227 S. Adams Street

Email Grace@frf.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Retail Federation

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

2-3-2022

Meeting Date

SB 1090

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

FINANCE AND TAX COMMITTEE

Committee

Amendment Barcode (if applicable)

Name FRANK ANGEL

Phone

Address 2180 VIA EDEEN

Email

Street

BOCA RATON FL 33433

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2-3-22

Meeting Date

SB 1090

Bill Number or Topic

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name Jeffrey Mitchell

Phone 786-586-7851

Address 15731 SW 92nd Ave

Email jwmitch@live.com

Street

Palmetto Bay FL 33157

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

1090

2/3/22

Meeting Date

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

F+T

Committee

Amendment Barcode (if applicable)

Name

B.D. Jogerst

Phone

(850) 224-7173

Address

516 N Adams

Email

bjogerst@aif.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Associated Industries of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: CS/SB 1310

INTRODUCER: Finance and Tax Committee and Senator Rodriguez

SUBJECT: Florida Main Street Program and Historic Preservation Tax Credits

DATE: February 3, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Covin</u>	<u>Babin</u>	<u>FT</u>	Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1310 creates the Main Street Historic Tourism and Revitalization Act, which provides a tax credit against corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of a certified historic structure.

The tax credit may not exceed 20 percent of qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit *or* 30 percent of the total qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit that is located within a local program area of an Accredited Main Street Program.

Any unused amount may be carried forward for a period of up to 5 taxable years. Tax credits may also be sold or transferred. There is no limit on the total number of transactions for the sale or transfer of all or part of a tax credit. However, qualified expenses may only be counted once in determining the amount of an available tax credit, and no more than one taxpayer may claim a tax credit for the same qualified expenses.

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill. Staff estimates a significant reduction to General Revenue Fund receipts.

The bill takes effect on January 1, 2023.

II. Present Situation:

National Register of Historic Places

The National Register of Historic Places,¹ under the National Park Service, is “part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America’s historic and archeological resources.”² The program reviews property nominations and lists eligible properties in the National Register; offers guidance on evaluating, documenting, and listing historic places; and helps qualified historic properties receive preservation benefits and incentives.³

Properties listed in the National Register are eligible for federal preservation tax credits. A 20 percent income tax credit is available for the rehabilitation of historic, income-producing buildings that are determined by the Secretary of the Interior, through the National Park Service, to be certified historic structures.⁴

Main Street America

Main Street America, a program under the National Main Street Center,⁵ is a network of grassroots organizations that “revitalizes older and historic commercial districts to build vibrant neighborhoods and thriving economies.”⁶ The program offers community-based revitalization initiatives to transform downtowns. In order to be designated as either an affiliate or accredited member of Main Street America, a community must first become a member of the National Main Street Center and meet certain requirements.⁷ Main Street America has coordinating programs that are organized at the state, county, and city level which partner with the National Main Street Center to provide support and training to Main Street America communities.

Florida has two coordinating programs: Florida Main Street America located in Tallahassee and Orlando Main Street located in Orlando.⁸ Florida Main Street is administered by the Division of Historical Resources (division) under the Florida Department of State.⁹ Forty-five Florida Main

¹ 54 U.S.C. § 3021.

² U.S. Department of the Interior, National Park Service, National Register of Historic Places, *What is the National Register of Historic Places?*, available at <https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm> (last visited Jan. 27, 2022).

³ *Id.*

⁴ U.S. Department of the Interior, National Park Service, *Technical Preservation Services*, available at <https://www.nps.gov/tps/tax-incentives.htm> (last visited Jan. 26, 2022).

⁵ The National Main Street Center was established in 1980 as a program of the National Trust for Historic Preservation as a way to address issues facing aging and historic downtowns. The Center launched the Main Street America program in 2015. See Main Street America, *About Us*, available at <https://www.mainstreet.org/about-us> (last visited Jan. 27, 2022).

⁶ Main Street America, *About Us*, available at <https://www.mainstreet.org/about-us> (last visited Jan. 27, 2022).

⁷ Main Street America, *Designation*, available at [https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/Main Street America Tier System Overview - 2021 July Update.pdf](https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/Main%20Street%20America%20Tier%20System%20Overview%20-%202021%20July%20Update.pdf) (last visited Jan. 27, 2022).

⁸ Main Street America, *Coordinating Programs*, available at [https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/The Programs/2020 Coordinating Program List.pdf](https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/The%20Programs/2020%20Coordinating%20Program%20List.pdf) (last visited Jan. 27, 2022).

⁹ Section 267.031(5), F.S.

Streets and 10 Orlando Main Streets have received technical assistance toward the goal of revitalizing historic downtowns and encouraging economic development.¹⁰

Corporate Income Tax

Florida levies a 5.5 percent tax on certain income of corporations and financial institutions doing business in Florida.¹¹ Florida utilizes the taxable income determined for federal income tax purposes as a starting point to determine the total amount of Florida corporate income tax due.¹² This means that a corporation paying taxes in Florida generally receives the same benefits from deductions allowed when determining taxable income for federal tax purposes as it does when determining taxable income for state taxation purposes.

Insurance Premium Tax

Florida imposes a 1.75 percent tax on most Florida insurance premiums.¹³ Insurance premium taxes are paid by insurance companies under chapter 624, F.S., and are remitted to the Department of Revenue (DOR). These revenues are distributed to General Revenue.

III. Effect of Proposed Changes:

The bill creates the Main Street Historic Tourism and Revitalization Act (Act) which provides a tax credit against corporate income tax and insurance premium tax for qualified expenses¹⁴ incurred in the rehabilitation of a certified historic structure.

Eligibility and Application Process

A taxpayer must apply to the division for a tax credit before taking a credit on its return and must document that:

- The rehabilitation is a certified rehabilitation;¹⁵
- The structure is a certified historic structure,¹⁶ is income-producing, is located within the state, and is rehabilitated and placed into service on or after January 1, 2023;

¹⁰ Visit Florida, *Florida Main Street Programs Have Stories to Tell*, available at <https://www.visitflorida.com/travel-ideas/articles/florida-main-street/> (last visited Jan. 27, 2022).

¹¹ Section 220.11(2), F.S.

¹² Section 220.12, F.S.

¹³ Section 624.509, F.S.

¹⁴ The bill defines “qualified expenses” as qualified rehabilitation expenditures (defined in 26 U.S.C., §47(c)(2)) and structural components (defined in 26 C.F.R., § 1.48-1(e)(2)) at the time of project certification by the U.S. Secretary of the Interior and the U.S. Internal Revenue Service (IRS).

¹⁵ The bill defines “certified rehabilitation” as the rehabilitation of a certified historic structure that the U.S. Secretary of the Interior has certified to the U.S. Secretary of the Treasury as being consistent with the historic character of the certified historic structure and, if applicable, consistent with the registered historic district in which the structure is located. *See* 36 C.F.R., § 67.2

¹⁶ The bill defines a “certified historic structure” as a building and its structural components which is of a character subject to the allowance for depreciation provided in s. 167 of the Internal Revenue Code and which is listed on the National Register of Historic Places or located within a registered historic district and certified by the U.S. Secretary of the Interior as being of historic significance to the registered historic district.

- The taxpayer had an ownership or long-term leasehold interest¹⁷ in the certified historic structure in the year during which the certified historic structure was placed into service after the certified rehabilitation was complete;
- The total amount of qualified expenses incurred in rehabilitating the certified historic structure exceeded \$5,000;
- The qualified expenses that were incurred in Florida; and
- The taxpayer received a tax credit for the qualified expenses under the federal historic rehabilitation tax credit provision.¹⁸

In the application, the taxpayer must also provide the division with the following:

- An official certificate of eligibility from the division attesting that the project has been approved by the National Park Service and confirming whether the project is or is not located within a Main Street local program area;
- National Park Service Form 10-168c, signed by the National Park Service attesting that the completed rehabilitation meets the U.S. Secretary of the Interior's Standards for Rehabilitation and is consistent with the historic character of the property and, if applicable, the district in which the completed rehabilitation is located;
- Identification of the dates during which the structure was rehabilitated, the date the structure was first placed into service after certified rehabilitation was completed, and evidence that the structure was placed into service after the certified rehabilitation was completed;
- A list of total qualified expenses incurred by the taxpayer in rehabilitating the certified historic structure. For certified rehabilitations with qualified expenses that exceeded \$750,000, the taxpayer must submit an audited cost report that itemizes the qualified expenses incurred in rehabilitating the structure. The taxpayer may submit an audited cost report that was created for purposes of applying for the federal historic rehabilitation tax credit.
- An attestation of the total qualified expenses incurred by the taxpayer in rehabilitating the certified historic structure; and
- The information required to be reported by the DOR to enable the DOR to compile its annual report based on the tax credit applications submitted and approved.

Within 60 days after receipt of the information, the division shall evaluate the application and recommend the applicant for certification or denial. Within 30 days after recommendation, the division must approve or deny the application. If the taxpayer is approved, the division must provide a letter to the applicant. If the taxpayer is denied, the division must inform the applicant of the grounds for denial. The division must submit a copy of the certification and the information provided by the taxpayer to the DOR within 10 days after the division's approval.

Amount and Carryforward of Tax Credit

The tax credit may be used to offset the corporate income tax and the insurance premium tax. The total tax credit claimed annually may not exceed the amount of tax due after any other applicable tax credits and may not exceed:

¹⁷ The bill defines "long-term leasehold" to mean a leasehold in a nonresidential real property for a term of 39 years or more or a leasehold in a residential real property for a term of 27.5 years or more.

¹⁸ 26 U.S.C. s. 47

- Twenty percent of the total qualified expenses incurred in rehabilitating a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit; or
- Thirty percent of the total qualified expenses incurred in rehabilitating a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit and that is located within a local program area of an Accredited Main Street Program.

If a taxpayer is eligible for a tax credit that exceeds taxes owed, the taxpayer may carry the unused tax credit forward for a period of up to 5 taxable years.

Sale or Transfer of Tax Credit

The bill provides that there is no limit on the total number of transactions for the sale or transfer of all or part of a tax credit. However, qualified expenses may only be counted once in determining the amount of an available tax credit, and no more than one taxpayer may claim a tax credit for the same qualified expenses.

A taxpayer that sells or transfers a tax credit and the purchaser or transferee must jointly submit written notice of the sale or transfer to the DOR no later than the 30th day after the date of the sale or transfer. The notice must include the following information:

- The date of the sale or transfer;
- The amount of the tax credit sold or transferred;
- The name and federal tax identification number of the taxpayer that sold or transferred the tax credit and the purchaser or transferee; and
- The amount of the tax credit owed by the taxpayer before the sale or transfer and the amount the selling or transferring taxpayer retained, if any, after the sale or transfer.

The sale or transfer of a tax credit does not extend the period for which a tax credit may be carried forward and does not increase the total amount of the tax credit that may be claimed.

A tax credit earned, purchased, or transferred to a partnership, limited liability company, S corporation, or other pass-through taxpayer may be allocated to the partners, members, or shareholders of that taxpayer without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified historic structure.

If the tax credit is reduced due to a determination, examination, or audit by the DOR, the tax deficiency must be recovered from the taxpayer that sold or transferred the tax credit or the purchaser or transferee that claimed the tax credit up to the amount of the tax credit taken. Any subsequent deficiencies must be assessed against the purchaser or transferee that claimed the tax credit, or in the case of multiple succeeding entities, in the order of tax credit succession.

DOR and Division Audit Authority

The DOR, with assistance from the division, is authorized to perform additional financial and technical audits and examinations, including examining the accounts, books, or records of the tax credit applicant, to verify the legitimacy of the qualified expenses included in a tax credit return

and to ensure compliance. The division must provide technical assistance for any technical audits or examinations if requested by the DOR.

It is grounds for forfeiture of previously claimed and received tax credits if the DOR determines that a taxpayer received a tax credit to which the taxpayer was not entitled. The taxpayer must return the forfeited tax credits to the DOR, which will then be paid into the General Revenue Fund.

The taxpayer must file an amended tax return and pay any required tax within 60 days after the taxpayer receives notification from the IRS that a previously approved tax credit has been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.

The DOR may issue a notice of deficiency at any time within 5 years after the date on which the taxpayer receives notification from the IRS that a previously approved tax credit has been revoked or modified.

