

HB 0219

2004

A bill to be entitled

An act relating to the corporate income tax; creating s. 220.192, F.S.; providing legislative purpose; providing definitions; providing a credit against the corporate income tax for contributions to certain nonprofit cultural organizations; providing limitations on individual credits; providing for administration by the Department of Revenue and the Division of Cultural Affairs of the Department of State; requiring the department and the division to adopt rules; providing an effective date.

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

Section 1. Section 220.192, Florida Statutes, is created to read:

220.192 Credits for contributions to nonprofit cultural organizations.--

(1) PURPOSE.--The purpose of this section is to encourage private, voluntary contributions to organizations that promote cultural activities, by encouraging the talents of creative individuals or by helping to provide an audience for cultural activities.

(2) DEFINITIONS.--As used in this section:

(a) "Cultural" means the disciplines of dance, music, theater, visual arts, literature, and media arts, interdisciplinary and multidisciplinary, and programs of museums.

(b) "Department" means the Department of Revenue.

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29 (c) "Eligible contribution" means a monetary contribution  
 30 from a taxpayer, subject to the restrictions provided in this  
 31 section, to an eligible cultural organization.

32 (d) "Eligible cultural organization" means a nonprofit  
 33 cultural organization that is exempt from federal income tax  
 34 under s. 501(c)(3) of the Internal Revenue Code of 1986, as  
 35 amended, and that is engaged in cultural activities.

36 (3) AUTHORIZATION TO GRANT CULTURAL ORGANIZATIONS TAX  
 37 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS.--

38 (a) There is allowed a credit of 50 percent of the amount  
 39 of an eligible contribution, which contribution is in the amount  
 40 of \$60,000 or more, against any tax due for a taxable year under  
 41 this chapter. However, such credit is inapplicable to any  
 42 corporation after the aggregate amount of the contributions to  
 43 such organizations given by such corporation in any single  
 44 taxable year exceeds \$600,000.

45 (b) A taxpayer who files a Florida consolidated return as  
 46 a member of an affiliated group pursuant to s. 220.131(1) may be  
 47 allowed the credit on a consolidated return basis; however, the  
 48 total credit taken by the affiliated group is subject to the  
 49 limitation established under paragraph (a).

50 (4) ADMINISTRATION; RULES.--

51 (a) If the credit granted under this section is not fully  
 52 used in any single year, the unused amount may not be carried  
 53 forward. A taxpayer may not convey, assign, or transfer the  
 54 credit authorized by this section to another entity unless all  
 55 of the assets of the taxpayer are conveyed, assigned, or  
 56 transferred in the same transaction.

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57        (b) An application for a tax credit pursuant to this  
58        section shall be submitted to the department on forms  
59        established by rule of the department.

60        (c) The department and the Division of Cultural Affairs of  
61        the Department of State shall develop a cooperative agreement to  
62        assist in the administration of this section.

63        (d)1 The department shall adopt rules necessary to  
64        administer this section, including rules establishing  
65        application forms and procedures.

66        2. The division shall adopt rules necessary to determine  
67        the eligibility of nonprofit cultural organizations.

68        Section 2. This act shall take effect July 1, 2004.