Florida House of Representatives - 2001 By Representative Bennett

A bill to be entitled 1 2 An act relating to corporate income tax; 3 amending s. 220.15, F.S., which provides for apportionment of adjusted federal income to 4 5 this state; revising the conditions for determining when sales of tangible personal 6 7 property occur in this state for certain 8 industries; providing for retroactive effect; providing an effective date. 9 10 11 Be It Enacted by the Legislature of the State of Florida: 12 13 Section 1. Paragraph (b) of subsection (5) of section 14 220.15, Florida Statutes, is amended to read: 15 220.15 Apportionment of adjusted federal income. --(5) The sales factor is a fraction the numerator of 16 which is the total sales of the taxpayer in this state during 17 18 the taxable year or period and the denominator of which is the 19 total sales of the taxpayer everywhere during the taxable year 20 or period. (b)1. Sales of tangible personal property occur in 21 22 this state if the property is delivered or shipped to a purchaser within this state, regardless of the f.o.b. point, 23 other conditions of the sale, or ultimate destination of the 24 property, unless shipment is made via a common or contract 25 26 carrier. However, for industries in SIC Industry Number 2033, 27 if the ultimate destination of the product is to a location 28 outside this state, regardless of the method of shipment or f.o.b. point, the sale shall not be deemed to occur in this 29 30 state. 31 1

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

HB 1155

Florida House of Representatives - 2001 750-101-01

When citrus fruit is delivered by a cooperative for 1 2. 2 a grower-member, by a grower-member to a cooperative, or by a 3 grower-participant to a Florida processor, the sales factor for the growers for such citrus fruit delivered to such 4 5 processor shall be the same as the sales factor for the most recent taxable year of that processor. That sales factor, 6 7 expressed only as a percentage and not in terms of the dollar 8 volume of sales, so as to protect the confidentiality of the 9 sales of the processor, shall be furnished on the request of such a grower promptly after it has been determined for that 10 11 taxable year. Reimbursement of expenses under an agency contract 12 3. 13 between a cooperative, a grower-member of a cooperative, or a 14 grower and a processor is not a sale within this state. Section 2. This act shall take effect upon becoming a 15 16 law and shall apply to tax years beginning on or after January 17 1, 2001. 18 19 20 HOUSE SUMMARY 21 For purposes of apportionment of federal income for corporate income tax, revises the conditions for determining when sales of tangible personal property occur in this state for industries in SIC Industry Number 2033 (canning fruits, vegetables, tomato sauces, and preserves, jams, and jellies). 22 23 24 25 26 27 28 29 30 31

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