The DOR may issue a notice of deficiency at any time if the taxpayer fails to notify the DOR of any change in its tax credit claimed. The amount of any proposed assessment in the notice of deficiency is limited to the amount of any deficiency from the precomputation of the taxpayer's tax for the taxable year. Furthermore, a taxpayer is subject to applicable penalties and interest for failing to report and timely paying any tax due as a result of the forfeiture of its tax credit.

Other Provisions

The DOR must provide a report annually by December 1 which identifies, in the aggregate, the number of employees hired during construction phases, the use of each newly rehabilitated building, the expected number of employees hired, the number of affordable housing units created or preserved, and the property values before and after the certified rehabilitations.

The DOR must also establish a cooperative agreement with the division; establish any necessary forms required to claim a tax credit; provide administrative guidelines and procedures required to administer the Act, including rules establishing an entitlement to and sale or transfer of a tax credit; and provide examination and audit procedures required to administer the Act.

The DOR is granted rulemaking authority and emergency rulemaking authority to administer the Act.

The DOR is authorized to make available to the division and the Secretary of the Department of the Interior of the United States information relating to the Act.

The bill makes conforming changes.

The bill applies to taxable years beginning and for qualified expenses incurred on or after January 1, 2023.

The bill takes effect on January 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Article VII, section 18 of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature to pass legislation requiring counties and municipalities to spend funds, limiting their ability to raise revenue, or reducing the percentage of a state tax shared with them. This bill does not require counties or municipalities to spend funds, limit their authority to raise revenue, or reduce the percentage of a state tax shared with them as specified in Article VII, s. 18 of the Florida Constitution. Therefore, the provisions of Article VII, section 18 of the Florida Constitution do not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill does not create or raise a state tax or fee. Therefore, the requirements of Article VII, s. 19 of the Florida Constitution do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill. Staff estimates a significant reduction to General Revenue receipts.

B. Private Sector Impact:

Taxpayers who have an ownership or long-term leasehold interest in a certified historic structure in the year during which the structure was placed into service after the certified rehabilitation was complete may be eligible to receive a tax credit to offset corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of the certified historic structure.

C. Government Sector Impact:

According to the DOR, the bill will have a non-recurring negative fiscal impact in the amount of \$250,772 for Fiscal Year 2021-2022 in order to make modifications to the DOR's software systems, databases, and applications.¹⁹

Additionally, new rules and forms would need to be promulgated in order to administer the tax credit.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 220.197 of the Florida Statutes.

The bill amends the following sections of the Florida Statutes: 213.053, 220.02, 220.13, and 624.509.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Finance and Tax on February 3, 2022:

The CS:

- Adds the definition “long-term leasehold” and revises definitions;
- Provides that the tax credit may be taken for taxable years beginning on or after January 1, 2023;
- Requires the Division of Historical Resources of the Department of State (division), rather than the Department of Revenue (DOR), to evaluate and certify applications for the tax credit;
- Authorizes a taxpayer to submit an audited cost report to the division which was created when applying for a federal historic rehabilitation tax credit;
- Expands the evaluation process and provides duties for the division;
- Provides the division with audit and examination powers;
- Provides a date by which the DOR must annually submit a report to the Legislature;
- Includes a new section to authorize the DOR to make certain information available relating to the tax credit;
- Authorizes the DOR to adopt emergency rules; and

¹⁹ Florida Department of Revenue, SB 1310 Analysis (2022). On file with Senate Committee on Finance and Tax.

- Makes other technical changes.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2022	.	
	.	
	.	
	.	

The Committee on Finance and Tax (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 220.197, Florida Statutes, is created to
read:

220.197 The Main Street Historic Tourism and Revitalization
Act; tax credits; reports.-

(1) SHORT TITLE.-This act may be cited as the "Main Street
Historic Tourism and Revitalization Act."



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11 (2) DEFINITIONS.—As used in this section, the term:

12 (a) "Accredited Main Street Program" means an active
13 Florida Main Street Program or the Orlando Main Streets program,
14 provided that such program meets the Main Street America
15 accreditation standards. An Accredited Main Street Program must:

16 1. Have broad-based community support for the commercial
17 district revitalization process with strong support from the
18 public and private sectors.

19 2. Have a developed vision and mission statement relevant
20 to community conditions and to Main Street America's
21 organizational stage.

22 3. Have a comprehensive Main Street America work plan.

23 4. Possess a historic preservation ethic.

24 5. Have an active board of directors and committees.

25 6. Have an adequate operating budget.

26 7. Have a paid professional program manager.

27 8. Conduct a program of ongoing training for staff and
28 volunteers.

29 9. Report key statistics.

30 10. Be a current member of Main Street America.

31 (b) "Certified historic structure" means a building and its
32 structural components as defined in 36 C.F.R. s. 67.2 which is
33 of a character subject to the allowance for depreciation
34 provided in s. 167 of the Internal Revenue Code of 1986, as
35 amended, and which is:

36 1. Individually listed in the National Register of Historic
37 Places; or

38 2. Located within a registered historic district and
39 certified by the United States Secretary of the Interior as



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40 being of historic significance to the registered historic
41 district as set forth in 36 C.F.R. s. 67.2.

42 (c) "Certified rehabilitation" means the rehabilitation of
43 a certified historic structure that the United States Secretary
44 of the Interior has certified to the United States Secretary of
45 the Treasury as being consistent with the historic character of
46 the certified historic structure and, if applicable, consistent
47 with the registered historic district in which the certified
48 historic structure is located as set forth in 36 C.F.R. s. 67.2.

49 (d) "Division" means the Division of Historical Resources
50 of the Department of State.

51 (e) "Florida Main Street Program" means a statewide
52 historic preservation-based downtown revitalization assistance
53 program created, maintained, and administered by the division
54 under s. 267.031(5).

55 (f) "Local program area" means the specific geographic area
56 in which an Accredited Main Street Program is conducted as
57 approved and maintained by the division or in which the Orlando
58 Main Streets program is conducted.

59 (g) "Long-term leasehold" means a leasehold in a
60 nonresidential real property for a term of 39 years or more or a
61 leasehold in a residential real property for a term of 27.5
62 years or more.

63 (h) "Main Street America" means a national network of
64 grassroots organizations revitalizing historic downtown areas
65 under the leadership of the National Main Street Center, Inc., a
66 subsidiary of the National Trust for Historic Preservation.

67 (i) "National Register of Historic Places" means the list
68 of historic properties significant in American history,



69 architecture, archeology, engineering, and culture maintained by
70 the United States Secretary of the Interior as authorized in 54
71 U.S.C. s. 3021.

72 (j) "Orlando Main Streets" means a historic preservation-
73 based district revitalization program administered by the City
74 of Orlando.

75 (k) "Qualified expenses" means rehabilitation expenditures
76 qualifying for the credit under 26 U.S.C. s. 47 incurred in this
77 state.

78 (1) "Registered historic district" means a district listed
79 in the National Register of Historic Places or a district:

80 1. Designated under general law or local ordinance and
81 certified by the United States Secretary of the Interior as
82 meeting criteria that will substantially achieve the purposes of
83 preserving and rehabilitating buildings of historic significance
84 to the district; and

85 2. Certified by the United States Secretary of the Interior
86 as meeting substantially all of the requirements for listing a
87 district in the National Register of Historic Places.

88 (3) ELIGIBILITY FOR TAX CREDIT.—For taxable years beginning
89 on or after January 1, 2023, there is allowed a credit against
90 any tax due for a taxable year under this chapter after the
91 application of any other allowable credits by the taxpayer.

92 (a) To claim and receive a tax credit under this section, a
93 taxpayer must apply to the division for a tax credit for
94 qualified expenses in the amount and under the conditions and
95 limitations provided in this section against the tax due for a
96 taxable year under this chapter and must provide the division
97 with all of the following:



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98 1. Documentation showing that:

99 a. The rehabilitation is a certified rehabilitation;

100 b. The structure is a certified historic structure, is
101 income-producing, is located within this state, and is
102 rehabilitated and placed in service on or after January 1, 2023;

103 c. The taxpayer had an ownership or a long-term leasehold
104 interest in the certified historic structure in the year during
105 which the certified historic structure was placed into service
106 after the certified rehabilitation was completed;

107 d. The total amount of qualified expenses incurred in
108 rehabilitating the certified historic structure exceeded \$5,000;

109 e. The qualified expenses were incurred in this state; and

110 f. The taxpayer received a tax credit for the qualified
111 expenses under 26 U.S.C. s. 47.

112 2. An official certificate of eligibility from the
113 division, signed by the State Historic Preservation Officer or
114 the Deputy State Historic Preservation Officer, attesting that
115 the project has been approved by the National Park Service and
116 confirming that the project is located within a local program
117 area.

118 3. National Park Service Form 10-168c (Rev. 2019), titled
119 "Historic Preservation Certification Application-Part 3-Request
120 for Certification of Completed Work," or a similar form, signed
121 by an officer of the National Park Service, attesting that the
122 completed rehabilitation meets the United States Secretary of
123 the Interior's Standards for Rehabilitation and is consistent
124 with the historic character of the property and, if applicable,
125 the district in which the completed rehabilitation is located.
126 The form may be obtained through the National Park Service.



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127 4. An identification of the dates during which the
128 certified historic structure was rehabilitated, the date the
129 certified historic structure was placed in service after the
130 certified rehabilitation was completed, and evidence that the
131 certified historic structure was placed in service after the
132 certified rehabilitation was completed.

133 5. A list of total qualified expenses incurred by the
134 taxpayer in rehabilitating the certified historic structure. For
135 certified rehabilitations with qualified expenses that exceed
136 \$750,000, the taxpayer must submit an audited cost report issued
137 by a certified public accountant which itemizes the qualified
138 expenses incurred in rehabilitating the certified historic
139 structure. A taxpayer may submit an audited cost report issued
140 by a certified public accountant which was created for purposes
141 of applying for a federal historic rehabilitation tax credit and
142 which includes all of the qualified expenses incurred in
143 rehabilitating the certified historic structure.

144 6. An attestation of the total qualified expenses incurred
145 by the taxpayer in rehabilitating the certified historic
146 structure.

147 7. The information required to be reported by the
148 department in subsection (8) to enable the department to compile
149 its annual report.

150 (b) Within 60 days after receipt of the information
151 required under paragraph (a), the division shall evaluate the
152 application and recommend the applicant for certification or
153 denial. The division must approve or deny the application within
154 30 days after receiving the recommendation. If approved, the
155 division must provide a letter of certification to the applicant



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156 consistent with any restrictions imposed. If the division denies
157 any part of the requested credit, the division must inform the
158 applicant of the grounds for the denial. The division must
159 submit a copy of the certification and the information provided
160 by the taxpayer to the department within 10 days after the
161 division's approval.

162 (4) AMOUNT OF TAX CREDIT.—The total tax credit claimed
163 annually may not exceed the amount of tax due after any other
164 applicable tax credits and may not exceed the following:

165 (a) Twenty percent of the total qualified expenses incurred
166 in this state in rehabilitating a certified historic structure
167 that has been approved by the National Park Service to receive
168 the federal historic rehabilitation tax credit; or

169 (b) Thirty percent of the total qualified expenses incurred
170 in this state in rehabilitating a certified historic structure
171 that has been approved by the National Park Service to receive
172 the federal historic rehabilitation tax credit and that is
173 located within a local program area.

174
175 The tax credit may be used to offset the corporate income tax
176 imposed in s. 220.11 and the insurance premium tax imposed in s.
177 624.509. An insurer claiming a credit against insurance premium
178 tax liability under this section may not be required to pay any
179 additional retaliatory tax levied pursuant to s. 624.5091 as a
180 result of claiming such credit. Section 624.5091 does not limit
181 such credit in any manner.

182 (5) CARRYFORWARD OF TAX CREDIT.—

183 (a) If a taxpayer is eligible for a tax credit that exceeds
184 taxes owed, the taxpayer may carry the unused tax credit forward



185 for a period of up to 5 taxable years.

186 (b) A carryforward is considered the remaining portion of a
187 tax credit that cannot be claimed in the current tax year.

188 (6) SALE OR TRANSFER OF TAX CREDIT.—

189 (a) A taxpayer that incurs qualified expenses may sell or
190 transfer all or part of the tax credit that may otherwise be
191 claimed to another taxpayer.

192 (b) A taxpayer to which all or part of the tax credit is
193 sold or transferred may sell or transfer all or part of the tax
194 credit that may otherwise be claimed to another taxpayer.

195 (c) A taxpayer that sells or transfers a tax credit to
196 another taxpayer must provide a copy of the certificate of
197 eligibility together with the audited cost report to the
198 purchaser or transferee.

