

1 A bill to be entitled
 2 An act relating to the corporate income tax; amending s.
 3 220.03, F.S.; providing for the adoption of the 2008
 4 version of the Internal Revenue Code; prohibiting use of
 5 certain amounts in computing adjusted federal income for
 6 determining state corporate income tax liability;
 7 providing legislative intent; providing construction
 8 requirements against using certain federally allowable
 9 bonus depreciation for computing state net income;
 10 providing a definition; amending s. 220.13, F.S.;
 11 specifying additional amounts as additions to taxable
 12 income for purposes of adjusted federal income; amending
 13 ss. 220.241 and 220.33, F.S.; revising due dates for
 14 filing and paying estimated corporate income taxes;
 15 authorizing the Department of Revenue to adopt rules for
 16 certain administrative purposes; providing for retroactive
 17 operation; providing effective dates.

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

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 21 Section 1. Paragraph (n) of subsection (1), paragraph (c)
 22 of subsection (2), and subsection (3) of section 220.03, Florida
 23 Statutes, are amended to read:

24 220.03 Definitions.--

25 (1) SPECIFIC TERMS.--When used in this code, and when not
 26 otherwise distinctly expressed or manifestly incompatible with
 27 the intent thereof, the following terms shall have the following
 28 meanings:

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29 (n) "Internal Revenue Code" means the United States
30 Internal Revenue Code of 1986, as amended and in effect on
31 January 1, 2008 ~~2007~~, except as provided in subsection (3).

32 (2) DEFINITIONAL RULES.--When used in this code and
33 neither otherwise distinctly expressed nor manifestly
34 incompatible with the intent thereof:

35 (c) Any term used in this code shall have the same meaning
36 as when used in a comparable context in the Internal Revenue
37 Code and other statutes of the United States relating to federal
38 income taxes, as such code and statutes are in effect on January
39 1, 2008 ~~2007~~. However, if subsection (3) is implemented, the
40 meaning of any term shall be taken at the time the term is
41 applied under this code.

42 (3) FUTURE FEDERAL AMENDMENTS.--

43 (a) On or after January 1, 1972, when expressly authorized
44 by law, any amendment to the Internal Revenue Code shall be
45 given effect under this code in such manner and for such periods
46 as are prescribed in the Internal Revenue Code, to the same
47 extent as if such amendment had been adopted by the Legislature
48 of this state. However, any such amendment shall have effect
49 under this code only to the extent that the amended provision of
50 the Internal Revenue Code shall be taken into account in the
51 computation of net income subject to tax hereunder.

52 (b)1. Section 102 of Pub. L. No. 110-185 amends s. 179(b)
53 of the Internal Revenue Code of 1986, as amended, and provides
54 temporary increases in the limitations of expensing specified
55 depreciable business assets for tax years beginning after
56 December 31, 2007. The amount of such temporary increases may

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57 not be used in computing adjusted federal income for the purpose
58 of determining corporate income tax liability in this state.

59 2. Section 103 of Pub. L. No. 110-185 amends s. 168(k) of
60 the Internal Revenue Code of 1986, as amended, for specified
61 property acquired after December 31, 2007, and before January 1,
62 2009. Section 103 provides an additional allowance equal to 50
63 percent of the adjusted basis of the qualified property entitled
64 to a depreciation deduction by s. 167(a) for the taxable year in
65 which such property is placed in service. The amount of such
66 special depreciation allowances may not be used in computing
67 adjusted federal income for the purpose of determining corporate
68 income tax liability in this state.

69 3. It is the intent of the Legislature that ss. 102 and
70 103 of Pub. L. No. 110-185 be construed to disallow a deduction
71 for bonus depreciation allowed under s. 168 of the Internal
72 Revenue Code of 1986, as amended, in computing state net income.
73 The applicable depreciation conventions and recovery periods
74 shall be computed in the same manner as they are computed by the
75 taxpayer in determining federal taxable income. As used in this
76 chapter, the term "bonus depreciation" includes all amounts
77 allowed as a special allowance under s. 168(k) of the Internal
78 Revenue Code of 1986, as amended.

79 Section 2. Paragraph (a) of subsection (1) of section
80 220.13, Florida Statutes, is amended to read:

81 220.13 "Adjusted federal income" defined.--

82 (1) The term "adjusted federal income" means an amount
83 equal to the taxpayer's taxable income as defined in subsection
84 (2), or such taxable income of more than one taxpayer as

85 provided in s. 220.131, for the taxable year, adjusted as
86 follows:

87 (a) Additions.--There shall be added to such taxable
88 income:

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

94 2. The amount of interest which is excluded from taxable
95 income under s. 103(a) of the Internal Revenue Code or any other
96 federal law, less the associated expenses disallowed in the
97 computation of taxable income under s. 265 of the Internal
98 Revenue Code or any other law, excluding 60 percent of any
99 amounts included in alternative minimum taxable income, as
100 defined in s. 55(b)(2) of the Internal Revenue Code, if the
101 taxpayer pays tax under s. 220.11(3).