199 (d) Qualified expenses may be counted only once in
200 determining the amount of an available tax credit, and more than
201 one taxpayer may not claim a tax credit for the same qualified
202 expenses.

203 (e) There is no limit on the total number of transactions
204 for the sale or transfer of all or part of a tax credit.

205 (f)1. A taxpayer that sells or transfers a tax credit under
206 this subsection and the purchaser or transferee shall jointly
207 submit written notice of the sale or transfer to the department
208 on a form adopted by the department no later than the 30th day
209 after the date of the sale or transfer. The notice must include
210 all of the following:

211 a. The date of the sale or transfer.

212 b. The amount of the tax credit sold or transferred.

213 c. The name and federal tax identification number of the



214 taxpayer that sold or transferred the tax credit and the
215 purchaser or transferee.

216 d. The amount of the tax credit owned by the taxpayer
217 before the sale or transfer and the amount the selling or
218 transferring taxpayer retained, if any, after the sale or
219 transfer.

220 2. The sale or transfer of a tax credit under this
221 subsection does not extend the period for which a tax credit may
222 be carried forward and does not increase the total amount of the
223 tax credit that may be claimed.

224 3. If a taxpayer claims a tax credit for qualified
225 expenses, another taxpayer may not use the same expenses as the
226 basis for claiming a tax credit.

227 4. Notwithstanding the requirements of this subsection, a
228 tax credit earned by, purchased by, or transferred to a
229 partnership, limited liability company, S corporation, or other
230 pass-through taxpayer may be allocated to the partners, members,
231 or shareholders of that taxpayer and claimed under this section
232 in accordance with any agreement among the partners, members, or
233 shareholders and without regard to the ownership interest of the
234 partners, members, or shareholders in the rehabilitated
235 certified historic structure.

236 (g) If the tax credit is reduced due to a determination,
237 examination, or audit by the department, the tax deficiency
238 shall be recovered from the taxpayer that sold or transferred
239 the tax credit or the purchaser or transferee that claimed the
240 tax credit up to the amount of the tax credit taken.

241 (h) Any subsequent deficiencies shall be assessed against
242 the purchaser or transferee that claimed the tax credit or, in



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243 the case of multiple succeeding entities, in the order of tax
244 credit succession.

245 (7) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
246 CREDITS; FRAUDULENT CLAIMS.—

247 (a) The department, with assistance from the division, may
248 perform any additional financial and technical audits and
249 examinations, including examining the accounts, books, or
250 records of the tax credit applicant, to verify the legitimacy of
251 the qualified expenses included in a tax credit return and to
252 ensure compliance with this section. If requested by the
253 department, the division must provide technical assistance for
254 any technical audits or examinations performed under this
255 subsection.

256 (b) It is grounds for forfeiture of previously claimed and
257 received tax credits if the department determines, as a result
258 of an audit or information received from the division or the
259 United States Department of the Interior, that a taxpayer
260 received a tax credit pursuant to this section to which the
261 taxpayer was not entitled. In the case of fraud, the taxpayer
262 may not claim any future tax credits under this section.

263 (c) The taxpayer must return forfeited tax credits to the
264 department, and such funds shall be paid into the General
265 Revenue Fund.

266 (d) The taxpayer shall file with the department an amended
267 tax return or such other report as the department prescribes and
268 shall pay any required tax within 60 days after the taxpayer
269 receives notification from the United States Internal Revenue
270 Service that a previously approved tax credit has been revoked
271 or modified, if uncontested, or within 60 days after a final



272 order is issued following proceedings involving a contested
273 revocation or modification order.

274 (e) A notice of deficiency may be issued by the department
275 at any time within 5 years after the date on which the taxpayer
276 receives notification from the United States Internal Revenue
277 Service that a previously approved tax credit has been revoked
278 or modified.

279 (f) If a taxpayer fails to notify the department of any
280 change in its tax credit claimed, a notice of deficiency may be
281 issued at any time. In either case, the amount of any proposed
282 assessment set forth in such notice of deficiency is limited to
283 the amount of any deficiency resulting under this section from
284 the precomputation of the taxpayer's tax for the taxable year.

285 (g) A taxpayer that fails to report and timely pay any tax
286 due as a result of the forfeiture of its tax credit violates
287 this section and is subject to applicable penalties and
288 interest.

289 (8) ANNUAL REPORTS.—Based on the applications submitted and
290 approved, the department must submit a report by December 1 of
291 each year to the President of the Senate and the Speaker of the
292 House of Representatives that identifies, in the aggregate, all
293 of the following:

294 (a) The number of employees hired during construction
295 phases.

296 (b) The use of each newly rehabilitated building and the
297 expected number of employees hired.

298 (c) The number of affordable housing units created or
299 preserved.

300 (d) The property values before and after the certified



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301 rehabilitations.

302 (9) DEPARTMENT DUTIES.—The department shall:

303 (a) Establish a cooperative agreement with the division.

304 (b) Establish any necessary forms required to claim a tax
305 credit under this section.

306 (c) Provide administrative guidelines and procedures
307 required to administer this section, including rules
308 establishing an entitlement to and sale or transfer of a tax
309 credit under this section.

310 (d) Provide examination and audit procedures required to
311 administer this section.

312 (10) RULES.—The department and the division may adopt rules
313 to administer this section.

314 Section 2. Subsection (23) is added to section 213.053,
315 Florida Statutes, to read:

316 213.053 Confidentiality and information sharing.—

317 (23) The department may make available to the Division of
318 Historical Resources of the Department of State and the
319 Secretary of the Department of the Interior of the United States
320 or his or her delegate, exclusively for official purposes,
321 information for the purposes of administering the Main Street
322 Historic Tourism and Revitalization Act pursuant to s. 220.197.

323 Section 3. Subsection (8) of section 220.02, Florida
324 Statutes, is amended to read:

325 220.02 Legislative intent.—

326 (8) It is the intent of the Legislature that credits
327 against either the corporate income tax or the franchise tax be
328 applied in the following order: those enumerated in s. 631.828,
329 those enumerated in s. 220.191, those enumerated in s. 220.181,



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330 those enumerated in s. 220.183, those enumerated in s. 220.182,
331 those enumerated in s. 220.1895, those enumerated in s. 220.195,
332 those enumerated in s. 220.184, those enumerated in s. 220.186,
333 those enumerated in s. 220.1845, those enumerated in s. 220.19,
334 those enumerated in s. 220.185, those enumerated in s. 220.1875,
335 those enumerated in s. 220.1876, those enumerated in s.
336 220.1877, those enumerated in s. 220.193, those enumerated in s.
337 288.9916, those enumerated in s. 220.1899, those enumerated in
338 s. 220.194, those enumerated in s. 220.196, ~~and~~ those enumerated
339 in s. 220.198, and those enumerated in s. 220.197.

340 Section 4. Paragraph (a) of subsection (1) of section
341 220.13, Florida Statutes, is amended to read:

342 220.13 "Adjusted federal income" defined.—

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

348 (a) *Additions.*—There shall be added to such taxable income:

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

354 b. Notwithstanding sub-subparagraph a., if a credit taken
355 under s. 220.1875, s. 220.1876, or s. 220.1877 is added to
356 taxable income in a previous taxable year under subparagraph 11.
357 and is taken as a deduction for federal tax purposes in the
358 current taxable year, the amount of the deduction allowed shall



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359 not be added to taxable income in the current year. The
360 exception in this sub-subparagraph is intended to ensure that
361 the credit under s. 220.1875, s. 220.1876, or s. 220.1877 is
362 added in the applicable taxable year and does not result in a
363 duplicate addition in a subsequent year.

364 2. The amount of interest which is excluded from taxable
365 income under s. 103(a) of the Internal Revenue Code or any other
366 federal law, less the associated expenses disallowed in the
367 computation of taxable income under s. 265 of the Internal
368 Revenue Code or any other law, excluding 60 percent of any
369 amounts included in alternative minimum taxable income, as
370 defined in s. 55(b)(2) of the Internal Revenue Code, if the
371 taxpayer pays tax under s. 220.11(3).

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

376 4. That portion of the wages or salaries paid or incurred
377 for the taxable year which is equal to the amount of the credit
378 allowable for the taxable year under s. 220.181. This
379 subparagraph shall expire on the date specified in s. 290.016
380 for the expiration of the Florida Enterprise Zone Act.

381 5. That portion of the ad valorem school taxes paid or
382 incurred for the taxable year which is equal to the amount of
383 the credit allowable for the taxable year under s. 220.182. This
384 subparagraph shall expire on the date specified in s. 290.016
385 for the expiration of the Florida Enterprise Zone Act.

386 6. The amount taken as a credit under s. 220.195 which is
387 deductible from gross income in the computation of taxable



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388 income for the taxable year.

389 7. That portion of assessments to fund a guaranty
390 association incurred for the taxable year which is equal to the
391 amount of the credit allowable for the taxable year.

392 8. In the case of a nonprofit corporation which holds a
393 pari-mutuel permit and which is exempt from federal income tax
394 as a farmers' cooperative, an amount equal to the excess of the
395 gross income attributable to the pari-mutuel operations over the
396 attributable expenses for the taxable year.

397 9. The amount taken as a credit for the taxable year under
398 s. 220.1895.

399 10. Up to nine percent of the eligible basis of any
400 designated project which is equal to the credit allowable for
401 the taxable year under s. 220.185.

402 11. Any amount taken as a credit for the taxable year under
403 s. 220.1875, s. 220.1876, or s. 220.1877. The addition in this
404 subparagraph is intended to ensure that the same amount is not
405 allowed for the tax purposes of this state as both a deduction
406 from income and a credit against the tax. This addition is not
407 intended to result in adding the same expense back to income
408 more than once.

409 12. The amount taken as a credit for the taxable year under
410 s. 220.193.

411 13. Any portion of a qualified investment, as defined in s.
412 288.9913, which is claimed as a deduction by the taxpayer and
413 taken as a credit against income tax pursuant to s. 288.9916.

414 14. The costs to acquire a tax credit pursuant to s.
415 288.1254(5) that are deducted from or otherwise reduce federal
416 taxable income for the taxable year.



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417 15. The amount taken as a credit for the taxable year
418 pursuant to s. 220.194.

419 16. The amount taken as a credit for the taxable year under
420 s. 220.196. The addition in this subparagraph is intended to
421 ensure that the same amount is not allowed for the tax purposes
422 of this state as both a deduction from income and a credit
423 against the tax. The addition is not intended to result in
424 adding the same expense back to income more than once.

425 17. The amount taken as a credit for the taxable year
426 pursuant to s. 220.198.

427 18. The amount taken as a credit for the taxable year
428 pursuant to s. 220.197.

429 Section 5. Subsection (7) of section 624.509, Florida
430 Statutes, is amended to read:

431 624.509 Premium tax; rate and computation.—

432 (7) Credits and deductions against the tax imposed by this
433 section shall be taken in the following order: deductions for
434 assessments made pursuant to s. 440.51; credits for taxes paid
435 under ss. 175.101 and 185.08; credits for income taxes paid
436 under chapter 220 and the credit allowed under subsection (5),
437 as these credits are limited by subsection (6); the credit
438 allowed under s. 624.51057; the credit allowed under s. 220.197;
439 and all other available credits and deductions.

440 Section 6. (1) The Department of Revenue may, and all
441 conditions are deemed met to, adopt emergency rules under s.
442 120.54(4), Florida Statutes, for the purpose of implementing
443 provisions related to the Main Street Historic Tourism and
444 Revitalization Act.

445 (2) Notwithstanding any other law, emergency rules adopted



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446 under this section are effective for 6 months after adoption and
447 may be renewed during the pendency of procedures to adopt
448 permanent rules addressing the subject of the emergency rules.

449 (3) This section shall take effect upon this act becoming a
450 law and expires July 1, 2023.

451 Section 7. This act applies to taxable years beginning and
452 for qualified expenses incurred on or after January 1, 2023.

453 Section 8. This act shall take effect January 1, 2023.

454
455 ===== T I T L E A M E N D M E N T =====

456 And the title is amended as follows:

457 Delete everything before the enacting clause
458 and insert:

459 A bill to be entitled
460 An act relating to the Florida Main Street Program and
461 historic preservation tax credits; creating s.
462 220.197, F.S.; providing a short title; defining
463 terms; specifying eligibility requirements for
464 receiving specified tax credits for taxpayers that
465 rehabilitate certified historic structures; specifying
466 requirements for taxpayers claiming or transferring
467 specified tax credits; specifying requirements for the
468 Division of Historical Resources of the Department of
469 State for evaluating and certifying applications for
470 specified tax credits; specifying the amount of tax
471 credits; providing construction; authorizing the
472 carryforward, sale, and transfer of tax credits;
473 providing the Department of Revenue and the division
474 audit and examination powers for specified purposes



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475 related to certified rehabilitation expenses;
476 requiring the return of forfeited tax credits under
477 certain circumstances; providing penalties; requiring
478 the Department of Revenue to provide specified annual
479 reports to the Legislature; providing duties of the
480 Department of Revenue; authorizing the Department of
481 Revenue and the division to adopt rules; amending s.
482 213.053, F.S.; authorizing the Department of Revenue
483 and the Secretary of the Department of the Interior of
484 the United States to make certain information
485 available for specified purposes; amending s. 220.02,
486 F.S.; revising the order in which tax credits against
487 the corporate income tax credit or the franchise tax
488 are applied; amending 220.13, F.S.; revising the
489 definition of the term "adjusted federal income";
490 amending s. 624.509, F.S.; revising the order in which
491 credits and deductions against the insurance premium
492 tax are applied; authorizing the Department of Revenue
493 to adopt emergency rules to implement certain
494 provisions; providing for expiration of that
495 authority; providing applicability; providing an
496 effective date.

497
498 WHEREAS, historic revitalization creates highly paid local
499 construction jobs, and

500 WHEREAS, historic rehabilitation increases the value of
501 buildings and results in a growing state and local tax base, and

502 WHEREAS, historic revitalization boosts heritage tourism
503 and creates thriving downtowns that are attractive to main



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504 street businesses, and

505 WHEREAS, reusing historic buildings creates affordable
506 spaces for small business incubation, and

507 WHEREAS, repurposing historic buildings saves resources and
508 activates vacant spaces, and

509 WHEREAS, historic rehabilitation projects leverage
510 significant private investment, and

511 WHEREAS, leveraging state tax incentives increases the
512 effectiveness of federal Historic Preservation Tax Incentives
513 and the Opportunity Zones Program to encourage the historic
514 preservation of existing buildings, and

515 WHEREAS, an increase in rehabilitation activity occurs when
516 a state incentive is combined with federal Historic Preservation
517 Tax Incentives, and

518 WHEREAS, many historic buildings in this state need safety
519 upgrades and other improvements that require both public and
520 private investment to return these buildings as assets of their
521 local communities, NOW, THEREFORE,

By Senator Rodriguez

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A bill to be entitled

An act relating to the Florida Main Street Program and historic preservation tax credits; creating s. 220.197, F.S.; providing a short title; defining terms; specifying eligibility requirements for receiving specified tax credits for taxpayers that rehabilitate certified historic structures; specifying requirements for claiming or transferring specified tax credits; specifying the amount of tax credits; authorizing the carryforward, sale, and transfer of tax credits; providing the Department of Revenue audit and examination powers for specified purposes related to certified rehabilitation expenses; requiring the return of forfeited tax credits under certain circumstances; providing penalties; requiring the department to provide specified annual reports to the Legislature; providing duties of the department; authorizing the department to adopt rules; providing an effective date.

WHEREAS, historic revitalization creates highly paid local construction jobs, and

WHEREAS, historic rehabilitation increases the value of buildings and results in a growing state and local tax base, and

WHEREAS, historic revitalization boosts heritage tourism and creates thriving downtowns that are attractive to main street businesses, and

WHEREAS, reusing historic buildings creates affordable spaces for small business incubation, and

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WHEREAS, repurposing historic buildings saves resources and activates vacant spaces, and

WHEREAS, historic rehabilitation projects leverage significant private investment, and

WHEREAS, leveraging state tax incentives increases the effectiveness of federal Historic Preservation Tax Incentives and the Opportunity Zones Program to encourage the historic preservation of existing buildings, and

WHEREAS, an increase in rehabilitation activity occurs when a state incentive is combined with federal Historic Preservation Tax Incentives, and

WHEREAS, many historic buildings in the state need safety upgrades and other improvements that require both public and private investment to return these buildings as assets of their local communities, NOW, THEREFORE,

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

Section 1. Section 220.197, Florida Statutes, is created to read:

220.197 The Main Street Historic Tourism and Revitalization Act; tax credits; reports.—

(1) SHORT TITLE.—This act may be cited as the "Main Street Historic Tourism and Revitalization Act."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Accredited Main Street Program" means an active Florida Main Street Program or the Orlando Main Streets program, provided that such program meets the Main Street America accreditation standards. An Accredited Main Street Program must:

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59 1. Have broad-based community support for the commercial
 60 district revitalization process with strong support from the
 61 public and private sectors.

62 2. Have a developed vision and mission statement relevant
 63 to community conditions and to Main Street America's
 64 organizational stage.

65 3. Have a comprehensive Main Street America work plan.

66 4. Possess a historic preservation ethic.

67 5. Have an active board of directors and committees.

68 6. Have an adequate operating budget.

69 7. Have a paid professional program manager.

70 8. Conduct a program of ongoing training for staff and
 71 volunteers.

72 9. Report key statistics.

73 10. Be a current member of Main Street America.

74 (b) "Certified historic structure" means a building and its
 75 structural components as defined in 36 C.F.R. s. 67.2 which is
 76 of a character subject to the allowance for depreciation
 77 provided in s. 167 of the Internal Revenue Code of 1986, as
 78 amended, and which is:

79 1. Individually listed in the National Register of Historic
 80 Places; or

81 2. Located within a registered historic district and
 82 certified by the United States Secretary of the Interior as
 83 being of historic significance to the registered historic
 84 district as set forth in 36 C.F.R. s. 67.2.

85 (c) "Certified rehabilitation" means the rehabilitation of
 86 a certified historic structure that the United States Secretary
 87 of the Interior has certified to the United States Secretary of

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88 the Treasury as being consistent with the historic character of
 89 the certified historic structure and, if applicable, consistent
 90 with the registered historic district in which the certified
 91 historic structure is located as set forth in 36 C.F.R. s. 67.2.

92 (d) "Division" means the Division of Historical Resources
 93 of the Department of State.

94 (e) "Florida Main Street Program" means a statewide
 95 historic preservation-based downtown revitalization assistance
 96 program created, maintained, and administered by the division
 97 under s. 267.031(5).

98 (f) "Local program area" means the specific geographic area
 99 in which an Accredited Main Street Program is conducted as
 100 approved and maintained by the division or in which the Orlando
 101 Main Streets program is conducted.

102 (g) "Main Street America" means a national network of
 103 grassroots organizations revitalizing historic downtown areas
 104 under the leadership of the National Main Street Center, Inc., a
 105 subsidiary of the National Trust for Historic Preservation.

106 (h) "National Register of Historic Places" means the list
 107 of historic properties significant in American history,
 108 architecture, archeology, engineering, and culture maintained by
 109 the United States Secretary of the Interior as authorized in 54
 110 U.S.C. s. 3021.

111 (i) "Orlando Main Streets" means a historic preservation-
 112 based district revitalization program administered by the City
 113 of Orlando.

114 (j) "Qualified expenses" means qualified rehabilitation
 115 expenditures as defined in 26 U.S.C. s. 47(c)(2) and structural
 116 components as defined in 26 C.F.R. s. 1.48-1(e)(2) at the time

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117 of project certification by the United States Secretary of the
 118 Interior and the United States Internal Revenue Service.
 119 (k) "Registered historic district" means a district listed
 120 in the National Register of Historic Places or a district:
 121 1. Designated under general law or local ordinance and
 122 certified by the United States Secretary of the Interior as
 123 containing criteria that will substantially achieve the purposes
 124 of preserving and rehabilitating buildings of historic
 125 significance to the district; and
 126 2. Certified by the United States Secretary of the Interior
 127 as meeting substantially all of the requirements for listing a
 128 district in the National Register of Historic Places.
 129 (3) ELIGIBILITY FOR TAX CREDIT.—To claim and receive a tax
 130 credit under this section, a taxpayer must first apply to the
 131 department for a tax credit for qualified expenses in the amount
 132 and under the conditions and limitations provided in this
 133 section against the tax due for a taxable year under this
 134 chapter and must document that:
 135 (a) The rehabilitation is a certified rehabilitation.
 136 (b) The structure is a certified historic structure, is
 137 income-producing, is located within the state, and was
 138 rehabilitated and placed into service on or after July 1, 2022.
 139 (c) The taxpayer had an ownership interest in the certified
 140 historic structure in the year during which the certified
 141 historic structure was placed into service after the certified
 142 rehabilitation was completed.
 143 (d) The total amount of qualified expenses incurred in
 144 rehabilitating the certified historic structure exceeded \$5,000.
 145 (4) TAX CREDIT FILING REQUIREMENTS.—Before claiming or

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146 transferring a tax credit under this section, the taxpayer must
 147 provide the department with the following information:
 148 (a) An official certificate of eligibility from the
 149 division signed by the State Historic Preservation Officer or
 150 the Deputy State Historic Preservation Officer attesting that
 151 the project has been approved by the National Park Service and
 152 confirming whether the project is or is not located within a
 153 Main Street local program area.
 154 (b) National Park Service Form 10-168c (Rev. 2019), titled
 155 "Historic Preservation Certification Application-Part 3-Request
 156 for Certification of Completed Work," signed by the National
 157 Park Service attesting that the completed rehabilitation meets
 158 the United States Secretary of the Interior's Standards for
 159 Rehabilitation and is consistent with the historic character of
 160 the property and, if applicable, the district in which the
 161 completed rehabilitation is located. The form may be obtained
 162 through the National Park Service.
 163 (c) An identification of the dates during which the
 164 certified historic structure was rehabilitated, the date the
 165 certified historic structure was first placed into service after
 166 the certified rehabilitation was completed, and evidence that
 167 the certified historic structure was placed into service after
 168 the certified rehabilitation was completed.
 169 (d) A list of total qualified expenses incurred by the
 170 taxpayer in rehabilitating the certified historic structure. For
 171 certified rehabilitations with qualified expenses that exceeded
 172 \$750,000, the taxpayer must submit an audited cost report issued
 173 by a certified public accountant that itemizes the qualified
 174 expenses incurred in rehabilitating the certified historic

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175 structure as provided in s. 215.97.
 176 (e) An attestation of the total qualified expenses incurred
 177 by the taxpayer in rehabilitating the certified historic
 178 structure.
 179 (f) A completed Form F-1120, titled "Florida Corporate
 180 Income/Franchise Tax Return," or other appropriate tax form
 181 issued by the department for insurance premium tax reporting.
 182 (g) The information required to be reported by the
 183 department in subsection (9) to enable the department to compile
 184 its annual report.
 185 (5) AMOUNT OF TAX CREDIT.—The total tax credit claimed
 186 annually may not exceed the amount of tax due after any other
 187 applicable tax credits and may not exceed the following:
 188 (a) Twenty percent of the total qualified expenses incurred
 189 in rehabilitating a certified historic structure that has been
 190 approved by the National Park Service to receive the federal
 191 historic rehabilitation tax credit; or
 192 (b) Thirty percent of the total qualified expenses incurred
 193 in rehabilitating a certified historic structure that has been
 194 approved by the National Park Service to receive the federal
 195 historic rehabilitation tax credit and that is located within a
 196 local program area of an Accredited Main Street Program.
 197
 198 The tax credit may be used to offset the corporate income tax
 199 imposed in s. 220.11 and the insurance premium tax imposed in s.
 200 624.509.
 201 (6) CARRYFORWARD OF TAX CREDIT.—
 202 (a) If a taxpayer is eligible for a tax credit that exceeds
 203 taxes owed, the taxpayer may carry the unused tax credit forward

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204 for a period of up to 10 years.
 205 (b) A carryforward is considered the remaining portion of a
 206 tax credit that cannot be claimed in the current tax year.
 207 (7) SALE OR TRANSFER OF TAX CREDIT.—
 208 (a) A taxpayer that incurs qualified expenses may sell or
 209 transfer all or part of the tax credit that may otherwise be
 210 claimed to another taxpayer.
 211 (b) A taxpayer to which all or part of the tax credit is
 212 sold or transferred may sell or transfer all or part of the tax
 213 credit that may otherwise be claimed to another taxpayer.
 214 (c) A taxpayer that sells or transfers a tax credit to
 215 another taxpayer must provide a copy of the certificate of
 216 eligibility together with the audited cost report to the
 217 purchaser or transferee.
 218 (d) Qualified expenses may only be counted once in
 219 determining the amount of an available tax credit, and more than
 220 one taxpayer may not claim a tax credit for the same qualified
 221 expenses.
 222 (e) There is no limit on the total number of transactions
 223 for the sale or transfer of all or part of a tax credit.
 224 (f)1. A taxpayer that sells or transfers a tax credit under
 225 this subsection and the purchaser or transferee shall jointly
 226 submit written notice of the sale or transfer to the department
 227 on a form adopted by the department no later than the 30th day
 228 after the date of the sale or transfer. The notice must include
 229 all of the following:
 230 a. The date of the sale or transfer.
 231 b. The amount of the tax credit sold or transferred.
 232 c. The name and federal tax identification number of the

Page 8 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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233 taxpayer that sold or transferred the tax credit and the
 234 purchaser or transferee.