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

106 4. That portion of the wages or salaries paid or incurred
107 for the taxable year which is equal to the amount of the credit
108 allowable for the taxable year under s. 220.181. This
109 subparagraph shall expire on the date specified in s. 290.016
110 for the expiration of the Florida Enterprise Zone Act.

111 5. That portion of the ad valorem school taxes paid or
112 incurred for the taxable year which is equal to the amount of

113 the credit allowable for the taxable year under s. 220.182. This
 114 subparagraph shall expire on the date specified in s. 290.016
 115 for the expiration of the Florida Enterprise Zone Act.

116 6. The amount of emergency excise tax paid or accrued as a
 117 liability to this state under chapter 221 which tax is
 118 deductible from gross income in the computation of taxable
 119 income for the taxable year.

120 7. That portion of assessments to fund a guaranty
 121 association incurred for the taxable year which is equal to the
 122 amount of the credit allowable for the taxable year.

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

128 9. The amount taken as a credit for the taxable year under
 129 s. 220.1895.

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

133 11. The amount taken as a credit for the taxable year
 134 under s. 220.187.

135 12. The amount taken as a credit for the taxable year
 136 under s. 220.192.

137 13. The amount taken as a credit for the taxable year
 138 under s. 220.193.

139 14. Any amount in excess of \$25,000 allowable as a
 140 deduction for federal income tax purposes under s. 179 of the
 141 Internal Revenue Code of 1986, as amended, for the taxable year.

142 15. Any amount allowable as a deduction for federal income
 143 tax purposes under s. 167 or s. 168 of the Internal Revenue Code
 144 of 1986, as amended, for the taxable year to the extent that
 145 such amount includes bonus depreciation allowable as deduction
 146 under s. 168(k).

147 Section 3. Effective January 1, 2009, section 220.241,
 148 Florida Statutes, is amended to read:

149 220.241 Declaration; time for filing.--A declaration of
 150 estimated tax under this code shall be filed on or before the
 151 1st day of the 5th month of each taxable year, except that if
 152 the minimum tax requirement of s. 220.24(1) is first met:

153 (1) After the 3rd month and before the 6th month of the
 154 taxable year, the declaration shall be filed ~~on or~~ before the
 155 1st day of the 7th month;

156 (2) After the 5th month and before the 9th month of the
 157 taxable year, the declaration shall be filed ~~on or~~ before the
 158 1st day of the 10th month; or

159 (3) After the 8th month and before the 12th month of the
 160 taxable year, the declaration shall be filed for the taxable
 161 year ~~on or~~ before the 1st day of the succeeding taxable year.

162 Section 4. Effective January 1, 2009, subsections (1) and
 163 (2) of section 220.33, Florida Statutes, are amended to read:

164 220.33 Payments of estimated tax.--A taxpayer required to
 165 file a declaration of estimated tax pursuant to s. 220.24 shall
 166 pay such estimated tax as follows:

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167 (1) If the declaration is required to be filed on or
168 before the 1st ~~first~~ day of the 5th ~~fifth~~ month of the taxable
169 year, the estimated tax shall be paid in four equal
170 installments. The first installment shall be paid at the time of
171 the required filing of the declaration; the second and third
172 installments shall be paid ~~on or~~ before the 1st day of the 7th
173 month and before the 1st day of the 10th month ~~months~~ of the
174 taxable year, respectively; and the fourth installment shall be
175 paid on or before the 1st day of the next taxable year.

176 (2) If the declaration is required to be filed ~~on or~~
177 before the 1st ~~first~~ day of the 7th ~~seventh~~ month of the taxable
178 year, the estimated tax shall be paid in three equal
179 installments. The first installment shall be paid at the time of
180 required filing of the declaration; the second installment shall
181 be paid ~~on or~~ before the 1st day of the 10th month of the
182 taxable year; and the third installment shall be paid ~~on or~~
183 before the 1st day of the next taxable year.

184 Section 5. The Department of Revenue may adopt rules
185 necessary to administer the provisions of this act, including
186 rules, forms, and guidelines for computing, claiming, and adding
187 back bonus depreciation under s. 168(k) and deductions under s.
188 179 of the Internal Revenue Code of 1986, as amended.

189 Section 6. Except as otherwise expressly provided in this
190 act, this act shall take effect upon becoming a law and shall
191 apply retroactively to January 1, 2008.