235 d. The amount of the tax credit owed by the taxpayer before
 236 the sale or transfer and the amount the selling or transferring
 237 taxpayer retained, if any, after the sale or transfer.

238 2. The sale or transfer of a tax credit under this
 239 subsection does not extend the period for which a tax credit may
 240 be carried forward and does not increase the total amount of the
 241 tax credit that may be claimed.

242 3. If a taxpayer claims a tax credit for qualified
 243 expenses, another taxpayer may not use the same expenses as the
 244 basis for claiming a tax credit.

245 4. Notwithstanding the requirements of this subsection, a
 246 tax credit earned by, purchased by, or transferred to a
 247 partnership, limited liability company, S corporation, or other
 248 pass-through taxpayer may be allocated to the partners, members,
 249 or shareholders of that taxpayer and claimed under this section
 250 in accordance with any agreement among the partners, members, or
 251 shareholders and without regard to the ownership interest of the
 252 partners, members, or shareholders in the rehabilitated
 253 certified historic structure.

254 (g) If the tax credit is reduced due to a determination,
 255 examination, or audit by the department, the tax deficiency
 256 shall be recovered from the taxpayer that sold or transferred
 257 the tax credit or the purchaser or transferee that claimed the
 258 tax credit up to the amount of the tax credit taken.

259 (h) Any subsequent deficiencies shall be assessed against
 260 the purchaser or transferee that claimed the tax credit or, in
 261 the case of multiple succeeding entities, in the order of tax

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262 credit succession.

263 (8) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
 264 CREDITS; FRAUDULENT CLAIMS.—

265 (a) The department may perform any additional financial and
 266 technical audits and examinations, including examining the
 267 accounts, books, or records of the tax credit applicant, to
 268 verify the legitimacy of the qualified expenses included in a
 269 tax credit return and to ensure compliance with this section.

270 (b) It is grounds for forfeiture of previously claimed and
 271 received tax credits if the department determines, as a result
 272 of an audit or information received from the division or the
 273 United States Department of the Interior, that a taxpayer
 274 received a tax credit pursuant to this section to which the
 275 taxpayer was not entitled. In the case of fraud, the taxpayer
 276 may not claim any future tax credits under this section.

277 (c) The taxpayer must return forfeited tax credits to the
 278 department and such funds shall be paid into the General Revenue
 279 Fund.

280 (d) The taxpayer shall file with the department an amended
 281 tax return or such other report as the department prescribes and
 282 shall pay any required tax within 60 days after the taxpayer
 283 receives notification from the United States Internal Revenue
 284 Service that a previously approved tax credit has been revoked
 285 or modified, if uncontested, or within 60 days after a final
 286 order is issued following proceedings involving a contested
 287 revocation or modification order.

288 (e) A notice of deficiency may be issued by the department
 289 at any time within 5 years after the date on which the taxpayer
 290 receives notification from the United States Internal Revenue

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291 Service that a previously approved tax credit has been revoked
 292 or modified.

293 (f) If a taxpayer fails to notify the department of any
 294 change in its tax credit claimed, a notice of deficiency may be
 295 issued at any time. In either case, the amount of any proposed
 296 assessment set forth in such notice of deficiency is limited to
 297 the amount of any deficiency resulting under this section from
 298 the precomputation of the taxpayer's tax for the taxable year.

299 (g) A taxpayer that fails to report and timely pay any tax
 300 due as a result of the forfeiture of its tax credit violates
 301 this section and is subject to applicable penalties and
 302 interest.

303 (9) ANNUAL REPORTS.—Each year, based on the applications
 304 submitted and approved, the department must issue a report to
 305 the President of the Senate and the Speaker of the House of
 306 Representatives that identifies, in the aggregate, all of the
 307 following:

308 (a) The number of employees hired during construction
 309 phases.

310 (b) The use of each newly rehabilitated building and the
 311 expected number of employees hired.

312 (c) The number of affordable housing units created or
 313 preserved.

314 (d) The property values before and after the certified
 315 rehabilitations.

316 (10) DEPARTMENT DUTIES.—The department shall:

317 (a) Establish any necessary forms required to claim a tax
 318 credit under this section.

319 (b) Provide administrative guidelines and procedures

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320 required to administer this section, including rules
 321 establishing an entitlement to and sale or transfer of a tax
 322 credit under this section.

323 (c) Provide examination and audit procedures required to
 324 administer this section.

325 (11) RULES.—The department may adopt rules to administer
 326 this section.

327 Section 2. This act shall take effect July 1, 2022.

Page 12 of 12

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The Florida Senate

APPEARANCE RECORD

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2/3/22

Meeting Date

1310

Bill Number or Topic

Tax & Finance

Committee

Amendment Barcode (if applicable)

Name Melissa Wyllie

Phone 615-516-8120

Address 906 E Park Ave

Email mwyllie@Floridatrust.org

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Trust For Historic Preservation

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/22

Meeting Date

1310

Bill Number or Topic

Finance + Tax

Committee

Amendment Barcode (if applicable)

Name

Mark Zubaly

Phone

8504430243

Address

Board member Florida Trust for Historic Preservation
906 E Park Ave

Email

M.Zubaly@comcast.net

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flisenate.gov](#)

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The Florida Senate

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2-3-22

Meeting Date

SB 1310

Bill Number or Topic

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name

Jane West

Phone

904-671-4008

Address

308 N Monroe St

Street

Email

jwest@1000fof.org

Tallahassee FL

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

1000 Friends of Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

1310

2/3/2022

Meeting Date

Bill Number or Topic

Finance and Tax

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Committee

Amendment Barcode (if applicable)

Name **Greg Black**

Phone **509-8022**

Address **PO Box 838**

Email **greg@waypointstrat.com**

Street

TLH

FL

32302

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

International Council of Shopping Centers (ICSC)

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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02/03/22

Meeting Date

1310

Bill Number or Topic

Finance & Tax

Committee

Amendment Barcode (if applicable)

Name Jasmyne Henderson

Phone 850 216 1002

Address 1028 E Park ave

Street

Email jasmyne@pittman-law.com

Tallahassee

City

FL

State

32301

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

City of Orlando

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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The Florida Senate
APPEARANCE RECORD

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2/3/2022
Meeting Date

Finance & Tax
Committee

SB 1310
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tiffany Garing - Jackson County Chamber Phone 850 482 8060

Address 4313 Lafayette St Email tiffany@jacksoncounty.ca
Street

Marianna FL 32446
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

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2/3/2022

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 1310

Bill Number or Topic

Deliver both copies of this form to
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Finance & Tax

Committee

Amendment Barcode (if applicable)

Name MEGHAN BASFORD - EXECUTIVE DIRECTOR Phone (850) 718-1022

MAIN STREET MARIANNA

Address 4318 Lafayette St

Email meghanbasford@gmail.com

Marianna

City

FL

State

32446

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules](https://www.flsenate.gov/legistics/2022/joint-rules). [df.flsenate.gov](https://www.flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1310

2/3/22

Meeting Date

Bill Number or Topic

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Finance & Tax

Committee

Amendment Barcode (if applicable)

Name Zach Gilmore - Jackson County EDC

Phone 850-633-2203

Address 4318 Lafayette St.

Email zach@jacksonedc.com

Street

Marianna

FL

32446

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

This form is part of the public record for this meeting.



2022 AGENCY LEGISLATIVE BILL ANALYSIS

DEPARTMENT OF REVENUE

ASD

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 1310
BILL TITLE:	Florida Main Street Program and Historic Preservation Tax Credits
BILL SPONSOR:	Senator Rodriguez
EFFECTIVE DATE:	07/01/2022

<u>COMMITTEES OF REFERENCE</u>
1) Commerce and Tourism
2) Finance and Tax
3) Appropriations
4)
5)

<u>CURRENT COMMITTEE</u>
Commerce and Tourism

<u>SIMILAR BILLS</u>	
BILL NUMBER:	HB 247
SPONSOR:	Representative Salzman

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	
SPONSOR:	

<u>PREVIOUS LEGISLATION</u>
YEAR/BILL NUMBER/SPONSOR/LAST ACTION:

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	01/11/2022
AGENCY CONTACT:	Office of Legislative and Cabinet Services (850) 617-8324

POLICY ANALYSIS

1. ANALYSIS OF EACH SECTION THAT AFFECTS THE DEPARTMENT OF REVENUE.

Section 1. The Main Street Historic Tourism and Revitalization Act; tax credits; reports. (pp. 2-12):

PRESENT SITUATION

There does not currently exist a credit against corporate income tax or insurance premium tax for a taxpayer that has incurred qualified expenses rehabilitating certified historic structures.

EFFECT OF THE BILL

The bill creates s. 220.197, F.S., the "Main Street Historic Tourism and Revitalization Act," which provides a tax credit against corporate income tax imposed in s. 220.11, F.S., and insurance premium tax imposed in s. 624.509, F.S., for taxpayers with qualified expenses for rehabilitating certified historic structures in which they have an ownership interest.

Eligibility and Filing Requirements

The bill provides that a taxpayer must apply to the Department for a tax credit before taking a credit on their return. With respect to qualified rehabilitation expenditures, a taxpayer must document that:

- The rehabilitation is a certified rehabilitation.
- The structure is a certified historic structure, is income-producing, is located within the state, and was rehabilitated and placed into service on or after July 1, 2022.
- The taxpayer had an ownership interest in the certified historic structure in the year during which the certified historic structure was placed into service after the certified rehabilitation was completed.
- The total amount of qualified expenses incurred in rehabilitating the certified historic structure exceeded \$5,000.

Before claiming or transferring a tax credit, a taxpayer must provide the Department with the following documentation:

- An official certificate of eligibility from the Division of Historical Resources of the Department of State (hereinafter "Division") signed by the State Historic Preservation Officer or the Deputy State Historic Preservation Officer attesting that the project has been approved by the National Park Service and confirming whether the project is or is not located within a Main Street local program area.
- National Park Service Form 10-168e (Rev. 2019), titled "Historic Preservation Certification Application-Part 3-Request for Certification of Completed Work," signed by the National Park Service attesting that the completed rehabilitation meets the United States Secretary of the Interior's Standards for Rehabilitation and is consistent with the historic character of the property and, if applicable, the district in which the completed rehabilitation is located.
- An identification of the dates during which the certified historic structure was rehabilitated, the date the certified historic structure was first placed into service after the certified rehabilitation was completed, and evidence that the certified historic structure was placed into service after the certified rehabilitation was completed.
- A list of total qualified expenses incurred by the taxpayer in rehabilitating the certified historic structure. For certified rehabilitations with qualified expenses that exceeded \$750,000, the taxpayer

must submit an audited cost report issued by a certified public accountant that itemizes the qualified expenses incurred in rehabilitating the certified historic structure as provided in s. 215.97, F.S. (*Florida Single Audit Act*).

- An attestation of the total qualified expenses incurred by the taxpayer in rehabilitating the certified historic structure.
- A completed Form F-1120 (*Florida Corporate Income/Franchise Tax Return*) or other appropriate tax form issued by the Department for insurance premium tax reporting.
- The information required to be reported by the Department to enable the Department to compile its annual report based on the tax credit applications submitted and approved.

Amount of Tax Credit

The total tax credit claimed annually may not exceed the amount of tax due after any other applicable tax credits and may not exceed the following:

- Twenty percent of the total qualified expenses incurred in rehabilitating a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit; or
- Thirty percent of the total qualified expenses incurred in rehabilitating a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit and that is located within a local program area of an Accredited Main Street Program (which includes the Orlando Main Streets program, provided that such program meets the Main Street America accreditation standards).

Carryforward of Tax Credit

If a taxpayer is eligible for a tax credit that exceeds taxes owed, the bill provides that the taxpayer may carry the unused tax credit forward for a period of up to 10 years.

Sale or Transfer of Tax Credit

The bill provides that there is no limit on the total number of transactions for the sale or transfer of all or part of a tax credit. A taxpayer may sell or transfer all or part of the tax credit that may otherwise be claimed to another taxpayer. A taxpayer to which all or part of the tax credit is sold or transferred may sell or transfer all or part of the tax credit that may otherwise be claimed to another taxpayer.

A taxpayer that sells or transfers a tax credit to another taxpayer must provide a copy of the certificate of eligibility issued by the Division, together with the audited cost report to the purchaser or transferee.

Qualified expenses may only be counted once in determining the amount of an available tax credit, and more than one taxpayer may not claim a tax credit for the same qualified expenses. If a taxpayer claims a tax credit for qualified expenses, another taxpayer may not use the same expenses as the basis for claiming a tax credit.

A taxpayer that sells or transfers a tax credit and the purchaser or transferee must jointly submit written notice of the sale or transfer to the Department, on a form adopted by the Department, no later than the 30th day after the date of the sale or transfer. The notice must include all of the following:

- The date of the sale or transfer.
- The amount of the tax credit sold or transferred.

- The name and federal tax identification number of the taxpayer that sold or transferred the tax credit and the purchaser or transferee.
- The amount of the tax credit owed by the taxpayer before the sale or transfer and the amount the selling or transferring taxpayer retained, if any, after the sale or transfer.

The sale or transfer of a tax credit does not extend the period for which a tax credit may be carried forward and does not increase the total amount of the tax credit that may be claimed.

A tax credit earned, purchased by, or transferred to a partnership, limited liability company, S corporation, or other pass-through taxpayer may be allocated to the partners, members, or shareholders and without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified historic structure.

If the tax credit is reduced due to a determination, examination, or audit by the Department, the tax deficiency shall be recovered from the taxpayer that sold or transferred the tax credit or the purchaser or transferee that claimed the tax credit up to the amount of the tax credit taken. Any subsequent deficiencies will be assessed against the purchaser or transferee that claimed the tax credit or, in the case of multiple succeeding entities, in the order of tax credit succession.

Audit Authority

The bill provides that the Department may perform any additional financial and technical audits and examinations, including examining the accounts, books, or records of the tax credit applicant, to verify the legitimacy of the qualified expenses included in a tax credit return and to ensure compliance with s. 220.197, F.S.

It is grounds for forfeiture of previously claimed and received tax credits if the Department determines, as a result of an audit or information received from the Division or the United States Department of the Interior, that a taxpayer received a tax credit pursuant to this section to which the taxpayer was not entitled. In the case of fraud, the taxpayer may not claim any future tax credits under this section.

The taxpayer must return forfeited tax credits to the Department and such funds are to be paid into the General Revenue Fund.

The taxpayer must file an amended return and pay any required tax within 60 days after the taxpayer receives notification from the Internal Revenue Service (IRS) that a previously approved tax credit has been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.

The bill provides that a notice of deficiency may be issued by the Department at any time within 5 years after the date on which the taxpayer receives notification from the IRS that a previously approved tax credit has been revoked or modified.

If a taxpayer fails to notify the Department of any change in its tax credit claimed, a notice of deficiency may be issued at any time. In either case, the amount of any proposed assessment set forth in such notice of deficiency is limited to the amount of any deficiency resulting under s. 220.197, F.S., from the precomputation of the taxpayer's tax for the taxable year.

A taxpayer that fails to report and timely pay any tax due as a result of the forfeiture of its tax credit violates s. 220.197, F.S., and is subject to applicable penalties and interest.

Annual Report

Each year, based on the applications submitted and approved, the Department must submit an annual report to the President of the Senate and the Speaker of the House of Representatives that identifies, in the aggregate, all of the following:

- The number of employees hired during construction phases.
- The use of each newly rehabilitated building and the expected number of employees hired.
- The number of affordable housing units created or preserved.
- The property values before and after the certified rehabilitations.

Department Duties

The bill provides that the Department must:

- Establish any necessary forms required to claim a tax credit under s. 220.197, F.S.
- Provide administrative guidelines and procedures required to administer s. 220.197, F.S., including rules establishing an entitlement to and sale or transfer of a tax credit.
- Provide examination and audit procedures required to administer s. 220.197, F.S.

Rule Authority

The bill provides that the Department may adopt rules to administer s. 220.197, F.S.

Section 2. (p. 12): This act shall take effect July 1, 2022.

2. DOES THE DEPARTMENT EXPECT TO DEVELOP, ADOPT, MODIFY OR ELIMINATE ANY RULES, REGULATIONS, POLICIES, OR PROCEDURES? YES NO

If yes, explain:	New rules and forms would need to be promulgated to administer the tax credit.
Rule(s) impacted (provide references to F.A.C., etc.):	Rule Chapter 12C-1, F.A.C.

3. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? N/A

4. DOES THE BILL REQUIRE THE DEPARTMENT TO SUBMIT, MODIFY OR DELETE ANY REPORTS, STUDIES OR PLANS? YES NO

If yes, provide a description:	The Department must issue a report to the President of the Senate and the Speaker of the House of Representatives identifying (a) the number of employees hired during construction phases; (b) the use of each newly rehabilitated building and the expected number of employees hired; (c) the number of affordable housing units created or preserved; and (d) the property values before and after the certified rehabilitations.
Date Due:	Annually, but no specific date is provided in the bill
Bill Section Number(s):	Section 1.

5. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? YES NO

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

6. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to local governments.

7. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to state government.
Expenditures: <i>(Department of Revenue expenditures and operational impacts)</i>	<input type="checkbox"/> NO IMPACT <input type="checkbox"/> LESS THAN \$25,000 <input checked="" type="checkbox"/> MORE THAN \$25,000 <input type="checkbox"/> UNABLE TO DETERMINE <input type="checkbox"/> OPERATIONAL IMPACT ONLY
Does the legislation contain an appropriation to the Department?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

8. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? The Department of Revenue does not conduct this analysis.

9. DOES THE BILL INCREASE OR DECREASE TAXES, FEES OR FINES? The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.

TECHNOLOGY IMPACT

If any, see attached Fiscal Impact Analysis.

FEDERAL IMPACT

If any, see Additional Comments section below.

ADDITIONAL COMMENTS

10. STATUTE(S) AFFECTED: Section 220.197, F.S.

11. HAS BILL LANGUAGE BEEN ANALYZED EARLIER THIS SESSION? YES NO

If no, go to #12. If yes:

A. Identify bill number or source. HB 247

B. Were issues/problems identified? YES NO

a. If yes, have they been resolved? YES NO If no, briefly explain.

This bill is nearly identical to HB 247.

C. Are new issues/problems created? YES NO If yes, briefly identify.

12. DOES THE BILL PRESENT DIFFICULTY IN IMPLEMENTATION, ADMINISTRATION OR ENFORCEMENT? YES NO

If yes, describe administrative problems, technical errors, or other difficulties:

- Credits for corporate income tax and insurance premium tax usually begin with "taxable years beginning on or after January 1, 20XX." It is unclear with which taxable year this tax credit may begin to be claimed.
- The bill does not provide for a cooperative agreement between the Department and the Division to assist in the administration of the program.
- When there is a credit provision in Chapter 220, F.S., there is generally a corresponding addition in s. 220.13, F.S. This prevents a taxpayer from taking the item/expense as a deduction from federal income and Florida income, and then also taking the same item/expense as a credit against Florida corporate income tax.

Although the bill implies that a taxpayer has earned a federal rehabilitation tax credit, the bill does not require a taxpayer to claim a federal rehabilitation credit pursuant to Internal Revenue Code s. 47 on its corresponding federal return as a condition of earning a tax credit under s. 220.197, F.S. [By contrast, s. 220.196, F.S., provides, in part, that a taxpayer is eligible for the research and development tax credit if the taxpayer claims and is allowed a research credit under Internal Revenue Code s. 41.]

Therefore, it is unclear if there should be a corresponding addback to federal taxable income for the amount of the Florida tax credit. [A taxpayer that earns a federal rehabilitation credit must reduce its basis in the rehabilitated asset, thereby reducing its depreciation deduction for the amount of the federal credit. In such case, an addback on the Florida return would not be necessary.]

- When a credit is provided against the insurance premium tax, language is generally included to ensure the benefit of the credit is not foregone as a result of an increase in the amount of retaliatory tax due. For example, ss. 624.51055, 624.51056, and 624.51057, F.S., state in part:

An insurer claiming a credit against insurance premium tax liability under this section shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

- The bill does not amend s. 220.02(8), F.S., to state in which order the tax credit is to be claimed against corporate income tax relative to other credits that may be claimed against corporate income tax.
- The bill does not amend s. 624.509(7), F.S., to state in which order the tax credit is to be claimed against insurance premium tax relative to other credits that may be claimed against insurance premium tax.

- The Department requests emergency rulemaking authority for this bill. The following language is recommended:

(1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purposes of administering this act.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section shall take effect upon this act becoming a law and expires July 1, 2023.

- Lines 114-118: The bill provides a definition for “qualified expenses” by way of references to the Internal Revenue Code and Treasury Regulations. However, the Department does not have expertise or familiarity with these sections with respect to rehabilitation of historic structures.
- Lines 129-144: It is unclear if there is an intended deadline for filing an application with the Department. If a taxpayer requested an extension of time to file its return for corporate income tax purposes, would it be permitted to file an application for a tax credit during the extension period?
- Lines 136-138, 139-142, 163-168: The bill makes several references to when the certified historic structure that is being rehabilitated was placed into service after the certified rehabilitation was completed. The bill does not provide a definition of “placed into service.” It is also unclear what evidence would prove that the certified historic structure was placed into service after the certified rehabilitation was completed.

Lines 136-138 also state that the certified historic structure must be “rehabilitated and placed into service on or after July 1, 2022.” It is unclear if the rehabilitation may begin before July 1, 2022.

- Lines 139-142: A taxpayer must document that it had an ownership interest in the certified historic structure in the year during which the certified historic structure was placed into service after the certified rehabilitation was completed. The bill does not provide a definition of “ownership interest.” It is unclear if a taxpayer with a marginal percentage of ownership in the certified historic structure is eligible to claim a tax credit.
- Lines 145-184: The bill provides that before claiming or transferring a tax credit, a taxpayer is required to provide the Department with certain information. It is unclear if this information must also be provided to the Department before a taxpayer claims a tax credit that was carried forward or before the purchaser of a transferred tax credit claims a tax credit on its return.
- Lines 154-162: The bill specifies that a taxpayer must use National Park Service Form 10-168e (Rev. 2019) as part of the required information from the taxpayer to the Department. It is unclear how often the National Park Service revises its forms. If the form is revised, it is unclear if a taxpayer will be able to easily obtain the “Rev. 2019” version of the form as required by the bill.

The following language is suggested to replace Line 154:

(b) National Park Service Form 10-168e (Rev. 2019, or as revised), titled

- Lines 176-178: The bill provides that before claiming or transferring a tax credit, a taxpayer is required to provide the Department with an attestation of the total qualified expenses incurred by the taxpayer in rehabilitating the certified historic structure. However, the bill does not provide what is to be included in the attestation (e.g., specific statements with respect to the total qualified expenses).

- Lines 179-181: The bill provides that before claiming or transferring a tax credit, a taxpayer is required to provide the Department with a completed Form F-1120 (*Florida Corporate Income/Franchise Tax Return*) or other appropriate tax form issued by the Department for insurance premium tax reporting.

It is unclear if the F-1120 in question is the form that the taxpayer intends to file for the taxable year in which it intends to take the tax credit. It is unclear whether the "other appropriate tax form" for insurance premium tax reporting refers to Form DR-908 (*Insurance Premium Taxes and Fees Return*).

- Lines 185-187: The bill provides that the total tax credit claimed annually may not exceed the amount of tax due after any other applicable tax credits and may not exceed specified amounts as described in Lines 188-196. It is unclear if "other applicable tax credits" means the tax credits listed in s. 220.02(8), F.S., or s. 624.509(7), F.S.
- Lines 198-200: The bill provides that the tax credit may be used to offset the corporate income tax imposed in s. 220.11, F.S., and the insurance premium tax imposed in s. 624.509, F.S.

Franchise tax, however, is imposed on banks and savings associations in s. 220.63, F.S.; therefore, the bill appears to exclude banks and savings associations from participating in the tax credit program. It is unclear if this was the sponsor's intent.

Also, other tax credits that may be taken against corporate income tax or insurance premium tax specify that the insurer must take the credit against insurance premium tax only, not against both taxes, as is implied in the bill. Insurance companies may not receive a benefit, or full benefit, of claiming a corporate income tax credit against corporate income tax because the credit allowed against their insurance premium tax for paying corporate income tax may be reduced.

- Line 204: Because corporate income taxpayers may have short years (i.e., years that are less than 12 consecutive months), the line should read:

for a period of up to 10 taxable years

- Lines 207-262: Regarding transfers of credits, the bill refers to "taxpayers" selling or transferring credits. The term "taxpayer" is defined in s. 220.03(1)(z), F.S., to mean "any corporation subject to the tax imposed by this code and includes all corporations for which a consolidated return is filed under s. 220.131, F.S."

However, the bill also provides in Lines 245-253 that "a credit earned, purchased by, or transferred to a partnership, limited liability company, S corporation, or other pass-through taxpayer may be allocated to the partners, members, or shareholders of that taxpayer and claimed under this section in accordance with any agreement among the partners, members, or shareholders and without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified historic structure."

The bill language is contrary to the definition of taxpayer in the Income Tax Code. It is unclear if a person or entity that is not subject to corporate income tax or insurance premium tax (i.e., not a taxpayer pursuant to s. 220.03(1)(z), F.S.) is permitted to earn, transfer, or sell a tax credit (e.g., an S corporation that does not choose to be taxed as a C corporation).

- Lines 265-269: The Department is authorized to perform audits to verify the legitimacy of the qualified expenses included in a tax credit return, but the Department lacks the expertise and experience to perform such audits. The sponsor may wish to consider having the Division perform these audits or direct that experts from the Division be available to assist the Department with these audits.
- Lines 270-276: The bill provides that it is grounds for forfeiture of previously claimed and received tax credits if the Department determines, as a result of an audit or information received from the Division or

the United States Department of the Interior, that a taxpayer received a tax credit pursuant to this section to which the taxpayer was not entitled. It is unclear how the Department would receive information from the Division or the United States Department of the Interior, as the bill does not provide for information sharing among the three entities.

It should be noted that pursuant to s. 213.053, F.S., the Department only has information sharing authority with the Division of Corporations of the Department of State. Section 213.053(6), F.S., provides that the Department may make information available to the Secretary of the Department of the Interior "to comply with any formal agreement for the mutual exchange of state information with the Internal Revenue Service of the United States, the Department of the Interior of the United States, or any state."

- Lines 288-298: If a taxpayer has a federal rehabilitation tax credit that has been revoked or modified, the taxpayer's federal income may not necessarily change (i.e., there may or may not be a deficiency for Florida tax purposes). The sentence on Lines 295-298 refers to a "precomputation" of tax, but it is not clear if the Department is supposed to have kept a precomputation of tax number on file in the event of a taxpayer's federal tax revocation or modification.
- Lines 303-315: The bill provides that the Department is to prepare an annual report, but does not specify a date that the report is due.
- Lines 308-309, 310-311: In the required annual report, the Department is directed to supply numbers with respect to "employees hired." It is unclear what that term means in these contexts. During construction, does the number of employees hired include existing employees of construction companies or only newly-hired employees? After the historic structure is rehabilitated, will the Department be expected to report the actual number of employees hired, as compared to the expected number of employees hired for report purposes?
- Lines 312-313: In the required annual report, the Department is directed to identify the number of affordable housing units created or preserved. The bill does not define the term "affordable housing unit."

13. OTHER:

- Line 235: The word "owed" is used, but the word "owned" is probably more appropriate. The line should read:

d. The amount of the tax credit owned by the taxpayer before

2022
DEPARTMENT OF REVENUE
FISCAL (OPERATIONAL) IMPACT ANALYSIS

Bill number SB 1310
Short title Florida Main Street Program and Historic Preservation Tax Credits
Bill sponsor Senator Rodriguez

Date of Analysis: January 6, 2022
Agency Contact: Office of Legislative and Cabinet Services **Telephone:** (850) 617-8324

Estimate amounts required to administer the bill's provisions by appropriation categories (Salaries & Benefits, OPS, Expenses, Operating Capital Outlay, etc.)

I. FISCAL IMPACT ON STATE AGENCY:	(FY 21-22) \$ / FTE	(FY 22-23) \$ / FTE	(FY 23-24) \$ / FTE	(FY 24-25) \$ / FTE
A. REVENUES: All revenue estimates will be provided by the Revenue Estimating Conference.				
B. EXPENDITURES:				
1. Recurring	\$0	\$0	\$0	\$0
FTE				
Salaries				
OPS				
Expense				
HR Contract				
Contracted Services				
2. Non-Recurring	\$250,772	\$0	\$0	\$0
OPS				
Expense				
OCO				
Contracted Services	\$250,772			
C. TOTAL:	\$250,772	\$0	\$0	\$0
GR				
TF				

II. EXPLANATION OF COST ANALYSIS (Include methodology and assumptions):

The proposed bill creates section 220.197, F.S., 'The Main Street Historic Tourism and Revitalization Act.' This program would provide a tax credit against corporate income tax and insurance premium tax for qualified expenses incurred in the rehabilitation of a certified historic structure.

The Department of Revenue is required to approve the taxpayer's eligibility for the credit. Taxpayers will be required to submit documentation to establish:

1. the rehabilitation is to a certified historic structure that has been certified as being consistent with the historic character of the certified historic structure and, if applicable, consistent with the registered historic district in which the historic structure is located under 36 C.F.R., s. 67.2.
2. the structure is a building and its structural components, as defined in 36 C.F.R., s. 67.2, can be depreciated under s. 167, I.R.C., and individually listed in the National Register of Historic Places, or located within a registered historic district and certified by the United States Secretary of the Interior as being of historic significance to the registered historic district as set forth in 36 C.F.R., s. 67.2.
3. the taxpayer has ownership interest in the structure in the year in which it was placed into service after the rehabilitation was completed.
4. that qualified rehabilitation expenditures, as defined in 26 U.S.C., s. 47(c)(2) and structural components, as defined in 26 C.F.R., s. 1.48-1(e)(2) at the time of the project certification by United States Secretary of the Interior and the Internal Revenue Service exceeds \$5,000.

Before a taxpayer can claim or transfer a credit, the following documentation must be provided to the Department:

1. a Florida Division of Historical Resources, Department of State, certificate of eligibility attesting that the project was approved by the National Park Service and confirming whether or not the project is located in a Main Street local program area.
2. a National Park Service Form 10-168(e) signed by the National Park Service attesting that the completed rehabilitation meets the United States Secretary of the Interior Standards for Rehabilitation and is consistent with the historic character of the property, and if applicable, the district in which rehabilitation was completed.
3. a list of qualified rehabilitation expenses [26 U.S.C., s. 47(c)(2)] and expenses for structural components [26 CFR, s. 1.48-1(e)(2)]. If expenses exceed \$750,000, an audited cost report itemizing the qualified expenses per the Florida Single Audit Act must be submitted.
4. attestation of the total qualified expenses incurred in the rehabilitation of the structure.
5. *Corporate Income/Franchise Tax Return*, Form F-1120, or *Insurance Premium Taxes and Fees Return*, Form DR-908, or other applicable form.

Credit is 20% of qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit OR 30% of the total qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit that is located within a local program area of an Accredited Main Street Program or Orlando Main Streets program.

Any unused amount may be carried forward for a period up to 10 years.

The Department will be required to submit annual reports to the President of the Senate and the Speaker of the House of Representatives that identifies the:

- Number of employees hired during construction phases
- Use of each newly rehabilitated building and the number of employees hired
- Number of affordable housing units created or preserved
- Property values before and after the rehabilitation

Provides for an effective date of July 1, 2022.

Business Technology Office- System for Unified Tax (SUNTAX): FY 21/22 \$216,132 Contractor Hours + \$32,000 vendor BSWA + \$2,640 vendor Fairfax Software (Non-Recurring)

This bill will require approximately 2,324 contractor hours (at \$93 per hour) and 1,398 in-house hours to provide the necessary modifications to Revenue's System for Unified Tax (SUNTAX). These hours will be utilized as follows:

- 2,324 Contractor Hours (Non-recurring) - Gather requirements and design; perform technical testing**
- **Information Services .NET Team (1,885 hours)**
 - Create: .NET Website; upload/virus scan; workflow/admin screen; letters; reports, SAPRFC to CRM; voucher files; MeFAdmin/Submission details
 - Modify MeF102 and MeF110

- **Information Services SUNTAX Team (439 hours)** - Gather requirements and design; update technical specifications; perform technical testing
 - Update F-1120 and DR-908 file descriptions and pre-processor and load programs
 - Gather Requirements & Design (4)
 - Modify F-1120 and DR-908 sales order logic
 - Update ZF2220 and ZBDPI calculations
 - Modify batch jobs
 - Create new activity type in AMS
 - Update status and amounts on .NET
 - Modify ZSD_CIT, ZSD_SORD, and ZSD_KONV
 - Modify tables
 - Modify application RFCs

1,398 In-House Hours (Non-recurring)

- **Electronic Data Interchange (EDI)/Extensible Markup Language (XML) Team (252 hours)** - Gather requirements and design; update functional specifications; perform functional testing
 - Modify: Corporate Income Tax (CIT) MeF: Alternative Forms Guide & F-1120 PDF; Insurance Premium Tax (IPT) XML
- **Return and Revenue Processing Team (724 hours)** - Gather requirements and design; modify functional specifications; perform functional testing
 - Modify: Insurance Premium Tax (IPT) Web File and Pay site for DR-908; Image Management System (IMS) for F-1120 paper return; Image Management System (IMS) for DR-908 paper return; e-Viewer for F-1120 paper return
- **Payment and Fund Distribution Team (57 hours)** - Gather requirements and design; modify functional specifications; perform functional testing
 - Create new .NET/Florida Tax Credit application and .NET/Florida Tax Credit Scholarship Program reports
 - Update credit tracking configuration and credit tracking table and programming
- **Receivables Management and Return Reconciliation Team (84 hours)** - Gather requirements and design; modify functional specifications; perform functional testing
 - Update F-1120 and DR-908 file descriptions and F-1120 and DR-908 pre-processor and load programs
 - Modifications to sales order logic for F-1120 and DR-908
 - Update ZF2220 and ZBDPI calculations
 - Update F-1120 and DR908 sales order configuration
- **Data Support Services Team (48 hours)** - Gather requirements and design; modify functional specifications; perform functional testing
 - Modify existing reports and existing BW extractor
- **Compliance and Refunds Team (68 hours)** - Gather requirements and design; modify functional specifications; perform functional testing
 - Create new activity type in AMS
- **Information Services .NET Team (124 hours)** - Gather requirements and design; perform technical testing
 - Create new DR-EIC template with rules and edits
 - Modify RIS export ; SunRise; Mef eViewer
- **Information Services SUNTAX Team (41 hours)** - Gather requirements and design; update technical specifications; perform technical testing
 - Modify forms approval

Revenue's e-Services Applications – FY 21/22 \$32,000 (Non-Recurring)

Revenue's e-Services vendor, Baca, Stein, White and Associates, Inc. (BSWA) will modify the Insurance Premium Tax (IPT) Web File and Pay and XML SecureNet applications and databases. The modifications are classified as moderate changes and will cost an estimated \$32,000 (\$22,000 for Web File and Pay, \$10,000 for XML SecureNet).

Revenue's IMS System – FY 21/22 \$2,640 (Non-Recurring)

Revenue's IMS vendor, FairFax Software, Inc., will require 16 hours (at \$165 per hour) to modify the system to update Forms DR-908 (Schedule III) and F-1120 (Schedule V).

Tax Information Publication (TIP) and Forms

A Tax Information Publication (TIP) will be posted to the Department's TIP website using existing resources.

Corporate income tax reporting forms (F-1120, and instructions) and insurance premium tax reporting forms (DR-908 and DR-908N) will be revised using existing resources.

Revenue Accounting

The tracking of this proposed credit would have an impact for the process. Existing personnel will assist in the review of applications and related correspondence; posting of approved credits to SAP-CRM credit tracking; and provide information to the Program and Executive Offices for Legislative reporting.

Return and Revenue Processing

Using current resources, implementation of the bill will result in a minimal operation impact, as members of RRP's three sub-processes may need to participate in user acceptance testing related to application platform changes relating to the new credits. Sub-process job aids may require editing and depending on the complexity of the changes, training may be required. Job aids will need to be developed for the new application to manage the new credits. Additionally, RRP will experience an operational impact linked to testing and validating the modified tax documents and tax returns.

Program Training

Program Training will update the corporate income tax and insurance premium tax auditor training materials and notify staff of the legislative changes. These changes can be made with existing resources.

Taxpayer Services

This proposed bill will result in one-time impact aiding taxpayers with questions about eligibility requirements, the application process and claiming the credits. Taxpayer Services will handle inquiries using existing resources.

Taxpayer Education and Communication

The Taxpayer Education and Communication team will accomplish necessary actions associated with this proposed legislation through normal operational activities. Internally, this may include alerts, job aids, or intranet updates for Department staff. Externally, this may include drafting, editing, and/or contributing to taxpayer educational materials, such as tutorials, brochures, webinars, information publications, and webpage updates.

III. Is an appropriation for the Department of Revenue provided in the bill? YES NO
If yes, provide amount(s) and fiscal year(s) for the appropriation.

IV. COMMENTS:

There are several provisions in the bill that are unclear, including what the requirement for the number of employees in (9)(a) means (additional employees hired permanently by the company or construction employees hired temporarily, or something else). Clarification is needed on this and the other issues noted in the Department's technical bill analysis for Revenue Accounting and the Department to administer the proposed bill properly.

Costs for programming could potentially carryover to the 2022-2023 fiscal year. The proposed bill does not specify the taxable year in which taxpayers of corporate income tax and insurance premium tax may start taking the tax credit.

CourtSmart Tag Report

Room: SB 110
Caption: Senate Finance and Tax Committee

Case No.:

Type:
Judge:

Started: 2/3/2022 9:01:53 AM
Ends: 2/3/2022 10:08:24 AM **Length:** 01:06:32

9:01:52 AM Meeting called to order by Chair Rodriguez
9:01:57 AM Roll call by CAA Stephanie Bell-Parke
9:02:14 AM Quorum present
9:02:18 AM Comments from Chair Rodriguez
9:02:26 AM Introduction of Tab 1, SB 1186 by Chair Rodriguez
9:02:45 AM Explanation of SB 1186, Agritourism by Senator Albritton
9:03:11 AM Comments from Chair Rodriguez
9:03:24 AM Question from Senator Berman
9:03:29 AM Response from Senator Albritton
9:03:47 AM Comments from Chair Rodriguez
9:03:54 AM Lisa Ard, Florida Feed Association Ag Coalition waives in support
9:04:02 AM Lena Juarez waives in support
9:04:13 AM Howard "Gene" Adams, Florida Feed Association Ag. Coalition waives in support
9:04:19 AM Comments from Chair Rodriguez
9:04:25 AM Senator Harrell in debate
9:05:01 AM Closure by Senator Albritton
9:05:06 AM Roll call by CAA
9:05:28 AM SB 1186 reported favorably
9:05:36 AM Introduction of Tab 2, CS/SB 952 by Chair Rodriguez
9:05:51 AM Explanation of CS/SB 952, Taxation by Senator Gruters
9:06:18 AM Comments from Chair Rodriguez
9:06:43 AM Question from Senator Cruz
9:07:32 AM Response from Senator Gruters
9:07:39 AM Follow-up question from Senator Cruz
9:08:17 AM Response from Senator Gruters
9:09:16 AM Question from Senator Berman
9:09:22 AM Response from Senator Gruters
9:09:58 AM Follow-up question from Senator Berman
9:10:05 AM Response from Senator Gruters
9:10:23 AM Follow-up question from Senator Berman
9:10:37 AM Response from Senator Gruters
9:10:59 AM Comments from Chair Rodriguez
9:11:04 AM Genette Keely waives in opposition
9:11:10 AM Ida Eskamani, Florida Rising waives in opposition
9:11:15 AM J. Ferguson waives in opposition
9:11:21 AM Steve Poladian waives in opposition
9:11:25 AM Elizabeth Rasmussen waives in opposition
9:11:29 AM Joseph D'Elin waives in opposition
9:11:32 AM Andre Brown waives in opposition
9:11:35 AM Shawntrel Jackson waives in opposition
9:11:38 AM Angela Downtin waives in opposition
9:11:41 AM David Bryant waives in opposition

9:11:44 AM Carolyn Johnson, Florida Chamber waives in support
9:11:52 AM Matthew Nelson waives in opposition
9:11:55 AM Carol Gamble-Buckman waives in opposition
9:11:58 AM Joanne Houghton waives in opposition
9:12:03 AM Brittni Wegmann waives in opposition
9:12:05 AM Martha Stevens waives in opposition
9:12:08 AM Sonia Johnson waives in opposition
9:12:10 AM Matthew Tomko waives in opposition
9:12:13 AM Eleano Valencia-Knight waives in opposition
9:12:17 AM Chayne Seleshi waives in opposition
9:12:20 AM Kenneth Pratt, Florida Bankers Association waives in support
9:12:26 AM Rick Myers waives in opposition
9:12:30 AM Frank Angel waives in opposition
9:12:32 AM Jeffery Mitchell waives in opposition
9:12:37 AM Comments from Chair Rodriguez
9:12:44 AM Senator Berman in debate
9:13:15 AM Senator Gruters in closure
9:13:20 AM Roll call by CAA
9:13:47 AM CS/SB 952 reported favorably
9:14:03 AM Introduction of Tab 3, SB 1090 by Chair Rodriguez
9:14:14 AM Introduction of Amendment Barcode No. 246638 by Chair Rodriguez
9:14:23 AM Explanation of Amendment by Senator Gruters
9:16:48 AM Comments from Chair Rodriguez
9:17:50 AM Question from Senator Jones
9:17:54 AM Response from Senator Gruters
9:18:14 AM Follow-up question from Senator Jones
9:19:09 AM Response from Senator Gruters
9:20:10 AM Question from Senator Cruz
9:21:11 AM Response from Senator Gruters
9:23:20 AM Follow-up question from Senator Cruz
9:23:32 AM Response from Senator Gruters
9:23:57 AM Follow-up question from Senator Cruz
9:24:56 AM Response from Senator Gruters
9:25:03 AM Follow-up question from Senator Cruz
9:25:55 AM Response from Senator Gruters
9:27:16 AM Follow-up question from Senator Cruz
9:27:44 AM Response from Senator Gruters
9:28:46 AM Follow-up question from Senator Cruz
9:28:54 AM Response from Senator Gruters
9:30:11 AM Follow-up question from Senator Cruz
9:30:20 AM Response from Senator Gruters
9:31:31 AM Question from Senator Berman
9:31:37 AM Response from Senator Gruters
9:32:00 AM Follow-up question from Senator Berman
9:32:07 AM Response from Senator Gruters
9:32:49 AM Follow-up question from Senator Berman
9:33:06 AM Response from Senator Gruters
9:33:14 AM Follow-up question from Senator Berman
9:33:23 AM Response from Senator Gruters
9:34:05 AM Follow-up question from Senator Berman
9:34:12 AM Response from Senator Gruters
9:34:28 AM Follow-up question from Senator Berman

9:34:36 AM Response from Senator Gruters
9:35:38 AM Question from Senator Jones
9:35:46 AM Response from Senator Gruters
9:36:21 AM Follow-up question from Senator Jones
9:36:44 AM Response from Senator Gruters
9:37:05 AM Follow-up question from Senator Jones
9:37:36 AM Response from Senator Gruters
9:37:45 AM Follow-up question from Senator Jones
9:37:52 AM Response from Senator Gruters
9:38:04 AM Follow-up question from Senator Jones
9:39:04 AM Response from Senator Gruters
9:40:03 AM Follow-up question from Senator Jones
9:40:48 AM Response from Senator Gruters
9:41:04 AM Question from Senator Berman
9:42:04 AM Response from Senator Gruters
9:42:23 AM Follow-up question from Senator Berman
9:42:32 AM Response from Senator Gruters
9:42:37 AM Follow-up question from Senator Berman
9:42:43 AM Response from Senator Gruters
9:42:54 AM Ida Eskamani, Florid Rising in opposition
9:43:05 AM Comments from Chair Rodriguez
9:43:10 AM Closure waived
9:43:13 AM Amendment adopted
9:43:24 AM Comments from Chair Rodriguez
9:43:30 AM Megan Betche waives in opposition
9:43:34 AM Richard Myers waives in opposition
9:43:37 AM Shannon Charles, Catalyst Miami waives in opposition
9:43:41 AM Justin Thames, Florida Institute of CPA's in support
9:43:46 AM Genette Keely waives in opposition
9:43:49 AM Ida Eskamani, Florida Rising waives in opposition
9:43:53 AM Karen Woodall, Florida Center for Fiscal & Economic Policy waives in opposition
9:43:58 AM David Bryant waives in opposition
9:44:00 AM Steve Poladian waives in opposition
9:44:04 AM Greg Black, International Council of Shopping Centers waives in support
9:44:21 AM Speker Elizabeth Rasmussan in opposition
9:45:21 AM Shawntrel Jackson waives in opposition
9:45:23 AM Angela Downtin waives in opposition
9:45:25 AM Joseph D'Elin waives in opposition
9:45:29 AM Andre Brown waives in opposition
9:45:31 AM Carolyn Johnson, Florida Chamber of Commerce in support
9:45:36 AM Matthew Nelson waives in opposition
9:45:40 AM Carol Gamble Buckman waives in opposition
9:45:43 AM Britini Wegmann waives in opposition
9:45:47 AM Joanne Houghton waives in opposition
9:45:50 AM Eleana Valenia Knight waives in opposition
9:45:54 AM Speaker Matthew Tomko in opposition
9:48:12 AM Speaker Sonia Johnson in opposition
9:49:23 AM Martha Stevens waives in opposition
9:49:27 AM Speaker Cheyne Seleshi in opposition
9:50:21 AM Grace Lovett, Florida Retail Federation in support
9:50:26 AM Frank Angel waives in opposition
9:50:31 AM Jeffery Mitchell waives in opposition

9:50:34 AM B.D. Jogerst, Associated Industries of Florida waives in support
9:50:46 AM Comments from Chair Rodriguez
9:50:57 AM Senator Jones in debate
9:54:27 AM Senator Rodrigues in debate
9:55:44 AM Senator Cruz in debate
9:57:47 AM Comments from Chair Rodriguez
9:57:52 AM Senator Gruters in closure
9:58:39 AM Roll call by CAA
9:59:05 AM CS/SB 1090 reported favorably
9:59:20 AM Chair passed to Vice-chair Cruz
9:59:37 AM Introduction of Tab 4, 1310 by Chair Cruz
9:59:51 AM Explanation of SB 1310, Florida Main Street Program and Historic Preservation Tax Credits by Senator Rodriguez
10:00:23 AM Comments from Chair Cruz
10:00:32 AM Introduction of Amendment Barcode No. 887648 by Chair Cruz
10:00:38 AM Explanation of Amendment by Senator Rodriguez
10:00:48 AM Comments from Chair Cruz
10:01:00 AM Closure waived
10:01:03 AM Amendment adopted
10:01:09 AM Comments from Chair Cruz
10:01:16 AM Question from Senator Berman
10:01:21 AM Response from Senator Rodriguez
10:01:53 AM Comments from Chair Cruz
10:02:12 AM Melissa Wyllie, Florida Trust for Historic Preservation waives in support
10:02:22 AM Mark Zubaly, Board Member, Florida Trust for Historic Preservation waives in support
10:02:28 AM Speaker Jane West, 1000 Friends of Florida in support
10:03:36 AM Greg Black, International Council of Shopping Centers waives in support
10:03:50 AM Jasmyne Henderson, City of Orlando waives in support
10:03:56 AM Tiffany Garling, Jackson County Chamber of Commerce waives in support
10:04:08 AM Meghan Basford, Executive Director, Main Street Marianna waives in support
10:04:18 AM Zach Gilmore-Jackson, County EDC waives in support
10:04:27 AM Comments from Chair Cruz
10:04:36 AM Senator Harrell in debate
10:05:31 AM Chair Cruz in debate
10:06:05 AM Closure by Senator Rodriguez
10:06:11 AM Roll call by CAA
10:06:30 AM CS/SB 1310 reported favorably
10:06:42 AM Chair returned to Senator Rodriguez
10:06:53 AM Comments from Chair Rodriguez
10:07:02 AM Senator Jones moves to adjourn
10:07:08 AM Meeting adjourned
10:07:36 AM